

# Domestic Violence and Abuse

A thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland

December 2010

Criminal Justice Inspection  
Northern Ireland  
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# Domestic Violence and Abuse

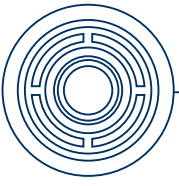
A thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland

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Presented to the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002, as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010.

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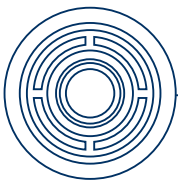
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## List of abbreviations

<b>ACPO</b>	Association of Chief Police Officers of England, Wales and Northern Ireland
<b>CAADA</b>	Co-ordinated Action Against Domestic Abuse
<b>CID</b>	Criminal Investigation Department (in police)
<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>DASH</b>	Domestic Abuse, Stalking and Honour-based Violence (Risk Identification Checklist)
<b>DHSSPS</b>	Department of Health, Social Services and Public Safety
<b>DoJ</b>	Department of Justice
<b>DVPO</b>	Domestic Violence Protection Orders
<b>IDVA</b>	Independent Domestic Violence Advisor
<b>MARAC</b>	Multi-Agency Risk Assessment Conference
<b>NICHE RMS</b>	Records Management System created by Niche Technology
<b>NICTS</b>	Northern Ireland Courts and Tribunals Service
<b>NIO</b>	Northern Ireland Office
<b>NSPCC</b>	National Society for the Prevention of Cruelty to Children
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>PPU</b>	Public Protection Unit (in police)
<b>PSNI</b>	Police Service of Northern Ireland
<b>SDVC</b>	Specialist Domestic Violence Court



## Chief Inspector's Foreword

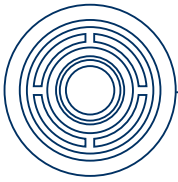
Domestic violence occurs regardless of gender, social group, class, religion, race, age, disability or sexuality. The problem is significant, with one domestic violence incident reported every 21 minutes. Whilst domestic violence and abuse has been found to significantly impact on women and children, men can also be victims of domestic violence and it also occurs in same sex relationships. This inspection considered the response of the criminal justice system to cases of domestic violence and abuse from initial reporting of the incident through to its investigation, prosecution and eventual court disposal.

Tackling incidents of domestic violence is a complex problem for which there are no quick fix answers. As with other difficult crime areas, there are issues around the number of crimes reported to the police and the extent to which they are followed through the justice system. There is a clear need for justice organisations to ensure that victims of domestic violence and abuse receive the best possible service throughout Northern Ireland. The report identifies improvements in the approach adopted by justice agencies with a movement away from attitudes of 'just another domestic'. This is to be welcomed as experience has shown that incidents of domestic violence and abuse if not dealt with appropriately, can escalate to often very tragic conclusions.

This inspection did not find there was one single issue arising from the work of the system that would significantly improve its overall performance. Instead the report focuses on a series of steps that each of the justice agencies could undertake to improve the overall support provided to victims and ensure justice.

The inspection identified some good practice including the links between the justice agencies and the voluntary and community sector and the service provided by the Police Service of Northern Ireland (PSNI) Domestic Abuse Officers. At the same time, the inspection identified areas for improvement including the need to provide greater consistency of service across PSNI Districts, the need to improve the quality of prosecutions presented in Court and the need for Independent Domestic Violence Advisors to advocate for and provide greater support to victims throughout the process.

From the perspective of the victims and survivors, the inspection identified a need for greater consistency in the service and support provided. There was a lack of consistency, for example, as to the role of the Domestic Abuse Officers in crime investigations in the PSNI.



The inspection was carried out by Rachel Lindsay and Dr Ian Cameron. I would like to express my thanks to the Inspection Team and those who participated in the inspection process, particularly those who had been victims of domestic violence and abuse and were willing to share their experiences with us.

*Michael Maguire*

**Dr Michael Maguire**  
Chief Inspector of Criminal Justice in Northern Ireland  
December 2010





## Executive Summary

This inspection by Criminal Justice Inspection Northern Ireland (CJI) considered the response of the criminal justice system to cases of domestic violence and abuse. It builds upon the work undertaken by the Northern Ireland Policing Board in their Thematic Inquiry on Domestic Abuse<sup>1</sup> and considers the investigation and prosecution of cases by the justice system as a whole. The problem of domestic violence and abuse is a significant one; in 2009-10 there were 24,482 incidents which equates to one reported domestic violence incident approximately every 21 minutes. Domestic violence and abuse covers a range of offences from intimidation and harassment through to assault, manslaughter and murder. This inspection also supports the *Tackling Violence at Home Regional Strategy*<sup>2</sup> which had been launched in 2005 by the Northern Ireland Office (NIO)<sup>3</sup> and Department of Health, Social Services and Public Safety (DHSSPS) and the fourth *Action Plan*<sup>4</sup> had been issued in April 2009.

Inspectors found that improvements had been made in the way the criminal justice system in Northern Ireland deals with cases of domestic violence and abuse and developments had been made recently to improve processes and ways of working. These include the specialisation of investigators and prosecutors, the rolling out of the Multi-Agency Risk Assessment Conference (MARAC) process and greater engagement with the voluntary and community sector. However, there were still improvements to be made in order to fully realise the benefits of these developments, to bring the approach in Northern Ireland in line with other jurisdictions and to provide greater support for victims.

The agencies involved in investigating and prosecuting domestic violence cases had developed procedures and policies which set out appropriate standards and methods for dealing with these types of cases. Inspectors found that, in the main, the Police Service of Northern Ireland (PSNI) adhered to these in operational practice although variations existed in their implementation across the police Districts.

The PSNI were fully engaged in the Regional Strategy and Protection and Justice sub-group and had taken forward a number of recommendations. The majority of domestic violence incidents were dealt with by response officers who attended the incident, took statements, investigated any crimes committed and forwarded a case file to the Public Prosecution Service for Northern Ireland (PPS) for a decision on prosecution. The quality of information provided to officers responding to such calls varied and a checklist should be developed to improve this. Domestic Abuse Officers were located within Public Protection Units (PPUs) in each police District and generally dealt with investigations involving repeat

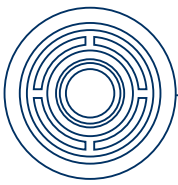
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1 [http://www.nipolicingboard.org.uk/nipb\\_thematic\\_inquiry\\_on\\_domestic\\_abuse\\_-\\_embargoed\\_until\\_00\\_01\\_tuesday\\_24\\_march\\_2009.pdf](http://www.nipolicingboard.org.uk/nipb_thematic_inquiry_on_domestic_abuse_-_embargoed_until_00_01_tuesday_24_march_2009.pdf).

2 [http://www.dhsspsni.gov.uk/index/hss/domestic\\_violence/dv-publications.htm](http://www.dhsspsni.gov.uk/index/hss/domestic_violence/dv-publications.htm).

3 responsibility for policing and justice matters was devolved from the NIO to the Department of Justice (DoJ) on 12 April 2010.

4 <http://www.dhsspsni.gov.uk/tackling-sexual-violence-and-abuse-2009-2010-action-plan.pdf>.



offenders or more serious offences. The training of both new recruits and specialist officers had been developed and the PSNI was about to roll-out a risk assessment tool to assist in identifying high-risk victims.

