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The Northern Ireland Policing Board

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# Thematic Inquiry on Domestic Abuse

Human Rights and Professional Standards Committee



## FOREWORD

The Northern Ireland Policing Board (the Board) has a statutory responsibility, as set out in the Police (Northern Ireland) Act 2000, to monitor the performance of the Police Service of Northern Ireland (PSNI) in complying with the Human Rights Act 1998.

In 2003 the Board published its Human Rights Monitoring Framework which set out 12 areas for scrutiny of the PSNI. Since 2005 the Board has published an annual report detailing the PSNI's progress against each of these 12 areas. Over this period several additional themes have been identified and added to the Monitoring Framework.

This thematic report, which I am pleased to present, introduces a new element to the Human Rights Monitoring Framework. Production of a thematic report provides for focused scrutiny on a specific subject area of police work. A core element of this thematic inquiry is community outreach/consultation.

The focus of this particular inquiry is on the PSNI's approach to tackling *domestic abuse* and, in so doing, PSNI compliance with the Human Rights Act 1998.

This is the first report in a series of inquiries which have been agreed by the Board. It will be the primary responsibility of the Board's Human Rights and Professional Standards Committee to ensure that the key issues flowing from this, and from future Human Rights centered inquiries, are developed and monitored. The Committee will continue to be assisted in this role by the expertise of its Human Rights Advisor, Alyson Kilpatrick.

The Board is indebted to all the stakeholders who contributed their valuable time and shared their considerable experience in this critically important area. I would also like to thank Human Rights Advisor, Alyson Kilpatrick, for producing this report.

**Professor Sir Desmond Rea**

Chairman

Northern Ireland Policing Board

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## THEMATIC INQUIRY: DOMESTIC ABUSE

### 1. INTRODUCTION

1.01 Domestic abuse is a serious and endemic problem in Northern Ireland, which has a devastating impact upon victims, their children and other family members. Domestic abuse will affect approximately 1 in 4 women in their lifetime with children suffering particularly as a result of exposure to domestic abuse within the home.<sup>1</sup>

1.02 The Police Service of Northern Ireland (PSNI) responds to, on average, a domestic incident every 23 minutes of every day. In 2007/2008 there were 25 recorded murders, of which 11 had a domestic motivation. In other words, 44% of all murders during that period had a domestic motivation. Between 2006/2007 and 2007/2008 the number of reported incidents of domestic violence fell slightly (from 23,456 to 23,076). However, the 24 Hour Domestic Violence Helpline managed 24,153 calls.<sup>2</sup> The number of recorded crimes, being crimes which are indictable or tri-able either way,<sup>3</sup> with a domestic motivation decreased in that period (from 10,115 to 9,283). According to the most recent statistics, covering the period 1 April 2008 to 30 November 2008, crimes with a domestic motivation have fallen by 3.3% compared with the same period in 2007/2008.<sup>4</sup> However, within 2007/2008 more than two thirds of all those crimes with a domestic motivation<sup>5</sup> were categorised as violent crime.

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<sup>1</sup> UNICEF research published in 2006 estimated that 32,000 children and young people were affected by domestic abuse

<sup>2</sup> Statistics provided by Women's Aid Federation

<sup>3</sup> Indictable offences are those more serious crimes which are tried on indictment in the Crown Court. Triable-either-way offences are those offences which under certain circumstances are triable either summarily in a Magistrate's court or on indictment in the Crown Court. Not all domestic incidents will result in the recording of a crime.

<sup>4</sup> PSNI domestic motivation crime and incident statistics 1 April – 30 November 2008

<sup>5</sup> Defined as "any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) by one family member against another or adults who are or have been intimate

- 1.03 There were more recorded crimes with a domestic motivation than the combined total of sexual offences, robbery, armed robbery, hijacking, theft or unauthorised taking of a motor vehicle, arson, dangerous driving, handling stolen goods and offences under anti-terrorism legislation. Furthermore, a great number of incidents are not reported to the police. It is estimated that the total cost of domestic abuse in Northern Ireland could amount to approximately £180,000,000 per year.<sup>6</sup>
- 1.04 Encouragingly, there is a clear rising trend in sanction clearance rates. A sanction clearance is where a formal sanction is imposed (charge, summons, caution or where an offence is taken into consideration). Non-sanction clearances (i.e. no further action) are no longer included as a clearance. The sanction clearance rate is up 2.6%.<sup>7</sup>
- 1.05 The PSNI has revised its policy on responding to domestic abuse and has instituted a number of positive initiatives aimed at reducing the number of incidents, in particular the number of repeat incidents, and better protecting victims of domestic abuse.
- 1.06 The Northern Ireland Policing Board Human Rights and Professional Standards Committee (the Committee), as part of its continuing duty to monitor the PSNI's compliance with the Human Rights Act 1998 and to ensure fair, efficient and effective policing for all of the people of Northern Ireland, has carried out a thematic inquiry into the PSNI's approach to tackling domestic abuse. The inquiry has considered the reasons why victims may be deterred from reporting incidents and hopes to raise public awareness and challenge attitudes to domestic abuse. The inquiry

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partners, regardless of gender, and whether a crime has occurred or not", PSNI Statistical Report No. 2 Domestic Incidents and Crimes, 1 April 2007 – 31 March 2008.

<sup>6</sup> According to the joint NIO/DHSSPS Strategy, *Tackling Violence at Home*

<sup>7</sup> PSNI domestic motivation crime and incident statistics 1 April – 30 November 2008

- focused on domestic abuse by one person against another who is or has been in an intimate relationship regardless of gender or sexuality.
- 1.07 In the vast majority of cases, domestic abuse is perpetrated by men on women who are or have been in an intimate relationship with each other. In 2007/2008, where the gender was known, 76% of all adult victims of crimes with a domestic motivation were female. Gender based violence has occurred within society regardless of age, race, national origin and class. It is a profound and insidious form of discrimination against women and a fundamental breach of human rights. There have been many research initiatives over the years which have looked at the societal reasons for, and effect of, gender based violence. What has become clear is that it is a problem which must be tackled by all members of society and each and every statutory and voluntary agency.
- 1.08 Worryingly, recent statistics also reveal an increase in domestic abuse perpetrated upon male victims and, in particular, a high percentage of victims from the lesbian, gay and bisexual (LGB) communities.
- 1.09 Domestic abuse is not a problem created by policing, or indeed one which can be solved by a police service alone. Unless and until all agencies work together with a focused and holistic approach to tackling domestic abuse, it is a problem which will persist. Every member of society is affected to a greater or lesser extent by domestic abuse and we each bear some share of responsibility for it. The statutory and voluntary agencies must support the PSNI in its continued efforts to combat domestic abuse. In return the PSNI should continue to work with, and support, those agencies.
- 1.10 While attitudes have changed in society generally, and the PSNI has improved considerably in terms of its service delivery, with stakeholders

reporting a dedicated and committed approach by police officers, there is more that can and should be done.

- 1.11 We have been encouraged by the positive and open attitude of the PSNI and its enthusiasm to tackle the problem. In particular, the Domestic Abuse Champion<sup>8</sup> has provided considerable assistance and support in the preparation of this report and we would like to take this opportunity to thank her and commend her enthusiasm and proactive approach to tackling domestic abuse in a way that ensures all victims of domestic abuse receive a sensitive, victim centred service which respects his or her culture, diversity and personal circumstances. The PSNI senior team responsible for tackling domestic abuse<sup>9</sup> has provided strong leadership on policy development and has created an environment in which the Domestic Abuse Champion is supported and encouraged to develop further initiatives and work closely with partner agencies.
- 1.12 This thematic inquiry is not the end of the matter. Rather, it is the start of a process of review of domestic abuse policing. This report is the first step; it does not cover every issue and it does not provide answers to every question but, it is hoped, will raise awareness of the issues, make some helpful recommendations and start the process of monitoring and review.<sup>10</sup> The Committee is committed to tackling the issues that have arisen and to monitoring the development of the PSNI response to tackling domestic abuse. The issue will be returned to on a regular basis. The Committee therefore welcomes the continued input of the statutory and voluntary sectors with a view to proactively addressing the issue with the ultimate aim of combating domestic abuse.

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<sup>8</sup> Inspector Pauline Mooney

<sup>9</sup> Led by ACC Duncan McCausland, Criminal Justice Department

<sup>10</sup> By its very nature, a thematic review must consider and refer to best practice both to set the review in context and also to provide a best practice template. That does not suggest that the PSNI does not conform to that practice. In fact, the PSNI policy reflects very closely the contents of this report. If the PSNI departs from best practice, specific reference will be made to it.

## **2. TERMS OF REFERENCE**

- 2.01 The Committee has, at this instance, limited the inquiry to domestic abuse inflicted on one person by another where they are or have been intimate partners irrespective of gender or sexual orientation.
- 2.02 The thematic inquiry has considered the PSNI's approach to tackling domestic abuse and its compliance with human rights legislation in: prevention and protection; investigation and arrest; support for victims; and inter-agency associations. The Committee also hopes to raise public awareness generally and examine whether victims are deterred from reporting domestic abuse because of the way they are treated at any stage of the criminal justice process.
- 2.03 In the majority of cases, domestic abuse is perpetrated by male abusers on female victims. The PSNI's definition of domestic abuse, however, and this thematic inquiry, also considers male victims abused by female perpetrators and victims in same sex relationships. This inquiry does not include victims of abusive family members. This is not to undermine or detract from the seriousness of abuse by family members (for example elder abuse) or the severity of the consequences for the victim. It reflects simply the enormity of the issue and landscape within which it is set. The Committee hopes to return to these issues at a later date.

## **3. LEGAL CONTEXT<sup>11</sup>**

- 3.01 By virtue of section 32 of the Police (Northern Ireland) Act 2000, police officers have a duty to: protect life and property; to preserve order; to

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<sup>11</sup> This report is not intended to be a review of the law relating to domestic abuse. Rather, it is intended as a practical review of policing for the benefit of all those interested in the area. Accordingly, reference is not made for example to the international treaties applicable but that is not to underestimate the importance of the State's obligations.

prevent the commission of offences; and, where an offence has been committed to take measures to bring the offender to justice.

- 3.02 The European Convention on Human Rights (ECHR) underpins all actions and policy of the police so that when carrying out their duties police officers must protect human dignity and the human rights of all persons. These rights include the right to life,<sup>12</sup> the right not to be subjected to torture, or to inhuman or degrading treatment<sup>13</sup> and the right to private and family life free from violence and intimidation.<sup>14</sup>
- 3.03 Each and every person has the right not to be discriminated against on any ground such as race, colour, language, religious belief, political opinion, national or social origin, association with a national minority, property, age, marital status, sex, sexual orientation or between persons with a disability and persons without.<sup>15</sup> Equality of treatment does not, however, necessarily mean that every person should be treated in exactly the same way. Certain persons will have specific needs, which must be taken into account. This is considered further below.

#### **4. THE IDENTIFICATION OF DOMESTIC ABUSE**

##### **Data collection**

- 4.01 It is difficult to give a true picture of the scale of the problem for two reasons. The first of which is the under-reporting (which is considered further below). The second of which is the lack of disaggregated data. The statistics compiled by the PSNI (which are mirrored by other agencies) give the number of reported incidents and crimes with a domestic motivation. They are broken down according to the gender of the victim

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<sup>12</sup> Article 2 ECHR

<sup>13</sup> Article 3 ECHR

<sup>14</sup> Article 8 ECHR

<sup>15</sup> Article 14 ECHR and section 75 Northern Ireland Act 1998

but no more information is provided. In particular, the statistics do not record the gender of the perpetrator or the relationship of the victim to the perpetrator. Unless and until we know the statistics according both to gender and to relationship it is impossible to fully assess the scale but also the true nature of the problem. By way of example, a domestic incident may involve parental abuse of an adult issue; it may be between siblings or by a carer who abuses an elderly person in his or her care but the statistics will not reveal that. To properly target initiatives according to need, it is essential that there is a full understanding of the nature of the problem.