Feedback on the quality of evidence obtained by officers was mixed but the use of digital photographic equipment and the consideration of the roll out of the Body Worn Digital Recording System should improve this. PSNI policies set out the requirements on officers when attending domestic violence and abuse incidents and it is imperative that supervisors monitor adherence to this proactively. Civil orders were widely used in domestic violence and abuse cases and presented challenges for both victims and police officers; consideration of legal action by way of a Domestic Violence Protection Order in line with other areas should assist in this regard.

Inspectors heard differing views regarding the role and training required for Domestic Abuse Officers and clarity is required on this in order to ensure consistency and effective service. The PSNI had been proactive in their role in the MARAC pilot in working with its partners and had been preparing for its roll-out. The PSNI had also been involved in two pilot projects with Women's Aid to co-locate a support worker with the Domestic Abuse Team and this is something that should be explored further. Inspectors heard that improvements had been made in taking withdrawal statements and that processes were in place to ensure follow-up by Domestic Abuse Officers of repeat or serious offences. Overall whilst good practice existed in police Districts regarding the response to and investigation of domestic violence, Inspectors heard that there was a lack of consistency in the manner in which victims were dealt with, which could depend upon where the offence occurred.

The PPS were also fully engaged on the Regional Steering Group and Protection and Justice sub-group and had been involved in working with partners and taking forward action points. Domestic violence specialists had been appointed but the role was at an early stage. All public prosecutors were expected to prosecute the large volume of cases with a domestic motivation which were received from the PSNI. Just over half of all cases with a domestic motivation were directed for no prosecution (52.9%). This figure is impacted on by high numbers of victims in these types of cases withdrawing their support for the prosecution and their complaint, where the PPS had to direct no prosecution due to a lack of evidence other than the victim's statement. The assessment of risk and decisions around taking a prosecution where the victim had withdrawn their support was a considerable challenge for prosecutors and agreement needs to be reached to obtain higher quality information from the PSNI to assist in this.

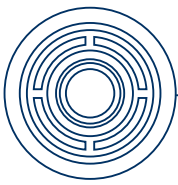
Inspectors were made aware of issues regarding the quality of casework by prosecutors once cases reached the Magistrates' Court. Issues were raised with regard to the performance of prosecutors at court and there were difficulties in ensuring the attendance of victims at court where victims' had withdrawn their support for the prosecution. These issues need to be addressed in order to ensure both an effective prosecution process and support vulnerable victims appropriately. The setting up of Specialist Domestic



Violence Courts (SDVCs) had become more common in England and Wales but was yet to be replicated in Northern Ireland; consideration of such a system would be beneficial. Adjournments were raised as an issue, particularly requests by the defence, as they might increase the likelihood of victims to withdraw. However when a decision to prosecute was taken and the case proceeded to court, the conviction rates were 61.3% for 2008-09. This figure also takes into account information available which suggests that half of withdrawals are made after a prosecution has been directed.

Inspectors heard about the invaluable assistance given to victims by support groups in difficult and challenging circumstances. The pilot of MARAC and roll-out had not yet included the use of the Independent Domestic Violence Advisor (IDVA) role and plans for this service should be developed as a matter of urgency. Victims' views on the police and prosecution processes varied with feelings of apprehension common when updates were not received as to the progress of the case. The approach to breaches of non-molestation orders was also described as variable and, in common with other types of case, delay was a continuing theme. Inspectors met a great number of committed and motivated individuals both inside and outside the criminal justice system during the course of the inspection, who described the genuine efforts they had made and continued to make to provide a better service for victims of domestic violence and abuse.






## Recommendations

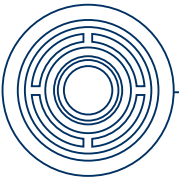
### Strategic recommendations

- The PSNI should ensure that proactive monitoring by supervisors takes place to ensure consistency of approach, particularly in reviewing decisions not to arrest; and, in cases of serious crime, supervisors should take an active role from the outset in ensuring an effective and consistent investigation takes place (*paragraph 2.21*).
- Consideration should be given by legislators in Northern Ireland to seek the creation of legislation to enable the police to issue a Domestic Violence Protection Order (or notice) of up to 14 days duration, to prevent a suspected perpetrator of interpersonal violence from entering the address of the victim and/or to prevent contact with the victim (*paragraph 2.26*).
- The PSNI should review the role of and skill set requirements for Domestic Abuse Officers and Public Protection Unit supervisors and specifically consider the need for a proportion of officers working in the area of Domestic Abuse to be trained to the relevant investigative standards via the Initial Crime Investigators' Development Programme (*paragraph 3.4*).
- The PPS should continue to review domestic violence and abuse files where a no prosecution decision has been taken to ascertain whether actions could be taken, where appropriate in conjunction with the PSNI, to improve the likelihood of the Test for Prosecution being met (*paragraph 4.8*).
- The PSNI and the PPS should reach agreement about the inclusion of assessments by investigating officers of the reasons for withdrawal statements being made, and views about whether and, if appropriate, how the case should proceed to prosecution without the consent of the victim/witness (*paragraph 4.12*).
- The PPS Management Board should continue to ensure that:
  - there is regular and effective monitoring of the performance of prosecution advocates in the Magistrates' Courts; and
  - prompt feedback is given to the prosecutor and any training needs addressed (*paragraph 5.4*).
- The Protection and Justice sub-group of the Tackling Violence at Home Regional Steering Group should evaluate the feasibility of developing a Specialist Domestic Violence Court in Northern Ireland for inclusion, if appropriate, in the forthcoming Action Plan (*paragraph 5.12*).

- 
- Plans for a properly resourced Independent Domestic Violence Advisor service to provide advocacy and support for all victims of domestic violence and abuse should be developed by the Department of Justice as a matter of urgency to complement the roll-out of the Multi-Agency Risk Assessment Conference process (*paragraph 6.2*).

### **Operational recommendations**

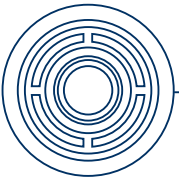
- The PSNI should develop a call taker checklist based on that provided in ACPO Guidance on Investigating Domestic Abuse 2008 to enable call handlers to support the victim and gather evidence (*paragraph 2.11*).
- In consultation with the PPS, the PSNI should introduce digital photographic equipment to be made available to response officers for use in domestic violence and abuse offences, enabling images to be produced expediently to enhance the evidence available for the first interview and for the case file submitted to the PPS (*paragraph 2.17*).
- In consultation with the PPS, the PSNI should explore the feasibility of further roll-out of the Body Worn Digital Recording System to the other police Districts in Northern Ireland and take action to do so, as appropriate (*paragraph 2.18*).
- The PSNI should explore, in conjunction with Women's Aid, the possibility of further co-location of support workers with PPUs (*paragraph 3.13*).
- The PPS should develop and, where possible, implement additional methods of seeking confirmation of the attendance at court of all victims of domestic violence and abuse prior to the trial date and ensure consideration is given as to potential alternative courses of action where it is believed the victim may not attend (*paragraph 5.8*).



Section



# Inspection Report





## CHAPTER 1:

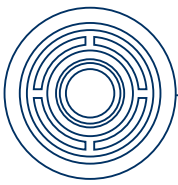
# Introduction and methodology



- 1.1 In October 2005 the NIO (now the Department of Justice) and DHSSPS launched '*Tackling Violence at Home: A Regional Strategy for Addressing Domestic Violence and Abuse in Northern Ireland*' with an Action Plan covering the period from October 2005 to March 2007. Through this, relevant government departments and statutory agencies began working together as members of the Regional Steering Group to oversee the strategy's implementation. The *Tackling Violence at Home* strategy contained four strands; 'Prevention'; 'Protection and Justice'; 'Support'; and 'Other Priorities'. Each of these strands had a sub-group on which sat representatives from relevant government departments, agencies and voluntary organisations. The Regional Steering Group and sub-groups were responsible for working on the relevant key actions arising out of the first Action Plan for 2005-07<sup>5</sup> and subsequent Action Plans (Number 2: 2007-08; Number 3: 2008-09; and Number 4: April 2009 to September 10) to deliver the objectives of the Regional Strategy and to draw up Action Plans in future years.
- 1.2 The definition of domestic violence and abuse which was used for the purposes of the *Tackling Violence at Home* strategy and which all relevant agencies in Northern Ireland were encouraged to use was: "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 or family members, irrespective of gender or sexual orientation." Domestic violence occurs regardless of gender, social group, class, religion, age, race, disability or sexuality.
- 1.3 PSNI crime statistics for 2009-10 show that during that year, officers responded to 24,482 domestic violence incidents which equates to one reported domestic violence incident approximately every 21 minutes. This was an increase of 891 on the figures for 2008-09. Of these incidents 9,903 were recorded as crimes. Statistics for 2008-09 show that the majority of all crimes with a domestic abuse motivation fell within the category of violent crime (offences against the person, sexual offences and robbery)<sup>6</sup>. There were

5 NIO & DHSSPS (2005), *Tackling Violence at Home: Action Plan Number 1: 1 October 2005 - March 2007* DHSSPS 102/05.

6 PSNI statistics for 2009-10 do not report crimes with a domestic abuse motivation by offence types therefore figures are reported for 2008-09.



6,473 such offences (of a total 9,211 crimes) representing 70.3% of the total. Of the remaining offences, breach of orders accounted for 11.7% and criminal damage represented 13.8% of the total. 29.1% of murders (seven of 24) during 2008-09 were recorded as having a domestic motivation.

1.4 Domestic violence and abuse has been found to significantly impact on women and children. The Northern Ireland Policing Board's Thematic Inquiry on domestic abuse<sup>7</sup> found that in 2007-08 where the gender of the victim was known, 76% of all adult victims of crimes with a domestic motivation were female. However men can be victims of domestic violence and it also occurs in same sex relationships. The *Tackling Violence at Home* strategy stated "it is estimated that at least 11,000 children in Northern Ireland are living with domestic violence" and that no other type of crime has a rate of repeat victimisation as high. Approximately 1 in 10 respondents (11%) to the 2007-08 Northern Ireland Crime Survey, aged 16-59, were identified as having been a victim of domestic violence at some stage in their lives. The victimisation rate recorded for female respondents (15%) was higher than that recorded for male respondents (8%). A total of 23% of female victims reported that they had suffered threats and/or force from a partner while they were pregnant. In

addition, 27% of victims believed that their 'worst' incident had been seen and/or heard by children.

1.5 A recent snapshot survey commissioned by the Women's Centres Regional Partnership in Northern Ireland<sup>8</sup> profiled 113 women who were working with domestic violence services. The women profiled had chosen to engage with domestic violence services (for example, Women's Aid, Women's Centres, the PSNI or Social Services) and therefore had already made a conscious decision and effort to break the cycle of violence they had experienced. The findings indicated that violence against women reduces their self-esteem and self-confidence, they experience cultural and social pressure to stay in violent relationships and that women who experience violence are often isolated, sometimes using alcohol, drugs or anti-depressants to cope.

1.6 As well as the physical, emotional and psychological impact on victims, the *Tackling Violence at Home* strategy also outlines the economic costs of domestic violence. It stated that about 700 families in Northern Ireland have to be re-housed each year because of domestic violence and that research published in September 2004 estimated the cost of domestic violence to society in England and Wales at £23 billion each year.

7 Northern Ireland Policing Board (2009), *Thematic Inquiry on Domestic Abuse 2009*, Human Rights and Professional Standards Committee, Northern Ireland Policing Board March 2009: Belfast.

8 McMurray, A. (2010). *Women's Experience of Violence: Mapping Experiences and Responses, A Pilot Study*, February 2010. Women's Centres Regional Partnership.



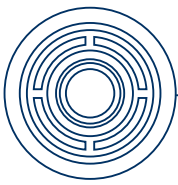
1.7 Domestic violence was traditionally seen by society as something which happened behind closed doors and which was no business of the criminal justice system. Historically a culture of referring to such incidents as ‘just another domestic’ existed in justice organisations and such offences were not always taken seriously. In recent years there has been a growing recognition of the need to understand the issues around domestic violence and take action when such incidents occur. Various factors have contributed to this enhanced awareness including government initiatives and policy, media campaigns and awareness raising of the general public, campaigning and lobbying from victim support groups and research and evidence which shows the spiral of domestic violence from seemingly ‘minor’ offences initially to prolonged periods of violence and abuse, sometimes ending in serious injury or homicide.

1.8 It should be noted that the area of domestic violence and abuse also has links with many other areas of offending which Inspectors heard about during the course of this inspection, for example sexual abuse, missing persons, vulnerable adults (for example older persons and those with disabilities or learning difficulties) and prostitution. Sexual violence and abuse was the subject of a recent CJI inspection<sup>9</sup> and therefore this report will not repeat the issues discussed previously. Increasing issues for police forces in England and Wales are in the areas of forced

marriage, honour-based violence and female genital mutilation and it is likely that these are issues that will become more prevalent in Northern Ireland. Whilst the focus of this inspection was domestic violence and abuse, there are inevitably issues which overlap these areas and therefore we did not exclude them from the scope of the inspection, other than where they have been covered in the inspection of sexual violence and abuse.

1.9 The latest available police statistics for 2009-10 show an increase in the number of domestic incidents reported to police from 2008-09 as shown in Table 1. The number of incidents was fairly evenly spread across the eight PSNI Districts. It should be noted that there is no statutory or common law offence as such of ‘domestic violence’. The term is generally used to cover a range of abusive behaviour, only some of which is criminal. Offences recorded by the PSNI as having a domestic motivation therefore included breach of an order, intimidation/harassment, assault occasioning actual bodily harm/common assault, wounding/grievous bodily harm, sexual offences, attempted murder, manslaughter and murder. The smallest numbers of offences recorded with a domestic motivation in 2008-09 were manslaughter (1, or 0.01%) and murder (7, or 0.08%). Assault occasioning actual bodily harm/common assault accounted for just over half of all offences with a domestic motivation in 2008-09 (4,931, or 53.5%).

<sup>9</sup> CJI, *Sexual Violence and Abuse: An Inspection of the handling of sexual violence and abuse cases by the Criminal Justice System in Northern Ireland*, July 2010.