- 4.02 The PSNI records incidents of domestic abuse, recorded crimes and clearance rates. There is not, however, an effective mechanism for tracking reported incidents throughout the criminal justice system. For example, it is impossible to assess the number of incidents which are not proceeded with at various stages in the process or the number of recorded crimes for which the perpetrator was not made amenable or at what stage the process failed. Such statistics should shed light empirically on the reasons for the low conviction and high repeat offending rates. They should also reveal gaps in provision and whether any victims' groups are not being served.
- 4.03 The PSNI cannot do this alone, not least because it is not the custodian of much of the relevant information. It is, however, an important participant in the process. Partner agencies such as the Public Prosecution Service (PPS), the Department of Health, Social Services and Public Safety (DHSSPS), Women's Aid Federation and Victim Support are already liaising with the PSNI to expand upon the information gathered. Ultimately, all agencies will have to share information to enable the statistics to be collated and analysed.

4.04 The PSNI statistics record non-criminal 'incidents' but clearly will not and cannot capture those incidents which are not reported to them. The PSNI would be assisted greatly in its strategic planning for tackling domestic abuse to know the extent of it across Northern Ireland, beyond what is formally reported. Domestic abuse in itself is not a crime but it is known to be a pattern of behaviour, which tends to escalate into criminal offending.

4.05 We know that domestic abuse is often reported at Accident and Emergency Departments, to local doctors, to an educational establishment, to housing services, to probation officers and to employers. If all stakeholders compiled a record of reports and shared them with the PSNI, a comprehensive study could be carried out and thereafter used to inform regional strategies. There are clearly issues of privacy involved, which means that reports should not, without the consent of the victim, include personal information but that is not a barrier to the recording of incidents.

### **Recommendation 1**

**The PSNI should record, for every reported incident, the gender of both victim and perpetrator, the relationship of the victim to the perpetrator, the ethnicity of the victim and perpetrator and whether the victim is an adult or child. The disaggregated statistics should thereafter be included in the crime statistics.**

4.06 Victims of domestic violence may also apply to a civil court for a non-molestation order, breach of which is a criminal offence (as to which see further below). The PSNI has a proactive policy to arrest and prosecute breaches of orders. They are not, however, recorded in the crime statistics separately. In other words, it is not possible to discern how many non-molestation orders have been breached, or how many breaches resulted in a sanction clearance. To better assess the effectiveness of non-

molestation orders and more importantly, in the context of this report, to better assess whether the PSNI policy is applied in practice the statistics must be disaggregated and thereafter monitored.<sup>16</sup>

## **Recommendation 2**

**The PSNI should record separately all reported incidents and recorded crimes of breach of non-molestation orders and the sanction and non-sanction clearance rates.**

### **Under-reporting**

- 4.07 While the number of incidents reported of domestic abuse is significant, domestic abuse is the least likely of all violent crimes to be reported to the police. Research shows that even when an incident is reported, the extent of the abuse is under-reported. Some groups are even less likely to report than others such as Muslim women and gay men. There are a number of factors peculiar to the issue of under-reporting but which include fear of reprisal, stigma, community or cultural isolation<sup>17</sup> and a fear that privacy will not be respected.
- 4.08 By the very nature of domestic abuse, the reasons for under-reporting are varied and complex. Part of the problem is public perception. While the PSNI is unable single-handedly to address that, media campaigns (which stress that all incidents will be taken seriously and that privacy will be protected) can help, for example, the television campaign, which was aired over the Christmas 2008 period. The attitude of call-handlers and the treatment of victims by officers who are called out first to the scene of an incident can be crucial to whether or not that victim is confident to proceed through the prosecution of the case. It will also influence a victim when

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<sup>16</sup> The PPS must also apply a proactive policy of prosecuting breaches of non-molestation orders

<sup>17</sup> In *Experience of Domestic Violence in Northern Ireland: Findings from the 2003/04 Northern Ireland Crime Survey* (Research and Statistical Bulletin 5/2005, NIO), the second most frequently experienced form of domestic abuse was being stopped from seeing friends and relatives.

considering whether to report a further incident to the police. Good practice will depend upon good training (considered further below).

- 4.09 If the success rate of prosecutions is low, victims are less likely to report to the police. Effective prosecution has a ripple down effect so that more victims will report as they *expect* the outcome to be positive.

## **5. DOMESTIC ABUSE OFFICERS**

- 5.01 A domestic abuse officer is a specialist officer dedicated to dealing with domestic abuse cases. Each District Commander decides, according to the local domestic abuse profile, the number of domestic abuse officers needed to manage the level of reported incidents. There are currently 50.25<sup>18</sup> domestic abuse officers across Northern Ireland. Within each Public Protection Unit (PPU) a police officer of Inspector rank supervises the officers. Ultimately, the District Commander is responsible for ensuring that relevant service policy is followed by the district abuse officers and is charged with ensuring that the officers receive the supervision, administrative support, equipment etc. to enable them to discharge their duties.

- 5.02 The role of the domestic abuse officer includes (but is not limited to):
- identifying, assessing and managing risk;
  - participating in Multi-Agency Risk Assessment Conferences (MARAC);
  - implementing safety measures;
  - providing support, guidance and information to the victim;
  - taking withdrawal statements;
  - providing advice to operational and supervisory officers;

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<sup>18</sup> Including part-time officers

- receiving and reviewing occurrence management forms;<sup>19</sup>
- developing good relationships with support and referral agencies;
- maintaining and collating statistics;
- maintaining a register of court orders;
- promoting domestic abuse issues;
- assisting and on some occasions taking full responsibility for the investigation of domestic abuse incidents; and,
- checking firearms certificate applications and renewals.

5.03 The extent of a domestic abuse officer's responsibility is vast and varied. With only 50 officers across the whole of Northern Ireland, we wonder whether there are sufficient numbers to protect victims and make offenders amendable. We suspect there are insufficient numbers to engage in strategic planning and the promotion of relationships with other stakeholders. A domestic abuse officer's specialist knowledge is brought to bear particularly during the first attendance at a scene and thereafter as an integral member of the investigative team and in the prosecution of a case to conviction.

5.04 A number of domestic abuse officers reported that the amount of administrative work involved resulted in less time being available to engage at the sharp end of policing domestic abuse. That is a waste of the officers' training and specialist skill. There is, however, a new funding commitment to provide for a dedicated MARAC administrative officer in each PPU together with one co-ordinator across Northern Ireland. It is expected that they will all be in place in a matter of weeks and it is anticipated that this will greatly improve the support available to officers, freeing them up to take on a greater investigative role. Association of Chief Police Officers (ACPO) guidance issued in 2008 suggested that

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<sup>19</sup> An Occurrence Management Form (OMF) is filled in for every report and inputted to the centralised NICHE computer database.

domestic abuse officers should be investigative and that consideration should be given to the desirability of a domestic abuse officer being a member of every first response team, or at least being available to every first response team.

5.05 As stated elsewhere in this report, the first experience a victim of domestic abuse has of the police will be critical to their confidence in, and continued co-operation with, the process. There are a number of issues that arise in domestic abuse cases, at every stage from the first report to the conclusion of the investigation, which are particular to domestic abuse. To have a domestic abuse officer available throughout that process will greatly enhance the service provided to victims and the management of risk.

5.06 With the appointment of MARAC administrative officers, it is anticipated that domestic abuse officers will become more investigative. Now is a good time for the PSNI to re-evaluate the role and responsibilities of domestic abuse officers. There should be a greater emphasis on the role of a domestic abuse officer in the response to, and investigation of, domestic abuse.

### **Recommendation 3**

**The PSNI should consider again the desirability of having a specialist domestic abuse officer available to each first response team dealing with a report of domestic abuse.**

5.07 A related issue is that of domestic abuse officers' working hours. Currently, domestic abuse officers do not work evenings or weekends. That being the case, during those times when domestic abuse is known to more frequently occur, a domestic abuse officer is not available. I understand this is an issue of resources. If, however, domestic abuse is to

be tackled effectively and the above recommendation is to have any meaningful effect, the PSNI will have to reconsider appointing domestic abuse officers to cover evenings and weekends.

- 5.08 In addition, from a strategic perspective, the newly appointed MARAC co-ordinator will, over the course of the next 12 months, hopefully be able to monitor and review any gaps in service delivery and report to the Domestic Abuse Champion.<sup>20</sup>

#### **Recommendation 4**

**The PSNI should consider whether the number of domestic abuse officers within each District is sufficient to meet its domestic abuse requirements and in particular whether provision should be made for a domestic abuse officer to be available to each shift. The PSNI should report to the Human Rights and Professional Standards Committee with the outcome of its considerations within 6 months of the publication of this report.**

- 5.09 Before establishment of the eight centralised Public Protection Units (PPU),<sup>21</sup> domestic abuse officers were distributed within Districts and operated out of a local police station. There will no longer be a domestic abuse officer in a local police station. There is a risk that local knowledge will be lost. This is considered further in the section dealing with PPUs.
- 5.10 Currently, 'A' District is conducting a pilot which places within the Antrim Road police station an experienced Women's Aid case worker. She is employed on a full-time basis and has contributed greatly to the service that is offered to women presenting with a history of domestic abuse. A female victim is therefore met by an experienced person who understands

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<sup>20</sup> The MARAC co-ordinator will be concerned primarily with policy however, the effective application of policy must be dependent upon effective review and analysis. It is therefore hoped that the co-ordinator will keep the provision of services under review.

<sup>21</sup> There is now one PPU within each District. All domestic abuse officers and related specialist officers are located on one site.

her particular needs and has access to support and referral services.<sup>22</sup> There has not yet been any formal evaluation of the scheme but the anecdotal evidence is very positive. So much so that we are told other Districts are considering similar appointments. This has the added benefit that liaison with the victim, support and pastoral care can be offered by the Women's Aid case worker, enabling the domestic abuse officer to spend more time on investigations.

- 5.11 It may be, if the pilot is successfully reviewed, that the model could be adapted to include representatives from other minority victim groups, considered below. This is very much a matter for the PSNI to resolve with those interest groups who can offer assistance. The Committee encourages dialogue between the PSNI and those groups to consider whether, and if so how, the pilot can be expanded. The Committee will review the position following an evaluation, and report further within 12 months.

### **The Domestic Abuse Co-ordinator**

- 5.12 With the roll-out of MARAC across Northern Ireland there is an increased focus on strategy and good practice. A specialist MARAC co-ordinator is responsible for, amongst other things, developing, implementing and reviewing the District based Multi-Agency Risk Assessment Conferences. The role will involve considerable inter-agency working and the development of systems and procedures to identify and respond to the safety needs of victims.
- 5.13 It is anticipated, therefore, that information sharing between partner agencies dealing with domestic abuse, child abuse, missing and vulnerable people and sex offender management will be enhanced. This is

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<sup>22</sup> Accepting, however, that male victims may not feel the same about the service being offered by Women's Aid

more likely to ensure that links are made at an early stage between associated offences and that specialist teams are kept informed of their colleagues' cases. The co-ordinator will play an important part in the strategy for assessing and managing risk.

- 5.14 It is too early to assess whether and if so how the co-ordinator will impact upon domestic abuse cases. The Committee will continue to monitor and report further in 12 months.

### **Domestic Abuse Advisers**

- 5.15 In England and Wales a practice has been adopted within some police stations to appoint independent domestic abuse advisers to work alongside, but independent of, the police. That adviser provides support and advice to first response officers and to domestic abuse officers. An adviser, with links to all statutory and voluntary agencies, can be a valuable addition particularly in the context of information sharing and risk assessment. As previously referred to, the PSNI is piloting a similar initiative within the Antrim Road PPU.

## **6. REPORTS OF DOMESTIC ABUSE**

### **The initial report**

- 6.01 The initial contact a victim of domestic abuse has with the police can impact both positively and negatively upon his or her expectations and will inform the future progress of the case through to prosecution. If a victim does not receive sensitive, proactive and supportive treatment at the outset there is a reduced opportunity for holding the perpetrator amenable.
- 6.02 The process starts from the moment a report is received, whether that is by telephone to the '999' system, by walk-in to a local police station, referral from an external agency or contact made with the police by a

concerned friend or relative. All reports must be taken seriously and treated as potentially urgent. The person handling the report must be fully informed of the procedure and policy to be applied and adopted. The report must be received in a non-judgmental and supportive manner. Upon receipt of a report of domestic abuse, the first priority must be the protection of the victim and any other vulnerable person(s) in the household, in particular children.

- 6.03 Current ACPO guidance<sup>23</sup> states that all call-handlers should be trained to give the appropriate advice on, for example, safety and first aid and to keep the caller informed as to the deployment of police officers. The caller should be asked whether the perpetrator is at the scene and if so, be kept on the line. The call-handler needs to obtain as much information at that stage as is possible in the circumstances. That information will inform the first response officers who will then be in a better position to plan their attendance at the scene.
- 6.04 The provision of first aid advice by a call-handler is a difficult issue. In many, if not most, cases the call-handler will not have sufficient information in order to assess the injury and first-aid that may be required. In practice, Belfast Regional Control which receives all '999' calls will, instead of providing first aid advice, immediately transfer the caller to the ambulance control room for paramedics to provide the advice. So long as it can be guaranteed that a caller can be transferred safely and immediately this practice may be preferable to the current guidance.
- 6.05 The call-handler must assess certain initial risk factors for example whether there are weapons available at the scene, whether the victim has any special needs (for example arising as a result of a disability or

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<sup>23</sup> Guidance on Investigating Domestic Abuse 2008, ACPO and National Policing Improvement Agency (NPIA)

language barrier), the relationship of the victim to the perpetrator, whether there is a history of domestic abuse and whether any person involved has taken alcohol or drugs. This is the sort of information which will be critical to the first response officers called to the scene. If it can be obtained in advance, they are better informed and prepared to deal with the victim's and their own safety. That information must be recorded and fed accurately into the system for sharing with the domestic abuse officers.

- 6.06 At that stage, while the caller is still on the telephone, the call-handler must, if circumstances allow it<sup>24</sup>, provide advice to the caller regarding preservation of the scene pending the arrival of police.
- 6.07 PSNI policy contains comprehensive guidance on the steps to be taken by a call-handler and the information to be obtained from, and communicated to, the victim. All '999' calls are recorded for evidential purposes and can be used in any later prosecution.

### **Recommendation 5**

**The PSNI should devise a training programme that ensures all officers (including supervisory officers) and police staff whose duties include or may include the taking of reports of domestic abuse, receive specialist domestic abuse response training.**

- 6.08 Training should ensure that no victim of domestic abuse is deterred from reporting further incidents or from continuing to co-operate with the police investigation and the PPS prosecution and guarantee that a domestic abuse incident is responded to in accordance with the correct policy and procedure. The PSNI should thereafter monitor call-handling by random dip-sampling of calls.

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<sup>24</sup> The response to report of a domestic abuse incident is a dynamic process and circumstances will vary from case to case.

## **Recommendation 6**

**The PSNI should devise a mechanism for random dip-sampling emergency calls against policy and procedure and provide to the Human Rights and Professional Standards Committee an annual report of its analysis of the dip-sampling exercise. This first report should be provided to the Committee by 31 March 2010.**

6.09 In most cases, a report of domestic abuse will be followed up by a domestic abuse officer whose duties include liaising with and supporting the victim. In those cases, any complaint or dissatisfaction with the call-handler can be raised and dealt with. In some instances, however, a person reporting domestic abuse may not proceed with the report as a result of the way in which the call-handler handles the call. There would then be no record of the report and no follow-up by a domestic abuse officer. The dip-sampling exercise will catch such calls and enable the supervisory officer to consider the most appropriate method of ensuring that the call-handler is managed appropriately.

### **Associated investigations**

6.10 There are established links between domestic abuse and other offences. When investigating other offences, police officers must be alive to the possibility that there is another potentially linked enquiry. In particular, there are significant links between domestic abuse and the following offences:

- Child abuse
- Honour-based violence
- Missing persons
- Sexual offences
- Human-trafficking

- Public disorder and anti-social behaviour

- 6.11 Any such incident should alert the officer dealing with it to the possibility that there is a link to domestic abuse. That element must be correctly identified at the outset, there must be a risk assessment carried out and relevant policy and procedure must be adopted in relation to it. Policies relating to the above offences should be linked, cross-referred to each other with all operational officers receiving training in each linked policy.
- 6.12 Unless all operational officers have received training in the identification of domestic abuse and the policy to be adopted thereafter, victims and potential victims may not be guaranteed the protection they are entitled to.<sup>25</sup>

### **Recommendation 7**

**The PSNI should devise a training programme that ensures all officers within each Public Protection Unit have received or will receive joint training on all aspects of their respective roles. That programme should be provided to the Human Rights and Professional Standards Committee within 6 months of the publication of this report.**

### **Information and intelligence**

- 6.13 An essential element of an effective response to domestic abuse is the comprehensive recording, handling and analysis of information and intelligence. Information and intelligence come in many forms and from many different sources. The police require a protected and reliable system for receiving, accessing and storing the information. Only if information is assessed and fed through to those officers who are charged with investigating offences will the police respond effectively to domestic

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<sup>25</sup> This is dealt with further under the heading Training.

abuse. Good working relationships must be established and maintained between all partner agencies.

- 6.14 With the introduction of centralised PPU's and the roll-out of MARAC, it is anticipated that a comprehensive central database will be available which provides easily for such information and intelligence gathering. Following the appointment of eight MARAC Administrators and one MARAC Co-ordinator the processes will be in place for sharing of information and intelligence, at least for those identified as high risk. PPU supervisors regularly liaise with partner agencies and manage the information and intelligence. With the collection of a centralised database, the information can be assessed on a regular basis to identify any escalation of risk factors in relation not just to the immediate victim but to children and other potential victims, such as a new partner. The MARAC co-ordinator should be regularly up-dated on trends and issues so as to better inform strategic policy and planning.
- 6.15 It is hoped and anticipated that the MARAC model will also provide greater information and intelligence relating to those victims who are not identified as high risk (and therefore not within MARAC case conferencing) but who may be subject to an escalation of risk or other risk factors. The information and intelligence database should be shared with operational officers for the purpose of targeting perpetrators, bearing in mind perpetrators may move on from one victim to another.
- 6.16 The database should not be limited to those victims identified as at high risk but should include information relating to all victims who report or have been identified as subject to domestic abuse. Domestic abuse officers should feed all information through the database including patterns of offending, civil injunctions or orders made, other criminal

offending or relevant change in circumstances, for example pregnancy.<sup>26</sup> Those victims who are not high risk but who may become high risk are likely to be identified at an earlier stage.

- 6.17 Following consultation with a number of domestic abuse officers, they reported their difficulty accessing information on the PSNI computer system<sup>27</sup> and problems associated with use of the system. They report that those difficulties are delaying and hampering their investigations. The problem may be the system itself or may arise as a result of inadequate training on the use of the system. Given the importance of information and intelligence and the forthcoming roll-out of MARAC, those problems must be addressed forthwith.

### **Recommendation 8**

**The PSNI should identify the issues arising in the use of the NICHE system within 12 weeks of the publication of this report and thereafter ensure that all domestic abuse officers using the system have received sufficient refresher training to better manage and use NICHE. The PSNI should provide that assurance to the Committee within 12 months of the publication of this report.**

- 6.18 Neighbourhood policing teams can play a very important part in protecting victims from domestic abuse. They should be kept apprised of details of domestic abuse perpetrators and any risk assessments carried out in relation to any person within their area. The neighbourhood policing team will have specific local knowledge which can influence and inform the strategy adopted by the PPU generally and in relation to individual cases. Furthermore, it is the local officers who are likely to serve court orders and witness potential breaches of court orders. Neighbourhood policing teams

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<sup>26</sup> Pregnancy is a recognised catalyst for domestic abuse.

<sup>27</sup> The NICHE system, feeds into a centralised (CAUSEWAY) system linked to the PPS and the Northern Ireland Court Service. Eventually, all partner agencies will be linked in.

should be encouraged to actively engage with the PPU and, in particular, keep the PPU informed of any information that may identify perpetrators within the area who may not yet be known to the PPU. The neighbourhood team must also be briefed regularly about cases within its area, which have been referred to MARAC.

- 6.19 There may be issues identified in certain geographic areas, which reflect the make-up of the local community and which require local strategic planning. It may be that a community in which there is a higher number of migrant workers, has a higher incidence of domestic abuse but which is also under-reported.<sup>28</sup> If the PSNI is to continue with its positive community policing, information on local communities and their specific needs will have to be analysed for the purpose of informing an appropriate policing response.

## **7. FIRST RESPONSE TEAMS**

- 7.01 Police officers have a positive obligation to take such reasonable action, which is within their power, to safeguard the rights of victims.<sup>29</sup> That positive obligation is engaged right at the outset of a domestic abuse report and is most acutely tested at the first response stage. If, for example, a police officer does not arrest a perpetrator where it is within his or her power to do so, leaving the victim at risk of further offences, that officer will not have discharged that positive obligation. Importantly, the officer must assess the situation for himself or herself. The victim's views on an arrest should not be sought for the purpose of influencing that decision, neither should the likelihood or otherwise of the victim continuing

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<sup>28</sup> In a recent study minority ethnic women were identified as at increased risk of domestic abuse but less likely to report to the police. Traveller women were identified as being 30 times more likely to suffer but still less likely to report; *Translating Pain into Action* Women's Health Council, February 2009.

<sup>29</sup> Note, common assault is now an arrestable offence

to co-operate with the police or the PPS be a relevant factor in the decision-making process.

- 7.02 By the very nature of domestic abuse a victim may, for a number of reasons, withdraw co-operation. Sometimes this is because she or he is frightened of the consequences of proceeding or fears the social or cultural stigma that may attach to the case. The first response officers must be aware of, and sensitive to, the many complex issues that surround domestic abuse. A victim who appears reluctant to co-operate at that early stage is entitled to the same protection as a victim who appears determined to co-operate. The first attendance at the scene should always be progressed on the assumption that a prosecution will follow but understanding that the victim may withdraw support for a prosecution. It is not for the victim to determine whether a case should be investigated or prosecuted. A so-called 'victimless prosecution' can be maintained only if all relevant evidence is gathered at the first opportunity.

### **Medical and forensic examination**

- 7.03 On arrival at the scene, officers must assess the need for first aid or other medical treatment and if the victim is in need of treatment, he or she should be accompanied to ensure the continuity and integrity of the forensic evidence.
- 7.04 First response officers must assess every scene as a potential crime scene and focus on the forensic evidence that may be obtained to assist the investigation and later prosecution. Clearly, that will include the immediate scene but the victim should be asked whether, and if so where, any previous incidents have occurred. If there is damage to the premises or the victim has sustained an injury, a record should be made of it and a photograph taken to evidence it. In some cases, the injury will not be apparent immediately (for example in the case of bruising) and further

photographs will have to be taken at a later date. Photographic evidence is very persuasive at court and should be used in every case.

- 7.05 The PSNI has conducted a pilot during which 'head cams' were issued to all first response officers within a District. We are told that the evaluation of the pilot scheme has been positive. The use of 'head cams' is likely to have a particular impact on domestic abuse investigations and the success of subsequent prosecutions.<sup>30</sup>
- 7.06 The PSNI should consider rolling out 'head cams' across all Districts for use on domestic abuse incidents. If that is not the preferred option, all first response officers and domestic abuse officers should have access to camera equipment, which is always taken to the scene. Currently not all officers have access to a camera but unless one is available at the scene, vital evidence may be lost.
- 7.07 Hopefully, by 2011 Northern Ireland will have its first bespoke Sexual Assault Referral Centre (SARC) based in Antrim. This is an extremely positive development which will better address the needs of victims of sexual assault, including medical and forensic examination, in a safe environment in which all the relevant expertise is located.

### **Arrest of perpetrator**

- 7.08 If a power of arrest exists but the officer decides not to arrest, that officer must record his or her reasons for not arresting. That officer should be able to explain and justify the decision made. It should be remembered in this context that an arrest should always be made unless it is not necessary to ensure an effective investigation and/or to prevent the commission of further offences. A record of that decision should be entered on the database. The supervisor should scrutinise those records.