**Table 1: Domestic Abuse Motivation: Incidents, Crimes and Detections  
Summary 2008-09 and 2009-10<sup>10</sup>**

	2008-09	2009-10	change
<b>Total number of incidents</b>	<b>23,591</b>	<b>24,482</b>	<b>+891</b>
<b>Total number of crimes</b>	<b>9,211</b>	<b>9,903</b>	<b>+692</b>
<b>Total number of crimes detected</b>	<b>3,486</b>	<b>4,288</b>	<b>+802</b>
<b>Detection rate (%)</b>	<b>37.8</b>	<b>43.3</b>	<b>+5.5% pts</b>

1.10 This inspection aimed to investigate the effectiveness of the criminal justice system in responding to and dealing with cases of domestic violence and abuse up to the point at which those convicted are sentenced by the courts. CJI's remit does not include inspection of the judiciary and therefore this inspection did not consider judicial decisions, for example regarding sentencing. The inspection undertook fieldwork within the criminal justice agencies involved in these types of cases; namely the PSNI, the PPS and the Northern Ireland Courts and Tribunals Service (NICTS). The fieldwork utilised a qualitative approach with Inspectors carrying out face-to-face individual or focus group interviews with staff at various levels within the organisations. Qualitative

analysis aims to make sense of or interpret phenomena in terms of the meanings people bring to them. CJI's approach is to record issues raised by interviewees and triangulate them in order to check and validate the findings. Inspectors also spoke to representatives of victims' groups with a particular interest in these types of offences, District Judges, victims who had recent experience of the justice system and to other interested parties including the Human Rights Advisor from the Northern Ireland Policing Board who had conducted the Thematic Inquiry on Domestic Abuse. Further details on the methodology used and organisations and individuals consulted can be found in Appendix 1.

<sup>10</sup> PSNI Annual Statistical Report, Report No. 2 Domestic Abuse Incidents & Crimes 1 April 2009 – 31 March 2010

## CHAPTER 2:

# Initial response to reports of domestic violence and abuse

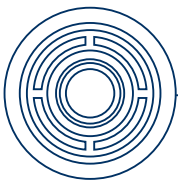


### Strategy and Policy

2.1 Responsibility for policy and procedure in relation to areas of work regarding domestic violence in the PSNI lay with the Public Protection Branch of the Criminal Justice Department. A member of this department represented the PSNI on the *Tackling Violence at Home* Regional Steering Group and Protection and Justice sub-group. This representative was also responsible for liaison with partner agencies and overseeing the development of initiatives and actions arising from the Regional Strategy such as MARAC, information sharing and risk assessment. The PSNI had several policies and service procedures relating to the area of domestic violence including police response to domestic incidents, domestic abuse and the possession of firearms and ammunition, domestic incidents involving police officers and police staff, recording of incidents and harassment, police response to forced marriages, violent and sex offender register and Public Protection Units. A service procedure in relation to the risk identification, assessment and management of domestic abuse, stalking and harassment and honour-based violence (DASH 2009) and

MARAC's was also in the process of being drafted, as was a service procedure in relation to restraining orders and a policy in relation to harassment. The documentation was comprehensive and cross-referenced to legislation and other PSNI service procedures and the relevant partner agencies were involved in the consultation process. The documentation drew on the Association of Chief Police Officers (ACPO) Guidance on Investigating Domestic Abuse where relevant.

2.2 In addition the PSNI had guidance available regarding MARAC and the roles and responsibilities of the agencies involved in the process. They were also required to work under the 'Safeguarding Vulnerable Adults' regional adult protection policy and procedural guidance issued by Health and Social Care Trusts in September 2006. Policies and procedures relating to child protection as described in the recent CJI inspection of sexual violence and abuse were also relevant to this area of work when children were present in the home where the domestic abuse was occurring. ACPO Guidance on Investigating Domestic Abuse had been issued in 2008 in addition to the 2005 ACPO Guidance




on Identifying, Assessing and Managing Risk in the context of Policing Domestic Violence. A Northern Ireland Policing Board Thematic Inquiry on Domestic Abuse had been published in March 2009 and the PSNI were working towards the recommendations contained in the report.

- 2.3 The PSNI also had a large amount of material regarding support for victims of domestic abuse both in the community and specifically those who were police officers or police staff. These included posters, leaflets and letters from Domestic Abuse Officers. The documentation provided details of support organisations (such as Women's Aid, Men's Advisory Project, the Domestic Violence Helpline) as well as details of who to contact within the PSNI. The posters included images of individuals with injuries arising from domestic incidents; both male against female and female against male. A letter and a leaflet were sent to victims after an incident had occurred and were available in a variety of languages. Inspectors observed that a variety of these posters and leaflets were displayed in waiting areas at Enquiry Offices. The PSNI was a member of the Corporate Alliance Against Domestic Violence and had a dedicated section of their intranet site regarding domestic abuse. This information highlighted the indicators of domestic abuse and signposted victims towards sources of support such as Employee Support Workers in Occupational Health and Welfare. A specific leaflet was provided for police officers and police staff who were pregnant due to recognition of

the links between pregnancy and domestic abuse.

### Structure of PSNI teams

- 2.4 The majority of domestic violence incidents were dealt with by response officers who were called to the scene of an incident when the victim or other party telephoned for police assistance (either by the '999' system or by a non-emergency telephone call). Generally offences would be dealt with by uniformed response officers unless the severity of them warranted the attendance of Criminal Investigation Department (CID) officers (for example, in cases of grievous bodily harm or attempted murder) to examine the scene and undertake investigations.
- 2.5 Since the introduction of the Public Protection Unit on 31 March 2008, each District of the PSNI had a team of Domestic Abuse Officers who were supervised by the Sergeant responsible for domestic abuse, sexual and violent offenders and missing and vulnerable persons. The number of officers in the unit was approximately six although this varied slightly across Districts. The role of the Domestic Abuse Officers was not to investigate all domestic incidents in the District but to focus investigations on repeat offenders and more serious crimes such as actual bodily harm and above. A previous version of the PSNI Service Procedure, in relation to the response to domestic incidents had specified which level of offence Domestic Abuse Officers would investigate but in the current PSNI Service Procedure, this had been left



to the discretion of the District Commander. ACPO guidance suggested that Domestic Abuse Officers should be investigative but the PSNI left the decision to the discretion of the District Commander as to whether these officers assisted, and on some occasions, took full responsibility for the investigation development of the more serious domestic abuse incidents. These elements of discretion had led to inconsistency between Districts as to how the investigation of domestic incidents was shared between response officers, Domestic Abuse Officers and detectives in CID; in some Districts Domestic Abuse Officers investigated all cases of repeat victimisation, in others offences of Assault Occasioning Actual Bodily Harm and above (in line with the previous policy on domestic incidents) and the level of input from CID varied.

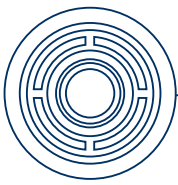
- 2.6 Domestic Abuse Officers were not routinely dispatched to respond to domestic incidents; the majority worked a Monday to Friday 9am to 5pm shift pattern, although in some Districts they also covered the daytime during weekends. It would be sensible if this weekend cover rota operated consistently across the PSNI in order that specialist officers were available to follow-up incidents which occurred on Friday and Saturday nights, as this is the time when domestic incidents are most likely to occur. This issue was raised in the Northern Ireland Policing Board's Thematic Inquiry and in Recommendation 4, the PSNI was requested to consider whether provision should be made for a

Domestic Abuse Officer to be available for each shift. This issue remains under examination by the PSNI.