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<sup>30</sup> Discussed further in respect of evidence gathering

7.09 The PSNI policy contains comprehensive guidance on the power of arrest including the extent of an officer's powers, the presumption of arrest and the requirement to record, with reasons, a decision not to arrest. To ensure that officers are applying the policy in practice, the PPU supervisor should review the record of decision-making and re-assess the situation. The supervisor should conduct a random dip sampling of those records and monitor any trends that are emerging. Each PPU should analyse the results of the dip-sampling exercise and respond to any issues that arise should that be re-training of an individual officer or re-training of all first response officers.

### **Recommendation 9**

**Each PSNI Public Protection Unit supervisor should carry out an analysis of the recorded decisions not to arrest, on a six monthly basis. The analyses for each Public Protection Unit should then be provided to the Human Rights and Professional Standards Committee annually.**

### **Interviewing victims and witnesses**

7.10 The first response officers should attempt to gain a first-hand account, as soon as reasonably practicable and when it is safe to do so. The first account is likely to be the most accurate account and is more likely to be made without influence. However, a victim may be traumatised or may have suffered an injury which means his or her evidence may have to be delayed. In such a case, the officer's statement should record that fact and the reason why a statement has been delayed. The officer can explain the demeanour of the victim and the injury suffered. In any event, anything said by the victim, the perpetrator or any other witness should be recorded for use at a later stage. Domestic abuse officers and any officer who will be conducting the formal interviews should be provided with all the

information obtained at the scene and briefed fully on what was seen and heard.

- 7.11 If the victim or perpetrator does not speak English or has limited English, an interpreter should be available. As previously stated, the call-handler will have taken that information at the time of the report and should have requested the attendance of an interpreter at the scene. It is, of course, not always possible to have an interpreter attend the scene. In such cases, children or other family members or friends should only be used to establish the basic information required to assess the safety of the situation and of the victim. The PSNI has a telephone interpreting service, which should be used pending the arrival of an interpreter. Police officers should be mindful that an interpreter may not be an 'independent' person and enquiries should be made to ensure that the interpreter is not known to the victim or to the victim's family.
- 7.12 If the perpetrator or any other friend or family member is present, officers must ensure that the victim and any children affected by the abuse are interviewed separately and privately. It is essential that the victim is comfortable to speak freely without fear of reprisal or of information being passed to others. It must be remembered that family members may also put pressure on a victim not to co-operate with the police. For example, pressure may be brought to bear to avoid shaming the family and stigmatising the perpetrator. Police officers must be conscious of the fact that family members may be a part of the problem and may condone or participate in the abuse and consider whether any other person should be treated as a suspect.
- 7.13 When interviewing the victim, the police officer must explain the procedure clearly and make it manifest that domestic abuse is taken very seriously and that protection and support is available. The victim must be provided

with details of support agencies and referral services and a referral should be made at that stage if the victim consents. Police officers should be sensitive to a victim's particular needs and provide details of the most appropriate agencies. For example, non-UK nationals, Muslim women, single men, lesbians and gay men and persons with a disability all have specific needs which may not be met by referral to a single agency.

### **Counter-allegations**

- 7.14 It is not uncommon for an officer attending the scene of a domestic abuse incident to be presented with conflicting reports of the facts, with each party claiming the other as the perpetrator. Both may exhibit injuries. The victim may have used force against the perpetrator in self-defence. There is rarely an obvious answer but officers must avoid applying stereotypes or judging the relative 'merit' of the victim or perpetrator based upon appearance. Domestic abuse occurs across all racial groups, classes and ages. A perpetrator may present as an up-standing member of society or behave more passively at the scene. That does not mean he or she is less likely to have committed the act alleged.
- 7.15 First response officers are required to carry out an immediate investigation at the scene to ascertain which party is the perpetrator (or primary aggressor). In carrying out that investigation, the officers should be aware of any previous history of abuse, any civil orders that may have been obtained and any related criminal or civil matters. If other persons were present at the scene, they should be asked what happened including, in particular, whether either party had threatened that person. The relative severity of injuries may be an indication as to who was the primary aggressor but it will not be determinative of the issue. Once the officer has reliably established who the perpetrator is, the fact that counter-allegations were made must be recorded. It provides useful evidence for any future investigations or prosecutions and will become part of the information

available on the perpetrator if further reports are made. Importantly, no one factor should dictate the outcome of the police enquiry. Each complaint must be considered separately on its merits, taking account of all relevant factors.

### **Charging the perpetrator**

7.16 It is important that a perpetrator is charged with the correct offence and in accordance with the gravity of the offending. A perpetrator should never be under-charged because it may be easier to secure a conviction. A perpetrator should be made amendable for the offence committed, not a lesser offence. The PPS policy on prosecuting domestic abuse cases emphasises that it is the responsibility of the PPS to formulate the charge. That being the case, police officers should insist upon the PPS giving advice when it is needed, at the earliest possible stage.<sup>31</sup>

### **Cautions**

7.17 When considering whether to use a caution in a domestic abuse case, officers should remember that the first report to police is rarely the first offence and the nature of the offence almost always involves a breach of trust. Accordingly, cautions are rarely appropriate in a domestic abuse case. If the case meets the evidential test and the public interest test the defendant should be charged and prosecuted. The practice of using cautions should be monitored by supervisory officers in domestic abuse cases and where cautions are used an explanation should be sought as to the reasons for using a caution.

7.18 Within each PPU, the supervisor will regularly de-brief domestic abuse officers on the progress of reported incidents and within that de-brief will request an explanation as to the decisions taken. De-briefings are an

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<sup>31</sup> By virtue of the Justice (Northern Ireland) Act 2002, advice may be requested by an investigator on any prosecutorial issue, at any stage of an investigation.

important element in the process and ensure that each case is dealt with appropriately and in accordance with service procedure. The PSNI policy forbids the use of cautions in a domestic abuse case.

## **8. REFERRAL TO SUPPORT AGENCIES**

- 8.01 Domestic abuse officers work closely with other support agencies and have developed good relationships with most of them. During the course of consultation, for example, Women's Aid Federation and Foyle Women's Aid reported the positive and committed approach taken by the specialist domestic abuse officers and the proactive referral to Women's Aid of female victims and children, by the police.
- 8.02 It is crucial that each victim of domestic abuse is advised of all the various options available to them. The victim should not, however, be referred without giving his or her consent. In Northern Ireland, there is a 24-hour domestic abuse helpline and Women's Aid maintains a number of refuges for women fleeing domestic abuse. Because of the good relationship between the PSNI and Women's Aid and the involvement of Women's Aid at all stages of the process, a referral to a refuge or other place of safety can almost always be made.
- 8.03 As with all things, resourcing is a real issue and unfortunately there is not an abundance of places for victims to go. Police officers need to be aware of all possible arrangements which are in place for emergency accommodation and take a creative approach to the referral of victims. For example, the Northern Ireland Housing Executive may place a woman fleeing domestic violence in temporary accommodation. Domestic abuse officers are well informed of the variety of services available but first response officers must be similarly acquainted with the support and referral services available to a victim. The early engagement of support

services can make the difference between a victim receiving the protection required and confidence necessary to progress a complaint and the victim being left isolated and unwilling to proceed.

- 8.04 Police officers must not under any circumstances reveal the location of any refuge to the perpetrator, the family, friends or any other person enquiring due to the risk that the location will be passed on to the perpetrator.
- 8.05 While there are referral agencies who offer support to victims with specific needs such as minority ethnic women, they are few in number. Furthermore, there is a paucity of support available to other victims such as lesbians, gay men, bisexual and transgender victims and heterosexual male victims. This is outside the scope of the present inquiry but it is clear that more is needed from government. The PSNI is unable itself to provide adequately for the protection of victims in the absence of support and referral services and is sometimes required to use police powers of protection instead. The PSNI should be commended for its efforts to provide for each and every victim but in the absence of greater inter-agency support it is unable realistically to do more.

## **9. THE INVESTIGATION OF DOMESTIC ABUSE**

- 9.01 Every case of domestic abuse, where a crime has been recorded or may have been committed, must be investigated proactively with a view to holding the perpetrator amenable. At the investigation stage the domestic abuse officer plays a vital role in the investigation. He or she should liaise closely with the investigating officer (if different) and ensure all of the background and surrounding circumstances are known to the investigating officer.

- 9.02 Where there is a history of abuse or an abusive pattern of behaviour this must be included within the crime file. The history may encompass more than the obvious reports of domestic abuse. Any history or report of public disorder, neighbour nuisance or assault may be linked to the domestic abuse and therefore should be considered as part of the domestic abuse investigation.<sup>32</sup>
- 9.03 House to house enquiries can provide useful evidence and intelligence about the history of the offending and of the perpetrator. They may reveal numerous noisy arguments within the premises or a pattern of aggression by the perpetrator outside of the home. Care must be taken, however, when conducting house-to-house enquiries. A gay man for example may not have come out to his family or friends and his privacy must be protected. Before house to house enquires are undertaken the investigating officer should formulate a plan which stipulates the reason for the enquiry, the extent of the enquiry and any issues particular to the case that may arise. All officers conducting the enquiry should be fully briefed in advance to ensure that each understands the sensitivities involved.
- 9.04 The history of the perpetrator with a previous partner can also be considered. Enquiries should be made of other agencies such as Health and Social Services, the Probation Service, medical practitioners and the Northern Ireland Housing Executive. There may be information held by those agencies which is relevant to the investigation. It is known that victims of domestic abuse usually suffer repeat incidents before reporting to the police but may have previously reported to their local doctor or educational establishment. Such information should be recorded and stored on the PSNI system. Evidence from a previous partner or other

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<sup>32</sup> Note, as referred to above, there are many associated offences and any investigation for example into a missing person should be linked to and include all the information available to the domestic abuse officers.

victim can be useful to the investigation, as is evidence of the victim's lifestyle. For example, victims of domestic abuse are often isolated from their community, they may present regularly to the local medical practitioner and they may regularly be absent from work or school. All of that information provides a picture of both the victim and the pattern of abuse, which can better inform the risk assessment and the context of the investigation.

- 9.05 With the better collation of information and intelligence, particularly following the establishment of PPU's and the roll-out of MARAC, access to such information and intelligence will be enhanced.
- 9.06 It is hoped, and anticipated, that various inter-agency initiatives such as those being investigated by the Department of Health and Social Services Public Safety Domestic Violence Unit will contribute positively to an inter-agency approach which ensures that victims are identified and protected at a much earlier stage.

### **Evidence**

- 9.07 Domestic abuse, in itself, is not a crime but much of the behaviour involved in domestic abuse will be criminal. If a crime has been committed, it must be treated as seriously as any other crime. Indeed, there is an argument that a crime committed within a domestic setting is aggravated by the breach of trust, the effect it has upon children and the continuing pattern of offending. An investigating officer must deploy all the resources he or she has at his or her disposal including forensic evidence and covert surveillance, if necessary and appropriate.
- 9.08 There should not be an assumption that because the perpetrator has had access to the victim and probably to the premises on a regular basis that

forensic evidence is unhelpful. Forensic evidence can help to corroborate the victim's account and chronology of what happened.

### **Interviewing the victim**

- 9.09 At an early stage, the investigating officer should decide upon the most appropriate means of taking the victim's evidence. In a domestic abuse case, as with sexual abuse cases, victims are often frightened to appear in court in front of the perpetrator. If it is likely that special measures will be applied for at a court hearing, the victim's statement can be video recorded in anticipation of a special measures application being successful.<sup>33</sup>
- 9.10 The issues to be covered in a statement will necessarily be stressful and extremely sensitive for the victim. The interviewing officer must conduct the interview in a supportive and non-judgmental manner. Any questioning which pre-supposes or intimates that the victim may have been to blame, must be avoided. For example, questioning along the lines that the victim could have left the home or applied to court for civil protection reveal a failure to understand and appreciate the very complex issues involved in domestic abuse. It will also risk undermining the victim's confidence in the process and future expectation of a successful prosecution.
- 9.11 During the interview, the victim should be encouraged to talk freely about previous incidents, which might reveal a long history of criminal offending. If that is the case, those previous incidents should also be recorded in the crime file. If there are investigative opportunities relating to the previous incidents the investigating officer should consider including those within the investigation.