- 2.7 Domestic Abuse Officers were responsible for undertaking risk assessments, providing support, advice and guidance to victims (including referrals to support organisations) and advice to investigating officers. They were also involved in engaging in the tasking and co-ordinating process to address high risk and persistent offenders and developing and maintaining relationships with statutory and voluntary agencies, including via the MARAC process. Inspectors found these officers to be committed individuals who had a genuine interest in the area of domestic violence and abuse and were keen to make a difference for the victims they dealt with.

### **Call Handling**

- 2.8 Call handlers received calls from victims and other individuals (for example, neighbours/family members) and dispatched officers to the scene as appropriate. This was either an immediate response if the call was received via the '999' system and circumstances indicated that it may be a domestic incident or the victim was in immediate danger or at the earliest possible opportunity for calls other than via the '999' system where there was no immediate danger or immediate response required. Call handlers spoken to were aware of their responsibilities under Article 2 of the Human Rights Act 1998 (Right to Life) and prioritised immediate risk.




2.9 Call handlers had access to electronic records which indicated whether there was a history of domestic incidents at the address, whether a firearm was registered at the address, whether a non-molestation order was in force and, for those individuals based in the pilot area, whether the victim was under the MARAC scheme. Response officers stated that the Records Management System created by Niche Technology (NICHE RMS) was effective in this regard as being a facility for recording and accessing information easily. Call handlers raised some concerns about the transfer of information regarding non-molestation orders; describing some faxes received from the Northern Ireland Courts and Tribunals Service (NICTS) to be of poor quality or containing inaccurate information, although it should be noted that these had not been raised with the NICTS.

2.10 Information regarding the property, victim and perpetrator was usually provided to response officers attending the address. Response officers reported being provided with varying levels of background information depending on the area and individual call handlers. Overall, officers felt the amount of information they received was improving but in some instances and depending on the call handler spoken to, only the bare minimum information was provided (for example, firearms information) and response officers described being 'just sent to the door'. Call handlers from Belfast Regional Control stated that

at peak times (for example, Friday and Saturday nights) when calls for domestic incidents and for other types of incident were at their highest they had to dispatch officers quickly and move onto the next '999' call as a priority and were not able to spend as long on the call as they would have liked to evaluate it and provide officers with detailed information. Analysis of demand and resource allocation would be beneficial to identify these peak times and ensure call fluctuation is managed appropriately. These issues will be covered in more detail in CJI's forthcoming inspections of Customer Service and Call Management. All calls to the '999' system were recorded and could be provided to the PPS through Belfast Regional Control as evidence for a prosecution file.

2.11 Victims generally perceived the dispatch of police to their address to be effective and they often provided call handlers with relevant information, such as that the perpetrator was in breach of a non-molestation order or other order. Cognisance was also taken of the officer's gender before dispatching them to a domestic incident. Call handlers had not received specific training on domestic incidents or about MARAC and did not have a checklist or aide memoire for use in domestic incidents. The use of a checklist for call handlers is recommended in ACPO Guidance on Investigating Domestic Abuse 2008 and was further recommended by the Police Crime and Standards Directorate in their 2006 report



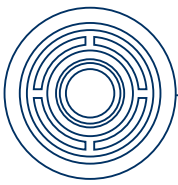


'Lessons Learned from the DV Enforcement Campaigns'<sup>11</sup>. This review found that the call taker checklist was a useful tool to help call takers complete their investigative role and enabled them to have easy access to relevant questions. Some participating Basic Command Units in forces in England and Wales had adapted the checklist to better suit their own systems. Inspectors recommend **the PSNI should develop a call taker checklist based on that provided in ACPO Guidance on Investigating Domestic Abuse 2008 to enable call handlers to support the victim and gather evidence.**

### Generic Training

- 2.12 Student Officers were given one day's training on domestic violence and abuse in Week 11 of their initial training at the Police College. This included an input from a Domestic Abuse Officer in addition to staff in Foundation Training and covered victim's issues, forensics and crime scenes, seizure of firearms, non-molestation orders, MARAC and both male and female victims. Case studies were used to illustrate learning points and explanations were given as to why some victims are reluctant to leave an abusive relationship. A two-hour evening session was also held with Women's Aid in addition to a 'trauma evening' which was held with representatives from ten agencies and included inputs on forced marriages and honour-based violence.
- 2.13 Once out of initial training there was no consistent refresher training provided to response officers regarding domestic violence across the service and this type of training rarely took place in Districts. Some victims' groups and a PPS representative commented that, whilst training was provided to Domestic Abuse Officers by the PPS and victims' groups regarding domestic violence and abuse issues, it was response officers who would benefit most from this as they were in attendance at the scene and often the first to deal with a withdrawal statement. During the inspection fieldwork, the PSNI were delivering training to response officers regarding the use of the DASH Risk Identification Checklist in preparation for its roll out. This checklist was a series of 27 items which it was planned would be completed by response officers with the victim when attending a domestic incident. When a particular number of items on the checklist were ticked or when officers felt that it was warranted, by the severity of the issues raised, this would lead to a referral for the victim to MARAC via the Domestic Abuse Officers.
- 2.14 The Northern Ireland Policing Board's Thematic Inquiry recommended that the PSNI 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.*"

11 *Lessons Learned from the DV Enforcement Campaigns 2006 Police Crime and Standards Directorate. Home Office: October 2006.*



The PSNI have responded by providing call handling training in Districts. As part of this programme, officers were trained in the aims and principles of PSNI Policy Directive: *Police Response to Domestic Incidents*.


### Initial attendance and scene preservation

2.15 Response officers were usually dispatched to the scene by call handlers either immediately or at the earliest possible opportunity as outlined above. Feedback received from victims' who had requested police assistance was mixed. In some cases officers attended quickly and were sensitive, supportive and proactive whilst in others, victims' provided examples of police being slow to respond to breaches of non-molestation orders, unhelpful, giving inaccurate advice and in some cases being rude and discourteous. These examples illustrated a lack of consistency in service across the PSNI, with different outcomes experienced depending on the District, team or even individual officer the victim dealt with.

2.16 Response officers stated that the scene of a domestic incident was unlikely to be held for any period of time but confirmed that they would gather physical evidence. Call handlers were responsible for arranging the attendance of Crime Scene Investigators or forensic staff should the officer at the scene request their input but they commented that there could be issues if this was late at night and it could be the following morning before attendance was secured. PPS

prosecutors commented that the quality of evidence gathering varied depending on the individual officer and their supervisor. Where police statements were poor the issues tended to be in relation to describing the scene, which could be assisted by the use of photographs. Prosecutors confirmed that photographs were used for domestic violence and abuse cases in the Belfast region and for more serious cases but prosecutors from other regions stated that photographs were rarely provided.

2.17 ACPO Guidance states that "*Photographic evidence should be gathered and proactively used throughout a domestic abuse investigation and prosecution*". Although it recommends the use of Crime Scene Investigator photographs it states that this is 'whenever possible' and therefore that the taking of photographs without a Crime Scene Investigator or photography specialist present should not be precluded in their absence. The Police Crime and Standards Directorate report reviewed the use of digital cameras by force Basic Command Units during their domestic violence enforcement campaign and found that all Command Units reported a vast improvement in the standard of the product and the overall quality of evidence available for the Crown Prosecution Service and courts. Whilst PSNI officers spoken to were cautious about the taking of photographs and their use in a prosecution case due to the likelihood of challenge, the PPS would welcome the opportunity to test such developments before the



courts. They could also seek advice from their Crown Prosecution Service colleagues in England and Wales in overcoming difficulties should they arise. Inspectors recommend therefore that **in consultation with the PPS, the PSNI should introduce digital photographic equipment to be made available to response officers for use in domestic violence and abuse offences, enabling images to be produced expediently to enhance the evidence available for the first interview and for the case file submitted to the PPS.**

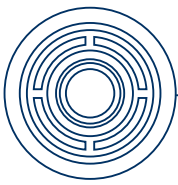
- 2.18 The PSNI undertook a project to pilot the use of the 'Body Worn Digital Recording System' ('head cameras') between March and August 2008. This was undertaken in Carrickfergus with 25 officers trained to use any of the four cameras available. During the pilot the cameras were booked out 424 times and 53 recordings were made, of which approximately 40% were tagged by the recording officer as evidence for potential use within the criminal justice system. The evaluation report<sup>12</sup> notes that "*The technology offered some very good evidence, especially in incidents of domestic violence, animal cruelty and disorderly behaviour*". When compared against the same six-month period in 2007, offences against the person fell by 4% during the course of the pilot period. Although data obtained during the pilot was slightly too low for quantitative data analysis, anecdotal evidence provided

examples where head camera evidence had resulted in early guilty pleas on a case-by-case basis or had directly contributed to the prevention of crime. Subsequently this had been further rolled-out to Lisburn Area Command and preparations were underway for roll out to Antrim and Newtownabbey. This type of technology could be particularly beneficial in domestic violence cases by providing video evidence of the scene of the incident, the physical injuries or distressed appearance of the victim and the attitude of the perpetrator. It is recommended that, **in consultation with the PPS, the PSNI should explore the feasibility of further roll-out of the Body Worn Digital Recording System to the other police Districts in Northern Ireland and take action to do so, as appropriate.**

- 2.19 Public Protection Sergeants also commented that there was considerable variation in the level of service received from response officers. This was partly due to a shortage of response patrols in the particular area, resulting in officers not being able to spend time with victims before having to attend the next call, and the lack of follow through on investigations from officers. Public Protection Sergeants and Inspectors both stated that they would raise any issues regarding poor investigations of domestic incidents by tasking actions through NICHE RMS and making the supervising Sergeant aware. In some cases, victims who had suffered a domestic

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12 PSNI (2008) *Head Camera Project: Body Worn Digital Recording System (Head Cameras) Pilot Scheme Evaluation Report*.




incident during the weekend were not properly interviewed by police until the Domestic Abuse Officer followed up the incident on Monday.

2.20 The PSNI policy directive in relation to the police response to domestic incidents contained a section on the ‘duty of positive action’ which stated that positive action should be taken at all domestic incidents. This means that the default position when attending a domestic violence incident should be to arrest the perpetrator unless there are justifiable and compelling reasons not to. Public Protection Sergeants suggested that this again was inconsistent and that the implementation of the policy could vary according to supervisors and individual officers. They suggested this was because of fears that the custody officer may refuse to authorise the detention of the arrested individual because they believed that the ‘necessity criteria’ did not apply<sup>13</sup>. The refusal to authorise detention in some areas had been raised with higher-ranking officers to seek a resolution. This was believed to be more of an issue when the offences were of a lower-level. However, some interviewees were cautious in relation to the positive action policy as it has implications for the victim and their family. Victims’ groups also raised the issue of inconsistency regarding the duty of positive action, for example depending on the officers involved and on the gender of the perpetrator.

2.21 The Northern Ireland Policing Board’s Thematic Inquiry also identified this as an issue and recommended that “*each Public Protection Unit supervisor should carry out an analysis of the recorded decisions not to arrest, on a six-monthly basis*” with the results of this monitoring being provided to the Northern Ireland Policing Board’s Human Rights and Professional Standards Committee. The PSNI, in response to this recommendation, have piloted a mechanism by which to undertake a dip-sampling process on which they can provide information to the Board. Inspectors would support this recommendation and look forward to being made aware of the outcomes. Police also face significant challenges in dealing with counter-allegations (that is, where both parties claim to be the victim when officers arrive at the scene) in determining which of the two parties (who may both display injuries) is the victim and which the perpetrator. This was felt by some stakeholders to be a particular issue where male victims were concerned. In addition the position regarding arrest for breaches of non-molestation orders was unclear with officers directed to arrest even for minor breaches but perpetrators not being penalised for the breach. In order to address the issues of inconsistency outlined above it is recommended that **the PSNI should ensure that proactive monitoring by supervisors takes place to ensure consistency of**

13 The power of arrest is only exercisable if the Constable has reasonable grounds for believing that it is necessary to arrest the person. Article 15 of PACE (Amendment) (Northern Ireland) Order 2007 has criteria set out as to what may constitute necessity for example, to ascertain the persons name and address; to prevent them causing injury to themselves or others; to protect a child or other vulnerable person from the person in question; to allow the prompt and effective investigation of the offence or of the conduct of the person in question; and to prevent the prosecution of the offence being hindered by the disappearance of the person in question.



**approach, particularly in reviewing decisions not to arrest; and, in cases of serious crime, supervisors should take an active role from the outset in ensuring an effective and consistent investigation takes place.**

### **Forensics and medical examinations**

2.22 Prosecutors stated that reports from Forensic Medical Officers and reports from paramedics were rarely provided in domestic violence and abuse cases. One prosecutor stated that although police tended to wait for medical and forensic reports to arrive before a case could proceed, they felt that the use of photographs of the victim and scene would mean that the case could progress in their absence.

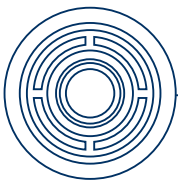
### **Civil Orders**

2.23 Non-molestation and occupation orders are civil orders which may be obtained under the Family Homes and Domestic Violence (Northern Ireland) Order 1998. A non-molestation order aims to prevent the violent partner or ex-partner from using or threatening violence against the victim or their child, or intimidating, harassing or pestering them, to ensure the health, safety and well-being of the victim and their children. Breach of such an order is a criminal offence. If the victim is in immediate danger, an application can be made to the court on the same day without the abuser being there; as a 'without notice' or ex parte application. If such an order is granted by the court, a full hearing will be heard once the perpetrator

has been served with notice. An occupation order regulates who can live in the family home, and can also restrict the abuser from entering the surrounding area. These may be applied for when a non-molestation order has already been obtained. In 2008, 3,089 non-molestation orders were made in courts in Northern Ireland. Victims and their advocates raised concerns about the costs of both applying for a non-molestation order and in engaging the services of a solicitor to advise them through the process, particularly if they were ineligible to apply for legal aid.

2.24 As of 15 September 2004, the PSNI agreed to serve non-molestation and occupation orders made as a result of either ex-parte or inter-partes applications. Inspectors heard concerns from victims around delays by the police in serving non-molestation orders although police officers outlined the difficulties in finding the perpetrator, when they had left the home and often changed addresses regularly. Police representatives and some victims stated that there could be some inconsistency surrounding the arrest of perpetrators for breach of a non-molestation order with, in some areas, more 'minor' breaches not resulting in arrest due to the perception that no action would be taken in court.