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<sup>33</sup> Special measures are procedures which can be used to assist vulnerable or intimidated witnesses in giving evidence at court.

- 9.12 If the victim is a child, additional considerations and issues arise. Child victims are dealt with below.

### **Interviewing the suspect**

- 9.13 When a domestic abuse suspect is interviewed, the interviewing officer must be aware of all of the surrounding circumstances and background to the case including any issues relating to the victim which may be relevant to the interview. The officer must be careful not to reveal information to the suspect which may place the victim in danger. The victim's medical records may be known to the officer but should not be disclosed to the perpetrator. If it is necessary to put confidential matters to the suspect the victim should be contacted and his or her consent obtained. Confidential personal information can be used by a suspect to further harass or intimidate the victim.

- 9.14 A suspect who does not speak English or who has limited English should only be interviewed with the assistance of an interpreter. The interviewing officer must take care that the interpreter is not known to the suspect or the suspect's friends or family. Within Northern Ireland minority ethnic communities are relatively small in numbers and there are a limited number of interpreters available in each language. There is an increased risk therefore that the interpreter is part of the victim's or suspect's local community. There is always a risk that information will be passed back to the family of the suspect or of the victim.

### **Post-arrest**

- 9.15 After arrest, a decision has to be made regarding bail. The police now have power to attach conditions to police bail and in all cases of domestic abuse careful consideration should be given to attaching conditions. Police officers considering bail must always use the established risk

factors to make their decision.<sup>34</sup> The primary concern of each officer at this instance must be the safety and protection of the victim, children and witnesses involved. The safety of the perpetrator is also a consideration and bail conditions should not be imposed which endanger the perpetrator.

- 9.16 The victim should be consulted to ensure the conditions accurately reflect the victim's circumstances. Bail conditions can include the imposition of an exclusion zone, a requirement that the perpetrator live at an alternative address, a condition that the perpetrator does not approach the victim in person or by communicating by telephone or otherwise. It may include a provision that the perpetrator does not approach within a set distance of the children's school or local GP.
- 9.17 Before a perpetrator is released from police custody, the victim must be informed and if conditions have been attached to bail, of the conditions. Area control rooms must be notified and the central database must be updated to record the fact of bail and any conditions. The breach of a bail condition is an important factor which should be communicated to the PPS. Even if the victim has consented to an approach in breach of a bail condition it should be remembered that the responsibility for complying with bail rests with the perpetrator. There are a number of reasons why a victim may have consented, or not complained, about a breach and officers (and PPS prosecutors) must be sensitive to the complexities of domestic abuse. The victim may have been put under pressure by the perpetrator or by the family or friends of the perpetrator, may have felt guilty that the perpetrator has been arrested or may have reconciled with the perpetrator. Whatever the reason, the police must not abandon an

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<sup>34</sup> Note, risk assessment requiring categorisation which estimates and reviews the likelihood and nature of a risk posed by a perpetrator to a particular victim should only be carried out by trained staff. Risk identification, however, is the responsibility of specialist police officers.

- investigation; they have a responsibility to make a perpetrator amenable and should not rely upon the victim to influence their decision-making.
- 9.18 The victim should always be advised as to what the bail conditions mean and it must be emphasised that bail conditions are a matter for the perpetrator, not the victim. The victim should be given as much information as possible to enable her or him to deal with a breach or threatened breach of bail. The victim should be encouraged to report to the police immediately and advised of the other support agencies who can offer assistance.
- 9.19 The victim may apply for a civil non-molestation order and occupation order. The police are able to assist by providing evidence to the family court hearing the civil claim. The fact of whether or not an occupation order or non-molestation order is in place should be taken into account along with the conditions attached to bail but does not absolve the police of their responsibility to protect the victim and consider separately the bail conditions. A civil order may lapse, it may be over-turned for any number of reasons or it may be difficult to enforce. Bail conditions can provide a useful and necessary additional safeguard.
- 9.20 If the perpetrator is to remain in custody, a number of issues arise in a domestic abuse case. For example, a suspect held in custody is entitled to a telephone call but that call should not be used to intimidate the victim. Telephone calls can be supervised to ensure the victim is not contacted.
- 9.21 Domestic abuse cases are often set in the context of a bitter family dispute for example where custody of children has been refused. A domestic abuse suspect may present as a suicide risk and must be assessed carefully before being released or placed into a cell.

9.22 The arresting officer and custody officer will often witness the aggressive or threatening behaviour of the suspect immediately post incident. Such information is relevant both to the history of the offender and the risk assessment of the victim. The information should be recorded and fed into the centralised database.

### **Breach of non-molestation orders**

9.23 Breach of a civil non-molestation order is a criminal offence. Breach of an occupation order is also an offence if there is also in place a non-molestation order.<sup>35</sup> The police should report any breach to the PPS and pursue the prosecution of the breach. The decision should not be influenced by the victim/protected person's reluctance to prosecute. It merits re-stating that the victim is often conflicted and placed under extreme pressure in such a situation and should not be asked to influence the decision. In any event, a perpetrator must know that his or her fate does not depend upon the victim's co-operation with the police and that each breach of an order will be taken seriously and cannot be affected by the victim. Otherwise, perpetrators will always have an incentive to threaten or intimidate the victim.

9.24 The PSNI does have a proactive policy on prosecuting breaches of orders but little in the way of guidance on the process to be adopted.<sup>36</sup> There is also an issue relating to service of the court orders. It is not always clear with whom responsibility for service of the order rests. Some orders are served by the police but not all. It depends on geographical area. The PSNI should seek clarification from the Northern Ireland Court Service and consider together a review of the service of court orders. Guidance could usefully be included in service procedure which covers the process from

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<sup>35</sup> Pursuant to article 25 of the Family Homes and Domestic Violence (Northern Ireland) Order 1998, as amended by the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005.

<sup>36</sup> The Domestic Violence Protocol used by Foyle District Command Unit contains exactly the sort of guidance that should be included as an appendix to the service policy.

service to enforcement of the order. To ensure that a proactive policy is applied in practice, Recommendation 2 will enable the Committee to track the number of breaches and the police response to the breaches. This will be a continuing process and will be reported on further.

- 9.25 The person protected by an order may choose to bring the breach to the attention of the civil court by way of an application to commit for contempt of court. Therefore, in any case where the PPS decides not to proceed with a prosecution the victim should be informed of that fact by the police and of the release of the perpetrator. The victim may then choose to initiate the committal procedure.

### **Withdrawal statements**

- 9.26 In the event that a victim of domestic abuse no longer wishes to co-operate with the police, a withdrawal statement must be recorded. The domestic abuse officer should take the statement or advise the investigating officer on the taking of the statement. A prosecution can proceed against a perpetrator even in circumstances where the victim has withdrawn support, and should proceed. If the withdrawal statement is taken properly and carefully, it may be tendered in evidence in the absence of the victim.
- 9.27 If a victim indicates a wish to withdraw a statement, the officers involved must immediately re-consider the risk assessment. It is common for a victim to withdraw support due to pressure being brought to bear by the perpetrator. In some cases, threats may have been made against the victim or the children. A withdrawal of support therefore should trigger further enquiries into the safety of the victim and any other vulnerable person.

- 9.28 If the victim remains adamant that she or he does not wish to continue to support the prosecution the withdrawal statement should include a statement that the evidence previously given is true (if the victim is prepared to say so), the reason for making the withdrawal statement in particular whether the victim has been put under pressure to withdraw, whether any advice has been received or any other proceedings initiated and the impact on the victim's life if the case continues. A senior PPS lawyer with domestic abuse experience should be consulted about the statement. The withdrawal statement must be forwarded to the PPS together with a background report into the case. The background report should include the views of the officer as to the likelihood of witness intimidation, the risk to the victim or any other vulnerable person and an assessment of how the victim might respond if compelled to attend court.
- 9.29 It is the officer who has dealt with the victim who will be apprised of the relevant information and who can helpfully assist the PPS in reaching a decision as to what should happen next. It is, however, a decision for the PPS whether to continue the case or not. The PSNI and PPS should liaise regularly throughout a prosecution. If any information comes to the attention of the PSNI or the PPS that may affect the outcome of the prosecution or impact upon the safety of the victim it must be communicated immediately.
- 9.30 The most important person in a prosecution is the victim and he or she must be kept informed throughout of all decisions taken and any change of circumstances for example, changes to bail conditions.

### **Keeping the victim informed**

- 9.31 The victim of domestic abuse is likely to have suffered repeat attacks before presenting to the police. Their confidence will have been undermined; they are likely to be isolated within the family and wider

community. The nature of domestic abuse is such that the victim may have little expectation of the abuse ceasing or of protective measures being effective. By keeping the victim informed at all stages of the process and of any change in circumstances, the victim will be reassured that she is at the forefront of the process and will not be surprised by, or unprepared for, any event. Officers should be mindful that family members or friends may not be enquiring with the consent of the victim, but for the benefit of the perpetrator. The victim should always be consulted and asked to consent before information is passed to any other person.

### **Preparing the crime file for the PPS**

- 9.32 The police must provide the PPS with as much information as possible to enable the prosecutor to make a decision on a particular case. If the practices outlined above have been followed, that information will be readily available and accessible from a single source. As well as the more obvious enclosures such as witness statements and exhibits, the file should include entries in police notebooks, risk assessments, history of the relationship and of the perpetrator, past or current civil proceedings, details of any children and in particular whether they were present during the incident and the impact of the abuse upon them, bail conditions, necessity for an interpreter, relevant records from other agencies and the current circumstances of the victim and perpetrator, for example, location. Importantly, the file should include any factors relevant to a decision to apply for special measures and which special measures might be considered.
- 9.33 The PPS should also consider at an early stage whether special measures should be sought and consider carefully the measures appropriate to that particular victim or witness. A court may grant a request for special measures (for example, screening or evidence by live television link) in an appropriate case having regard to the fear or distress of the witness. A

domestic abuse officer or other police officer in charge of a case may give evidence of that fear and distress.

- 9.34 If the police anticipate obtaining further evidence for use in the prosecution, which is not available at the first hearing, the PPS must be kept informed that further evidence is pending and kept apprised of any change in circumstances. A good relationship between the PSNI and the PPS is essential to the effective prosecution of domestic abuse cases. Each organisation must be clear about its respective role and responsibilities and maintain an open line of communication.
- 9.35 There is currently no written Memorandum of Understanding or Protocol between the PSNI and the PPS regarding the prosecution of domestic abuse cases, but such a document would prove a valuable reference tool for both organisations. We understand that the PSNI Domestic Abuse Champion has discussed this with the PPS.

#### **Recommendation 10**

**The PSNI should continue to work with the PPS to agree a Memorandum of Understanding between the two organisations, which sets out in clear terms their respective roles and responsibilities. This should include a check-list of the information required by the PPS to be contained in a domestic abuse crime file, including in particular, the contents of a withdrawal statement. The PSNI should report to the Human Rights and Professional Standards Committee on progress within 6 months of the publication of this report.**

- 9.36 The domestic abuse officer is an important point of contact for the prosecutor but so must the prosecutor be available to the police officer to provide advice and guidance on the prosecution. To ensure that happens, an appropriate prosecutor should be appointed and should remain with

that prosecution to the conclusion of the case, if at all possible. The prosecutor should provide advice and assistance to the police officer in charge of the case, when requested to do so and keep the officer informed of all court appearances and all decisions made which impact upon the progress of the case or upon the victim.

### **Recommendation 11**

**The PSNI should work with the PPS to devise an agreed mechanism by which advice can be requested and given to a police officer throughout the progress of a case from pre-charge to prosecution. The PSNI should report to the Human Rights and Professional Standards Committee within 6 months of the publication of this report.**

## **10. CHILD VICTIMS**

10.01 A child is a rights-holder in the same way as an adult. The articles of the ECHR (discussed above) apply equally to a child as an adult. In other words, a child affected by, or at risk from, domestic abuse merits individual, informed and sensitive consideration in his or her own right. Furthermore, by virtue of the Children (Northern Ireland) Order 1995 it is the duty of every police officer to safeguard and protect children.<sup>37</sup> The principle that the best interests of the child must be paramount as enshrined in the United Nations Convention on the Rights of the Child should run through all PSNI policy and action.

10.02 While the PSNI has a policy on child protection<sup>38</sup> which applies in cases of child abuse<sup>39</sup> police officers must be conscious of the application of child protection issues when dealing with a domestic abuse incident, which is

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<sup>37</sup> Children (Northern Ireland) Order 1995, article 46.

<sup>38</sup> *Police service of Northern Ireland Child Protection Policy*, Policy Directive PD 06/05 re-issued 29 July 2008.

<sup>39</sup> Defined as neglect, physical abuse, sexual abuse and/or emotional abuse

not reported as a child abuse incident. All police officers must understand their duties in respect of children. Children who are present at the scene of a domestic abuse incident should be interviewed separately in a sensitive and protective environment. Social services must be informed of all incidents where a child is at risk. Doing nothing, or simply relying on the parent to take care of the child, is not an option.

- 10.03 If Social Services are not, for whatever reason, able to assist the child immediately, the police should consider using police protection powers. The child abuse team should be asked to advise. The details and circumstances of any child must be recorded and fed into the system. That information should then be included in any crime file that is passed to the PPS. The presence of children either at the scene during an incident or as a member of the household, is a factor which may have a considerable bearing upon the prosecution of a case and should inform decisions taken in relation to bail conditions.
- 10.04 Interviewing a child raises additional issues. The officer must assess whether it is appropriate for a child to be interviewed but must not assume because the child is young that he or she is not competent or reliable. The best interests of the child are always paramount and the parent (if appropriate) or social services should be consulted before interviewing a child. Social Services may have information which will influence a decision whether or not to interview. The views of the child should always be sought unless it is indicated that to raise the issue may be harmful to the child. Before a child is interviewed, the PSNI will consult with Social Services to agree an appropriate method for recording the child's evidence. An interview may be video recorded, if appropriate.
- 10.05 The report of a domestic incident should immediately flag up to officers attending a scene that a child or children may be at risk. Similarly, the

report of a child abuse incident should flag up the possibility of domestic abuse against the parent. Specialist child protection officers and domestic abuse officers must liaise regularly with each other to ensure that no victim or potential victim is missed. With the introduction of PPU's and the roll-out of MARAC it is anticipated that there will be greater communication between specialist teams and that a more holistic approach is adopted in all incidents where domestic abuse is reported directly to the police or is suspected by the police in the absence of a report.

## **11. MINORITY VICTIMS**

11.01 Police officers responding to domestic abuse must be mindful of the difficulties faced by victims from minority communities, but avoid relying on stereotypes which will impede the investigation. The police must not discriminate between people, however. Different people may have different and specific needs. Delivering an equal service to all may, in fact, mean treating some differently in accordance with their unique needs. The PSNI recognises this and has made a public commitment to respond proactively to different groups' policing needs and actively engage in promoting good relations between different groups in society.<sup>40</sup>

11.02 The PSNI realises that diversity and equality enhances not only the service delivered to every member of society but that inequality and exclusion is harmful to all, not just those who are directly disadvantaged by it. Over the coming years, the PSNI will be judged on the success of its diversity strategy and compliance with human rights principles both in its ability to meet the targets set in the annual Northern Ireland Policing Plan and by those people to whom the service must be delivered. The

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<sup>40</sup> *Policing a Shared Future 07-10 Strategy*

Committee will continue to monitor and report upon the PSNI's performance in those respects.<sup>41</sup>

### **Minority ethnic victims**

11.03 A recent report has found a greater incidence of domestic violence against minority ethnic women, with Traveller women being 30 times more likely to experience domestic abuse. However, they are even less likely to report it to police.<sup>42</sup> That inequality must be addressed as a matter of urgency. It is clear, from discussions both with police officers and with representatives from voluntary agencies, that the PSNI is addressing the issue and working with partner agencies to provide a better and more inclusive service. Time will tell whether that has been successful.

11.04 Domestic abuse generally is under-reported and the level of repeat victimisation is high. There are many reasons why domestic abuse is under-reported but an important factor is the isolation of the victim and the fear that they will be further isolated if a report is made and the police intervene in a family arrangement or that the report will not be taken seriously thereby exacerbating the abuse. This is compounded if the victim has already experienced discrimination or cultural isolation. Where the victim's language is not English, the barriers become almost insurmountable.

11.05 Unless and until there is an abundant supply of interpreters to meet the needs of victims, minority ethnic victims will not receive the high standard of service they are entitled to expect. All information on support and referral services must be contained in leaflets translated into the various languages spoken in Northern Ireland.

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<sup>41</sup> The PSNI sits on a number of reference groups facilitated by the Policing Board, which enable open discussion of issues and a real opportunity to develop creative solutions. A minority liaison officer is charged with engaging with minority groups and integrating inclusive policies within the PSNI.

<sup>42</sup> *Translating Pain into Action*, Women's Health Council Ireland, February 2009

- 11.06 The PSNI should, together with partner agencies, review the provision of interpretation services and consider whether the needs of minority ethnic victims are being met.
- 11.07 The PSNI policy on domestic abuse does highlight the importance of sensitivity and understanding when dealing with minority ethnic victims. The policy does not, however, contain express guidance relevant to minority ethnic victims of domestic abuse. While there is guidance within PSNI policy directive on dealing with victims and witnesses<sup>43</sup> and a guide to culture and diversity, they are not referred to within the domestic abuse policy.
- 11.08 To better protect minority ethnic victims of domestic abuse, such specific provision should be contained within the primary policy itself. In particular, attention should be drawn to the specific circumstances of minority ethnic victims and their specific needs. To have a comprehensive and inclusive policy on domestic abuse will provide a single point of reference for officers and will better inform the training of officers dealing with domestic abuse.

## **Recommendation 12**

**The PSNI should incorporate within Policy Directive 09/08 “Police Response to Domestic Incidents” information and guidance relevant to the specific needs of minority ethnic victims.**

- 11.09 The PSNI has access to expert advice on religious and cultural issues from other agencies such as Northern Ireland Council for Ethnic Minorities (NICEM) whose assistance can be sought on the content of the information to be inserted into the policy. Police officers may also, during

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<sup>43</sup> *Dealing with Victims and Witnesses* Policy Directive PD 05/06 revised 17 April 2008.

the course of an investigation, consult with NICEM and other relevant agencies on the issues and challenges faced. The fact that there may be additional challenges when dealing with the domestic abuse of a minority ethnic victim cannot influence the decision to prosecute. Instead, officers must plan a strategy to ensure that the victim receives as good a service, and has the same access to justice, as another victim.

11.10 There is to be introduced a new PSNI strategy on honour-based violence, which will include detailed advice and information on dealing with such incidents and the cultural back-drop within which cases will be investigated. Once the strategy is developed and policy published, reference should be made to it in the domestic abuse policy. The new strategy will be reviewed and thereafter monitored following its introduction.

11.11 Many immigrants to Northern Ireland are placed in a particularly vulnerable position as a result of uncertainty over their immigration status and risk of removal. Migrant workers who may have no recourse to public funds are also disadvantaged and unable to access support services or avail of temporary accommodation to flee to. These are issues which impact upon policing of domestic violence, and for which the PSNI is reviewing and implementing a new training programme. The Committee will return to this issue once the review has been completed.

### **Lesbian, gay and bisexual<sup>44</sup> victims**

11.12 While domestic abuse in heterosexual relationships has received public attention for some years, domestic abuse within same sex relationships has only recently been brought to public attention. Lesbians and gay men, who have experienced prejudice in a homophobic society, are less likely

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<sup>44</sup> It can be noted that 'lesbian, gay and bisexual' all relate specifically to sexual orientation, whereas Transgender relates to gender identity and is, as a result, a separate issue. Transgender victims are not considered here but will be expressly included within the up-coming dedicated thematic.

to bring their problems to the attention of society or to feel able to report domestic abuse to the police. In 2003, a national survey estimated that one in four people in same sex relationships experienced domestic abuse.<sup>45</sup> The PSNI, together with its partner agencies, has amended the definition of domestic abuse and service policy to reflect that.

11.13 Prejudice and ignorance remain within society, and as members of society, there will almost certainly be police officers who share that prejudice. It is the PSNI's responsibility to ensure that its policy and diversity strategy are applied and that police officers receive sufficient training to enable them to translate policy into practice in a meaningful way.

11.14 A person who is suffering or has suffered from domestic abuse in a same sex relationship will experience all of the same problems as heterosexual women but will likely suffer additional problems, specific to their sexuality.<sup>46</sup> In the Lesbian, gay and bisexual (LGB) community, a report of domestic abuse may result in the perpetrator threatening to 'out' the victim leading to further isolation and distress. In Northern Ireland, the LGB community is relatively small with limited access to leisure activities which can be enjoyed free from discrimination and prejudice. Social networks can be small, which means the fear of stigma or exclusion from that social circle is acutely felt. The LGB community also experiences particular difficulty gaining access to specialist support services, which address their specific needs. If isolated from the LGB community, there are few alternatives.

11.15 Someone who has the courage to consider reporting domestic abuse may perceive that the police will not respond sensitively to the report. He or she

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<sup>45</sup> *Prevalence of Domestic Violence among Lesbians and Gay Men* Henderson, L. (2003), Sigma Research

<sup>46</sup> See, for example, *Out on Your Own* McNamee, H/ The Rainbow Project, March 2008

may fear that the prejudice previously suffered will be perpetuated by the police officer dealing with the case. It is incumbent on every officer responding to a report, to treat that victim sensitively, positively and supportively, without judgment or stereotyping.

11.16 Having spoken to individuals working within the voluntary sector who provide counsel to people suffering domestic abuse in same sex relationships, it became clear that police officers often misjudge an incident. For example, one man reported that when he called the police to the scene the officers treated the incident as simply a brawl between two men and did not recognise the fact that it was domestic abuse. Accordingly, the victim was not treated as a victim of domestic abuse and the incident will not therefore have been recorded as an incident with a domestic motivation.<sup>47</sup>

11.17 While the PSNI has a responsibility to recognise and properly record and treat any domestic abuse incident as a domestic abuse incident, it is perhaps not surprising that some officers fail to identify it correctly. Within society generally, and within the LGB community itself, there is a perception that domestic abuse is only perpetrated by heterosexual men upon their female partners. Members of the LGB community may often not recognise the abuse as domestic abuse. It is hoped that as society changes and adapts to a more inclusive environment for all, perceptions will change and victims will be better informed and protected. The PSNI, together with other statutory and voluntary agencies, cannot wait for society to change but must be at the forefront of policies to bring about change.

11.18 It is essential that awareness is raised both within the LGB community, and generally, of the issue. The PSNI's diversity strategy is a good start

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<sup>47</sup> The victim preferred not to be identified

but will not be enough on its own. Training for police officers and other people working within the criminal justice system should include diversity training as a matter of principle and in particular the issues which are specific to LGB victims. The Rainbow Project already works with the PSNI in the delivery of training, which is a very positive initiative but there could be more engagement by the PSNI with the voluntary sector.

### **Recommendation 13**

**The PSNI should continue to work with LGB interest groups to review and thereafter devise a training plan to better enshrine LGB issues within police policies and training programmes.**

11.19 The Committee will return to this issue in 2009/2010 with a dedicated thematic inquiry considering LGB and Transgender issues within policing.

### **Heterosexual male victims**

11.20 The police response to heterosexual male victims can be a contentious issue in the sense that the majority of victims are heterosexual women abused by a male partner. Perpetrators of domestic abuse, by the very nature of the offending, can manipulate a situation expertly and convince both the victim and the police that the victim is not being truthful or is in fact the perpetrator. While that is the case in respect of all perpetrators, there are a number of genuine male victims of domestic abuse by a female perpetrator who are not being accepted as such. Male victims require as sensitive and informed handling as any other victim. With the introduction of disaggregated statistics it will be possible to properly assess the scale of the problem.