2.25 Such difficulties in seeking protection for victims is not unique to Northern Ireland and was noted as being an issue in the ACPO *Review of Tackling Perpetrators of Violence Against Women and Girls*. This review commented that "there is no readily available,



*consistent, affordable and timely access to civil court orders at this risky time” and “we believe that a gap exists between how the criminal justice system and civil law processes interact to provide a seamless service to victims at on-going risk of violence”.* The review considered the use of ‘Go’ or barring orders in Austria and Germany where the police have been provided with powers to take positive action in incidents of domestic violence to exclude the perpetrator from the home. Both approaches received favourable results in follow-up evaluations and the review team considered that the introduction of similar ‘emergency injunctions’ could have a positive impact on the safety of victims of domestic violence in England and Wales. They recommended that consideration be given to the law being changed to enable the police to issue a Domestic Violence Protection Order (or notice) (DVPO) of up to 14 days duration, to prevent a suspected perpetrator of interpersonal violence from entering the address of the victim and/or to prevent contact with the victim. This would provide a victim with some ‘protected time’ in their own home to engage with support services and determine their safety plan and future options for themselves and any children in the home.

- 2.26 The former Home Secretary The Rt Hon. Alan Johnson announced in September 2009 that ‘Go’ orders would be piloted in two police forces to test their impact on the criminal justice system once the necessary legislation was in place. DVPO’s were included in the 5th Session in

2010 Crime and Security Bill and on 8 April 2010, the Crime and Security Act received Royal Assent. The Government has subsequently announced it has deferred the pilot scheme of the DVPO’s so that they could understand their potential impact better and be sure that they would work before committing public funds. CJI still consider that such Orders provide valuable benefits for victims of domestic violence and abuse in respect of reduction in risk, ‘protected time’ to make decisions around future actions and time and space to consider support for a prosecution. Their use would reduce victim’s need to rely on the civil courts, and their own finances, to seek a non-molestation order. It would be beneficial for legislators in Northern Ireland to seek to create such legislation and then pilot and evaluate these Orders within the PSNI. CJI therefore recommend that **consideration should be given by legislators in Northern Ireland to seek the creation of legislation to enable the police to issue a Domestic Violence Protection Order (or notice) of up to 14 days duration, to prevent a suspected perpetrator of interpersonal violence from entering the address of the victim and/or to prevent contact with the victim.**

## CHAPTER 3:

# Investigation and file preparation



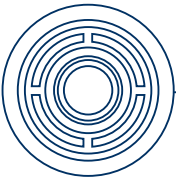
### Specialist training

3.1 Domestic Abuse Officers had received specific training in relation to their area of work. A two-week course had been developed and delivered by Crime Training. This was designed to develop investigative skills and be more 'detective focussed' as they were dealing with more serious cases than uniform officers. The course included pre-read material and officers were tested at the end of the course. It covered PEACE (preparation and planning; engage and explain; account; closure; evaluate) Tier 2 interview training, dealing with solicitors, evidence of bad character, investigations, warrants, remands, and cross-border issues. It also included reference to the ACPO (2006) Murder Investigation Manual and a Senior Investigating Officer had an input regarding a domestic murder scenario. Women's Aid, Men's Advisory Project and the PPS also provided an input at relevant stages. This had been provided fairly recently and therefore no plans for refresher training had been developed. Inspectors heard mixed views from officers on the value of this training with some stating that they felt it was pitched at an overly basic level whilst others stated that it was beneficial.

This may depend on the previous experience of the officers as a Domestic Abuse Officer and their role in the District.

3.2 The specialist training had been designed to develop investigative skills and the PSNI had adopted the approach recommended in ACPO guidance that the officers' role should be investigative. However, none of the Domestic Abuse Officers spoken to had been trained to a higher investigate level than uniformed officers via the Initial Crime Investigators' Development Programme of the Professionalising Investigation Programme at Level 2. This was an issue that Public Protection Sergeants and Inspectors raised with conflicting views as to whether such investigatory expertise was necessary for the role, although most were in favour of Domestic Abuse Officers being trained as a detective. Those in favour of officers being trained to a higher investigative level suggested that it would lead to more professional and enhanced investigations, as domestic abuse can result in serious crimes such as grievous bodily harm or worse.

3.3 It was felt that in the current situation, greater cognisance was taken of CID views when a serious




incident occurred but that having all officers trained to the same level would enable cross-fertilisation with CID officers. It was also felt that detective status would send a message to perpetrators and the rest of the PSNI that domestic violence and abuse was taken seriously and afford a Domestic Abuse Officer a higher status. The issue of consistency is also key to this argument; if an individual was a victim of serious assault such as grievous bodily harm outside of the home (for example outside a nightclub) then an officer trained to a higher investigative level would be allocated to investigate the case, however in cases of domestic violence and abuse, the allocation of a Domestic Abuse Officer to the case would not provide this same level of expertise. In reality however Inspectors were told that serious crimes such as grievous bodily harm and attempted murder would probably, at the time of the inspection, generally be passed to CID to investigate with input from a Domestic Abuse Officer. Inspectors found there was no consistent guidance on this provided in the PSNI's Service Procedure. Unless managed carefully this could lead to a lack of continuity for a victim who had previously engaged with a Domestic Abuse Officer. It was also highlighted that the current status of Domestic Abuse Officers not being trained as crime investigators had led to officers being abstracted for uniform duty at times of high demand.

- 3.4 Some supervisors felt that most domestic violence and abuse investigations were not significantly

different from other investigations to require specialist skills. In addition, in the vast majority of cases the perpetrator was present or known to the victim and therefore officers did not require skills in searching for and identifying suspects. ACPO guidance states that *“Domestic abuse investigations may be identified as either volume or priority, or as serious and complex according to force investigations policy and strategy. The level of training and/or competency required of officers depends upon the type of investigation. Those cases identified as serious and complex investigations will need to be led and conducted by an investigator competent in the national occupational standards defined within level 2 of the Professionalising Investigations Programme”*. In light of the issues raised around the skills required for Domestic Abuse Officer and the lack of clarity around the types and level of offence that these officers should be investigating as outlined in Chapter 2, Inspectors recommend that **the PSNI should review the role of and skill set requirements for Domestic Abuse Officers and Public Protection Unit supervisors and specifically consider the need for a proportion of officers working in the area of Domestic Abuse to be trained to the relevant investigative standards via the Initial Crime Investigators’ Development Programme.**

- 3.5 The Domestic Abuse Officers had also received training regarding the DASH risk identification checklist. Again this received mixed reviews and some officers felt that this had left them feeling responsible for





answering queries from front-line response officers. Some officers had received training on MARAC but there was still a general feeling of uncertainty amongst those spoken to regarding their roles and responsibilities, the amount of extra work MARAC would require and the impact on victims; both those in the MARAC process and those not deemed to be sufficiently high-risk. MARAC training was due to be completed across the PSNI by the end of December 2009. The implementation of MARAC is discussed further at paragraph 3.8.

- 3.6 Domestic Abuse Officers in a couple of police Districts had benefited from training sessions delivered by both the PPS and Women's Aid. For example, officers in 'E' District<sup>14</sup> had attended a morning session with the Regional Prosecutor which looked at issues surrounding poor quality files and involved undertaking some practical exercises. In Northern Region there were also good links between the PPS and the PSNI. This type of partnership is of mutual benefit to both parties, to the wider justice system and to victims and therefore such opportunities should continue to be utilised and where possible, extended to other areas in Northern Ireland.