11.21 If the police follow the policy and procedures correctly, a genuine male victim should be identified. Male victims are included here as minority victims not just because of their number but also because of stereotypes

and public perception. There can be a tendency to assume that because men usually have greater physical strength and often an enhanced standing within the local community, it is simply not feasible that he may be abused by a female partner. That perception adds to the sense of humiliation and isolation of a male victim when reporting that he is a victim of his female partner. He may fear that his report will not be taken as seriously as a report by a woman. This will result in consequential inadequacies in safety planning and referral to support services. In any event, there are few resources available to male victims who do not have access to the same range of services such as refuges and victim support.

11.22 An improved understanding of, and provision for, the needs of male victims should not undermine that given to women. This will require an interagency approach to consider the range of services available to single men and men with children from the first point of contact with police through to their representation and support at court. The one voluntary agency that does represent male victims of domestic abuse has recorded a significant improvement on the part of the PSNI in responding to male victims, which is very much to its credit, and it is expected to improve. The PSNI would be assisted greatly when developing training and policy by the advice and guidance of the Men's Advisory Project.

## **12. DOMESTIC INCIDENTS INVOLVING POLICE OFFICERS**

12.01 A police officer who commits domestic abuse must be treated in the same way as any other domestic abuse perpetrator; the abuse must be investigated and the officer held accountable. That being said, there are additional and discrete issues that arise when the suspect is a police officer. The victim may not expect the police to take the allegation seriously, to 'close ranks' to protect the officer, to inform the officers of information confidential to the report or to disbelieve the victim. Only by

the robust application of the domestic abuse policy and holding the perpetrator to account, will victims' expectations of their future treatment be improved.

12.02 Additionally, the perpetrator and/or victim may socialise with the local uniformed officers or the domestic abuse officer. The victim may be embarrassed to report such personal and intimate information to social acquaintances. The perpetrator should face disciplinary proceedings (as well as criminal proceedings if a crime were committed) so the victim may fear damaging the career of their partner. The victim must receive the same quality of service as another victim. To achieve that, it may be necessary to make available police officers from a different District to deal with the case.

12.03 A police officer is more likely to have access to a firearm, which itself is a significant factor in any planned response to a report of domestic abuse and may increase the fear of the victim when reporting. Importantly, PSNI policy will take into account whether the police officer was recorded as a victim or perpetrator at a domestic incident or whether there is a non-molestation or occupation order in place when reviewing whether that person should have access to a firearm or ammunition.<sup>48</sup>

12.04 In cases where a police officer is the perpetrator a senior officer should engage with the victim to provide reassurance that the service will deal with the case appropriately and will ensure the officer is held to account.

12.05 The policy adopted by the PSNI ensures that victims, whose perpetrator is a police officer, is treated in the same way as any other victim but also

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<sup>48</sup> *Access to Firearms and Ammunition- Suitability of Police Officers and Police Staff*, Policy Directive 03/08

includes necessary additional safeguards to protect the information, the investigation and the victim.

- 12.06 A police officer may also be the victim of domestic abuse. He or she must receive as comprehensive and supportive treatment as another victim.

### **13. PUBLIC PROTECTION UNITS**

13.01 Public Protection Units have been established in each District Command Unit. Each District has a Public Protection Unit located within one police station. All specialist officers are located at that station. The Unit consists of a vulnerable and missing persons' team, a sex offender management team, a child abuse investigation unit and a domestic abuse team. Domestic abuse officers report to the PPU supervisor who will monitor domestic abuse cases. There is a risk that this makes domestic abuse officers more remote with a consequential loss of local knowledge. The PSNI Domestic Abuse Champion is aware of the risk and is working to ensure this does not happen. The benefit of centralised PPU is that there is a great deal of specialist knowledge within one location and each team can liaise directly with the others. There is an important link between missing persons, child abuse, human trafficking and domestic abuse, which is more likely to be caught in a centralised unit.

13.02 Each domestic abuse team within each District is to have a designated MARAC administrative support officer and there will be one MARAC co-ordinator across the Districts.

#### **Risk assessments**

13.03 The PSNI policy outlines established risk factors, the majority of which relate to male abusers and female victims. While this reflects the fact that the majority of domestic abuse incidents are recorded by male abusers

against female victims, risk factors relating to other groups must be developed. In particular, risk factors which relate to children, to minority ethnic women and which pertain to lesbians and gay men.

## **Firearms**

- 13.04 It is clear that access to a firearm is a significant factor in any risk assessment and one which should be taken into account in the safety plan. Furthermore, the interrelationship of the issue or renewal of a firearms' certificate to a history of domestic abuse offending must be considered carefully. Whether or not a person has committed an offence (particularly an offence of violence) is directly relevant to whether he or she should be allowed to continue to hold a firearm certificate. An applicant for a certificate must disclose any criminal convictions. This should therefore include any conviction for breach of a non-molestation order.
- 13.05 The control of firearms in Northern Ireland is exercised by the Chief Constable.<sup>49</sup> Before a person can be authorised to hold a firearm certificate, the Chief Constable must be satisfied that the applicant: is not prohibited by law from possessing a firearm, is not of intemperate habits or unsound mind and is not, for any reason, unfit to be entrusted with a firearm; has good reason for purchasing, acquiring or having in their possession the firearm or ammunition in respect of which the application is made; and can be permitted to have that firearm or ammunition in their possession without danger to public safety or to the peace. Involvement in any domestic abuse incident is a factor relevant to the Chief Constable's determination.<sup>50</sup> The Committee considers this to be an important issue for the Chief Constable and is satisfied that best practice has been adopted.

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<sup>49</sup> Pursuant to the Firearms (Northern Ireland) Order 2004

<sup>50</sup> The suitability of a police officer or member of police staff will be affected by any involvement in a domestic abuse incident, as to which see further below.

## **MARAC model**

- 13.06 The Multi-Agency Risk Assessment Conference (MARAC) is a multi-agency initiative whose purpose it to identify those persons at highest risk of serious harm, including from domestic violence. MARAC was developed in Cardiff and, following a positive evaluation, was rolled out across England and Wales. MARAC was piloted in Northern Ireland by the PSNI in Larne, Carrickfergus, Antrim and Ballymena districts from 2006. The MARAC model requires that a risk assessment conference is conducted for high risk victims of domestic abuse. The MARAC model was based upon ACPO guidance on domestic violence risk management. Overall the results of the MARAC pilot were positive with the overall number of reported incidents decreasing and the number of arrests increasing. The analysis of the pilot also shows that relationships between partner agencies have improved as a result. Feedback from a number of victims was also positive. During consultation for the thematic, those positive indications continue.
- 13.07 That model is now to be rolled out across all Districts. By the end of May 2009, there will be specialist training for police trainers delivered by a specialist ACPO trainer. All PPU personnel will receive the MARAC training. Eight new MARAC administrator posts will administer and manage the MARAC process.
- 13.08 There has been an internal review of the role of the PPU but the Committee has not yet had sight of it. The Committee will, in any event, keep the operation of PPUs under review. It is particularly concerned that domestic abuse is treated as seriously as the 'other crimes' and isn't permitted to slip down the list of priorities. The Committee will also monitor and report further on MARAC following the roll-out across Northern Ireland.

## **14. TRAINING**

- 14.01 Training is central to improved performance and service delivery, particularly with domestic abuse policing, which involves complex societal issues. It is currently under-reported to police with high levels of repeat offending and low conviction rates. A police officer dealing with domestic abuse must not only be a competent operational officer he or she must be aware of and understand, amongst other things, cultural diversity, information management systems, inter-agency working and victim support.
- 14.02 The PSNI must be sure that through its training both at foundation stage and thereafter, officers are well equipped to manage the complex issues that arise.
- 14.03 We have reviewed the training available at foundation stage and are satisfied it is comprehensive, targeted, focused and effective. The domestic abuse element of the training builds upon core training such as investigative training and raises where appropriate domestic abuse specific examples. The training includes scenario-based practical assessment and challenging problem-solving sessions during which many issues can be discussed and analysed. Throughout the training at foundation stage, student officers receive diversity and cultural awareness training, which is also comprehensive and well thought-out. Women's Aid representatives participate in the development and delivery of the training. Diversity and cultural issues are discussed specifically in the context of domestic abuse and the PSNI policy (which includes such guidance) is thoroughly reviewed.
- 14.04 When a student officer completes his or her 21 week foundation training, there commences a two year probationary period which is spent in a

District. During that two year period, probationers will receive additional training and tutorship which should cover all areas that may be dealt with operationally. Once confirmed in rank and placed within their District a police officer does not have to undergo any further domestic abuse training. There is no mandatory refresher training. The District Commander will, however, consider each year the training needs for his or her District and may request training to be delivered to officers by District trainers or nominate officers to attend other training. The District Commander, in association with the District Policing Partnership (DPP), considers the priorities and needs for the following year and agrees the District training plan. The DPP may thereafter review any failure to deliver in accordance with the plan.

14.05 The cumulative result of the above is that training will vary between Districts depending upon local priorities. There is merit to such a responsive and targeted approach to training but a real risk that domestic abuse is not, as a matter of course, receiving the priority it deserves. It is possible, and indeed common, for operational and supervisory officers who are involved in domestic abuse policing to have received no specific training (save for what is delivered at Police College). While the domestic abuse officers currently in post have, without exception during my consultation, been praised for their service delivery by stakeholders, some have reported that they did not receive any specific domestic abuse training and that supervisory officers may not have received any specific training either. It is particularly important that supervisory officers receive domestic abuse training to enable him or her to advise and support officers.

14.06 District training managers should, therefore, review current domestic abuse training arrangements beginning with a review of training delivered to all officers within PPU's. The PSNI should consider introducing

mandatory domestic abuse awareness training to all roles and ranks across the police service.

- 14.07 This training should be devised and delivered in conjunction with other partner agencies such as the PPS and the DHSSPS.<sup>51</sup> Cultural awareness and diversity issues should be incorporated specifically into that domestic abuse training to better prepare officers for the variety of victims and perpetrators they will be presented with.
- 14.08 There are a number of initiatives under way, which are likely to improve the position at District level considerably, such as MARAC training, introduction of the Professionalising Investigation Programme requiring competency compliance and training for all call handlers by the end of June 2009. There is also a three year strategy to be published shortly. The new Quality Assurance Unit is also reviewing and revising training. Furthermore, the PSNI provides a number of guidance and training aids on the PSNI intranet.
- 14.09 The publication of 'Practical Peeler' handbooks with step by step advice on risk indicators, arrest, scene management and victim support is a valuable tool for first response officers. Public Protection Branch<sup>52</sup> also regularly provides information on the intranet which is accessible to all police officers. The site provides an overview of domestic violence including a careful explanation of the issues, with links to other related sites and informative documents. There is no doubt that an officer wishing to learn more about domestic abuse has a useful source of information readily available.

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<sup>51</sup> The DHSSPS Domestic Violence Unit is currently conducting research into training across the relevant agencies. A report is expected by summer 2009, which will consider inter-agency training programmes.

<sup>52</sup> Formerly, Community Safety Branch

- 14.10 All officers and police staff will also receive an annual performance review, during which any issues which arise can be dealt with followed by a personal development plan, which may include specific training responsive to any gaps apparent in that person's training.
- 14.11 The suggestions above are aimed at ensuring that, in any event, officers who will be dealing with domestic abuse issues receive the training appropriate to their roles. Once the MARAC training has been devised and the various other training initiatives have been introduced the Committee will reconsider the issue of training at District level and consider making specific recommendations in the Human Rights Annual Report 2009.

## **15. PSNI POLICIES ON DOMESTIC INCIDENTS**

- 15.01 The PSNI reviewed and reissued a revised Domestic Incidents policy on 31<sup>st</sup> July 2008.<sup>53</sup> This has answered the criticism previously levelled in the Human Rights Annual Report 2007. The policy adopts the term domestic abuse in recognition that domestic violence does not reflect abusive behaviour in its broadest sense. Domestic abuse is defined as any incident of threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners (a relationship with a degree of continuity and stability and have had or reasonably be supposed to have had a sexual aspect) or family members, irrespective of gender or sexual orientation.<sup>54</sup> That definition was compiled by the Regional Steering Group on domestic abuse and has been adopted by the PPS thereby ensuring that both agencies apply the same definition.

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<sup>53</sup> *Police Response to Domestic Incidents*, Policy Directive PD 09/08.

<sup>54</sup> This thematic inquiry is limited to considering domestic abuse between intimate partners and does not include abuse between family members. This represents a targeted approach to the inquiry by the Policing Board; it does not reflect any hierarchical distinction between victims, all of whom are to be treated equally and sensitively.

- 15.02 The policy dictates that all incidents of domestic abuse will be investigated in a “consistent, robust, proactive and effective manner”. It emphasises that police officers will take positive action at all domestic incidents to prevent crime, ensure public safety and protect the rights and freedoms of all parties. It highlights the protection to be afforded to the victim and refers in that context to the Human Rights Act 1998 thereby enshrining a human rights based approach to the policing of domestic abuse.
- 15.03 The policy accepts, as does this report, that in the majority of incidents the abuse is perpetrated by men against women.<sup>55</sup> It reminds officers, however, that there may also be male victims of domestic abuse and victims within the lesbian, gay, bisexual and transgender communities.
- 15.04 The policy includes separate sections on specific factors to be taken into consideration when responding to domestic abuse. It includes the particular vulnerability of children, the impact of cultural influences on domestic abuse for example issues such as honour killings and serviced marriage, domestic abuse within same sex relationships, the significant under-reporting of domestic abuse by lesbians and gay men and the importance of informing victims about and/or referring them to support organisations, such as Victim Support, Women’s Aid and Men’s Advisory Project.
- 15.05 The policy recognises that victims of domestic abuse may suffer numerous times before calling the police and that all calls to incidents whether or not a crime has been committed, should be taken as an opportunity to sign-post victims to support agencies by the provision of information. There is recognition that an early encounter with a police officer likely to inform the victim’s expectations about the support they are likely to receive in the future. This is particularly important when

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<sup>55</sup> For example, in 2006/2007 71% of all victims were female.

considering the role of call handlers who receive the first report and first response officers who attend the scene.

15.06 The policy demands consistent application across District Command Units to ensure that every reported incident is investigated to the same standard and that every victim of domestic abuse receives the same level of assistance and support.<sup>56</sup> Training is being undertaken on the new policy. The policy is comprehensive, enshrines human rights principles and covers adequately all likely scenarios. The policy writers have considered and reflected within the policy Her Majesty's Inspectorate of Constabulary (HMIC) guidance published in 2004 and revised ACPO guidance published in 2008.<sup>57</sup>

## **16. PROSECUTIONS**

### **The Courts**

16.01 While the court system is outside the control of the PSNI, many (if not all) of the stakeholders consulted reported dissatisfaction with the court process and low rates of conviction. Complaints related to delay, repeat adjournments at court with insufficient information being given to victims and witnesses, prohibitive cost of engaging legal representation and inadequate number of court welfare officers. In England and Wales, there are a number of specialist domestic violence courts, which have proved extremely successful. The programme introduced a combined approach to domestic violence by police, prosecutors, court service and support services for victims. The agencies work together to identify and risk assess domestic violence by the sharing of information and expertise.

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<sup>56</sup> Whether or this is proved to be the case in practice, requires continued monitoring comparing the statistics across each District.

<sup>57</sup> The policy refers to ACPO guidance 2004 however we are told by the Domestic Abuse Champion that the policy will be amended to refer to the 2008 guidance.

16.02 The courts operate with dedicated prosecutors and magistrates, accredited independent legal advisers and police officers who specialise in domestic abuse cases. A victim will therefore have one point of contact during their case. Within the specialist domestic violence courts, cases are fast-tracked and clustered together with the victim placed at the centre of service provision. Some courts have separate entrances and waiting areas which ensure victims do not encounter the perpetrator when attending court. Some courts have special arrangements for childcare. A central element of the courts is the provision of independent domestic violence advisers.

16.03 The scheme has been successfully reviewed. There is no such court in Northern Ireland. A pilot was suggested but has not been introduced. Further consideration should be given to the establishment of dedicated domestic violence courts in Northern Ireland. If such courts are not feasible, the Northern Ireland Court Service (NICS) may consider introducing some of the elements to the current court system. Perhaps consideration could be given to segregating waiting areas, listing domestic abuse cases together on a specific day of the week with specialist prosecutors being used on those days.

16.04 The NICS has a training module on domestic abuse issues for all front line court staff, which is a positive development. It appears still to be the case, however, that courts may not be communicating sufficiently with each other, with civil cases not being cross-referred to criminal cases. During the course of a civil hearing, for example, it may become clear that a party has been subjected to domestic abuse which has not been reported to the police. Such cases should, in any event, be recorded on the centralised database<sup>58</sup> and shared with partner agencies in accordance with the

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<sup>58</sup> Known as the 'Causeway' system

information-sharing protocols. With the roll-out of MARAC, it is anticipated that information sharing will be improved.

16.05 To ensure that each and every domestic abuse case is brought to the attention of the appropriate team, the case should be flagged by the PSNI when it is entered onto NICHE from which it is then entered onto the centralised computer database, known as 'Causeway'. It is anticipated that the PSNI, the NICS and the PPS will all have access to the system by the end of May 2009.<sup>59</sup> Flagging of cases will enable the NICS and PPS to identify immediately domestic abuse cases and thereafter deal with them accordingly.

#### **Recommendation 14**

**The PSNI should ensure that a system is in place to flag all domestic abuse incidents correctly when they are input onto NICHE and consider an effective mechanism for flagging the assessment of risk. The PSNI should report to the Committee within 6 months of the publication of this report.**

### **17. GOVERNMENT INITIATIVES**

17.01 A Community Safety Strategy, underpinned by targets in the new "Make Communities Safer" and "Justice for All" public service agreements for 2008-2011, includes the aim of reducing domestic violence. The Northern Ireland Office (NIO) Community Safety Unit, in joint lead with DHSSPS, working with all relevant government departments, statutory and voluntary agencies developed a five year strategy "Tackling Violence at Home", which is accompanied by an annual action plan to tackle domestic abuse in three key areas: prevention; protection and justice; and, support for all victims.

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<sup>59</sup> We understand that the PPS does not yet have the facility to retrieve a 'flag' but will do so shortly. Thereafter, a flagged case should proceed through the system with its original (or up-dated) markings

17.02 That strategy contains a number of positive and effective initiatives, for example it introduced the Sexual Assault Referral Centre (SARC) for which a project manager was appointed in summer 2008. The SARC will, via DHSSPS, PSNI and NIO provide services on a single site to build the confidence of victims and secure forensic evidence. The PSNI has introduced a rape investigators' course, which is the first in the United Kingdom. Domestic rape is one of the most insidious yet under-recognised of all forms of domestic abuse. Domestic rape is a complex area, which requires separate review and will be the subject of more detailed analysis in the Human Rights Annual Report 2009.

17.03 The five year strategy and annual action plans are developed by the Regional Steering Group comprising members of statutory and voluntary agencies concerned with tackling domestic abuse. The group meets regularly and considers both the effectiveness of the strategy and new initiatives. The Regional Steering Group is an impressive inter-agency forum which operates to manage an integrated strategy for all victims of domestic abuse. Local Domestic Violence partnerships are responsible for the implementation of the annual action plans at local level. The Regional Steering Group has already added considerable value to the work of all agencies and will continue to develop.

17.04 In Ballymena, the Naomi Centre has had a considerable injection of funding to improve and develop services it offers to women and children who have suffered from domestic abuse. It is a centre run by Women's Aid and offers one to one support, drop-in, training opportunities both vocational and recreational for women and learning opportunities for children and young people. It is an important resource available to women and children and has already improved the lives of a number of victims. An Initiative such as the Naomi Centre has made a real difference and it is

hoped will not be limited to one geographic area but can be extended across Northern Ireland.

17.05 The DHSSPS Domestic Violence Unit has been particularly successful in raising awareness of domestic abuse within society and has led on a number of initiatives. The unit is currently undertaking important research relating to training across the relevant agencies and will consider an inter-agency training programme. Following the outcome of that study, the Committee will consider the recommendations made and in particular, whether and if so, how those recommendations can add to the work already underway within the PSNI.

17.06 There have been a number of formal and informal studies into the feasibility of so-called one-stop shops and family justice centres. PSNI officers have visited the Croydon Family Justice Centre,<sup>60</sup> which opened in 2005 after being developed in partnership with the San Diego Family Justice Center, which is the international model of excellence on domestic violence. The PSNI has also investigated good practice models in North America and Canada.

17.07 Both one-stop shops and family justice centres aim to co-locate police, medical staff, support services, advocacy services and prosecutors thereby providing a complete service within one location.<sup>61</sup> A feasibility study carried out by the NIO concluded that such centres would add considerable value to the service offered to victims.<sup>62</sup> The Committee is interested in any further work undertaken on this issue and hopes a final decision will be taken in relation to the provision of such a service. We

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<sup>60</sup> Which can be viewed at [www.croydon.gov.uk/community/dviolence/fjcentre](http://www.croydon.gov.uk/community/dviolence/fjcentre)

<sup>61</sup> See, for example, the *San Diego Family Justice Center* whose mission is to “improve and strengthen the lives of families through early identification of family violence and then provide coordinated wrap-around services through collaboration with community partners in a safe location” at [www.sandiego.gov](http://www.sandiego.gov)

<sup>62</sup> *Feasibility Study on One Stop Shop for Domestic Violence* NIO Research and Statistical Series: Report No. 16, December 2006

recognise that the PSNI is only one partner in such a project and cannot bring forward any proposal alone but in the event that a one-stop shop or family justice centre is established we are reassured that the PSNI will engage positively with it.

17.08 In May 2008, the Inter-Ministerial Group on Domestic and Sexual Violence<sup>63</sup> met for the first time to co-ordinate efforts across government. Health Minister Michael McGimpsey said: “I want this Inter-Ministerial group to ensure that domestic and sexual violence is given the priority it deserves, to focus on what needs to be done, and for Ministers to use their influence to ensure that the joined up approach actually delivers change... I want to send out a clear message that domestic and sexual violence are crimes which will not be tolerated”.<sup>64</sup> The Human Rights and Professional Standards Committee wishes to echo that statement and stress that it is *only* with a ‘joined up’ strategy that change will be delivered.<sup>65</sup> It is hoped that Northern Ireland government initiatives will ‘make the grade’ on any further analysis.<sup>66</sup>

## 18. CONCLUSION

18.01 The Committee hopes that this thematic inquiry will contribute to the discussion between stakeholders who share a common purpose: to combat domestic abuse in all its forms. We believe the PSNI is playing its part and has made significant progress to date. While we are encouraged and delighted that progress has been made, the PSNI must strive continuously to encourage victims to report incidents and support victims as they engage with the criminal justice system.

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<sup>63</sup> The Group comprises the Health Minister, the Finance Minister, the Education Minister, the Social Development Minister, the NIO Criminal Justice Minister and two junior Ministers.

<sup>64</sup> 21 May 2008 statement

<sup>65</sup> On 10 March 2009, the Home secretary Jacqui Smith announced the publication of the *Together we can end Violence against Women and Girls* strategy. The strategy does not apply to Northern Ireland but may contain good practice or recommendations worth considering. The Committee will review the strategy.

<sup>66</sup> See *Making the Grade? 2007 End Violence Against Women*

18.02 Ultimately, real progress will only follow from a multi-agency approach in which each and every stakeholder is committed to the eradication of domestic abuse. They must develop effective procedures to reach, and respond to, all victims wherever they may be within Northern Ireland and from whatever community or background. The figures referred to in the introduction to this report speak for themselves. The human and financial cost to society is simply too great.

18.03 We are confident, given the commitment shown by individuals and organisations who engaged with the Committee on this thematic inquiry, that the progress made to date will be improved upon and developed. We will continue to monitor the situation and will keep matters under review. We welcome the continued engagement of community groups who operate at the sharp end of the process who can highlight problems and influence future strategy.

18.04 We wish to thank the many stakeholders who gave up their time and expertise to assist the Committee in its inquiry. Their input has been invaluable.

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