### **Supervision and support**

- 3.7 Public Protection Sergeants and Inspectors were generally judged to be effective and committed to their role by both junior and senior officers. The issue of Public

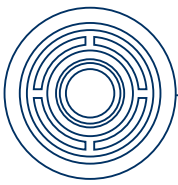
Protection Sergeants not having a detective background or having received specialist training was also raised with Inspectors, with similar arguments for and against as outlined for Domestic Abuse Officers. Those in support of investigatory training for these Sergeants also outlined the risks involved by having a non-detective supervising the investigation of serious crime which, if dealt with by CID, would require a supervisor to be trained to the Professionalising Investigation Programme Level 2 via the Initial Management of Serious Crime Course. Some Domestic Abuse Officers commented that in the absence of a Public Protection Sergeant who has been trained to such an investigatory level, it was difficult to access a Detective Sergeant (for example from CID) to provide support and advice for serious cases.

### **Partnership working**

- 3.8 A MARAC is a multi-agency meeting which has the safety of high-risk victims of domestic abuse as its focus. If a victim is assessed as at high-risk of domestic abuse (scoring high on a standard risk assessment) they will be referred to the MARAC. This is a fortnightly half-day meeting chaired by the police in which typically 15 to 20 high-risk cases are discussed between partners from statutory and voluntary agencies. It is intended to share information about high-risk victims in order to prevent homicide, develop a safety plan, put all possible support in place and lower the risk as soon as possible. Evaluations of the

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14 'E' District includes the Newry and Mourne, Armagh, Craigavon and Banbridge Council areas.



original MARAC, which was established in Cardiff in 2003, showed that at the six-month stage 63% of people were living free from violence and harm although at the 12-month stage this figure had fallen to 42%<sup>15</sup>.


3.9 The PSNI had been piloting MARAC for two years and were about to commence its roll out at the time of the inspection fieldwork commenced in October 2009. Inspectors were advised subsequently that this roll-out had been completed with MARACs operational since January 2010. PSNI staff had engaged with colleagues from other areas of the United Kingdom where MARAC had been implemented successfully to learn lessons from their experience. The MARAC pilot was based in the Northern Health and Social Care Trust area covering Antrim, Ballymena, Carrickfergus and Larne. Through these pilots police had worked alongside partners including representatives from the Trusts, Women's Aid, Northern Ireland Housing Executive, the Probation Board for Northern Ireland and other agencies and representatives relevant to each individual case. An evaluation of the pilot produced in March 2007 found that 807 reported domestic incidents/offences were assessed by the MARAC during the six-month period from 1 April to 30 September 2006. Almost a quarter of domestic incidents/offences (23%) were assessed to be very high-risk and nearly two-thirds (57%) of very high-risk individuals were referred to MARAC.

3.10 The evaluation also reported that in the pilot area the overall numbers of repeat offences decreased and the number of arrests for domestic violence offences increased. In addition it highlighted that inter-agency relationships had improved greatly as a result of sharing information within MARAC, providing practitioners with a greater understanding of each others roles and what each organisation could do in relation to tackling domestic violence and abuse. This was supported by evidence provided to Inspectors during the fieldwork for this inspection. In addition, Inspectors spoke to a couple of victims who had been involved in the MARAC pilot. One of these commented that she had experienced no difference to her situation whilst under MARAC whilst the other was very positive about the experience which made her feel safer. This victim illustrated this by saying that the police had telephoned her several times during a power cut which had triggered her panic alarm to ensure she was safe.

3.11 At the time of the fieldwork the PSNI had also appointed a MARAC co-ordinator and six out of the eight MARAC administrators required (with two still to be appointed in order to have one for each District) who would support the PPU staff by undertaking administration in relation to the MARAC. Despite this concerns were still raised with Inspectors, albeit from officers who did not yet have practical experience of being involved with MARAC, about the additional time required for

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15 The CAADA MARAC Guide 2009 - From Principles to Practice, 2009 2nd edition, CAADA/Home Office: London.



police to prepare for and co-ordinate MARACs and the impact that would have on other aspects of their role and this will require monitoring. The PSNI had compiled an information sharing agreement which had been circulated for consideration by agencies involved in MARAC and needed finalising in order to ensure MARAC members could fully share information before the roll-out. The MARAC process was in its infancy at the time of this inspection but future inspections or reviews would seek to assess the effectiveness of its implementation.

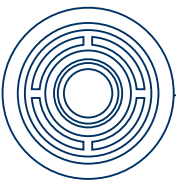
3.12 There were also concerns raised as to how MARAC would be supported by police senior managers in Districts as the work of the MARAC was to reduce risk and prevent reoffending, whereas District targets were focussed on clearances and therefore it could be viewed that Domestic Abuse Officers and Public Protection Sergeants and Inspectors were not contributing to District targets. The prevention of domestic violence and abuse is a critical area and efforts to do so should be encouraged by performance management systems not those which create a perception that prevention activity is undermined by detection targets.

3.13 The PSNI were also engaged in ongoing partnership working with two Women's Aid support workers, based in two Districts in Belfast. One of these had been in post for over a year and as a result of the success of the pilot, the second support worker post had been agreed. The role of the Women's Aid worker was to support victims who were going

through the criminal justice system and offer support and further explanations about the process to them. In addition, the support worker Inspectors spoke to was undertaking a valuable role in liaising with response officers and offering them guidance and advice in relation to dealing with victims of domestic violence and abuse. The project was undergoing a formal evaluation at the time of the inspection but was felt to be successful as it had encouraged some victims to support the investigation and prosecution process who might not have otherwise done so. **The PSNI should explore, in conjunction with Women's Aid, the possibility of further co-location of support workers with PPUs.**

### Interviews and investigations with victims

3.14 One of the major challenges faced by police when dealing with incidents of domestic violence and abuse is when the victim withdraws support for a prosecution. This can occur either immediately at the scene once the police attend with the victim stating that they do not wish to make a complaint, or after an initial statement has been made (either within a couple of days or further into the prosecution process). There are many complex psychological, emotional and social reasons why this occurs including fear, loyalty to the perpetrator, financial reliance on the perpetrator, concern for the welfare of children and feeling stigmatised. Whatever the reasons however, police need to maintain a professional and sensitive approach



and be cognisant that the victim may express a desire to withdraw at any stage.


- 3.15 Inspectors heard many views around the issue of victim withdrawal with many representatives from the criminal justice system stating that it is to be expected and that in most cases, it comes as no surprise when the victim wishes to withdraw. Despite this police officers have a duty of care for the victim and therefore should take steps to ensure the victim is safe and not at risk of further violence or abuse. Police officers were aware of the need for careful consideration around the issue of 'victimless prosecution' to avoid re-victimisation. In addition public prosecutors may, upon reviewing the case file prepared by the police, determine that there is sufficient evidence to proceed with a prosecution and that the prosecution is in the public interest. Police therefore have to collect evidence and take statements to the best of their ability in order to enable prosecutors to make such decisions appropriately and have the opportunity to take a 'victimless prosecution' (this is discussed further in Chapter 6).
- 3.16 Inspectors were advised by public prosecutors that police practice had improved with regard to statements from victims who did not wish to make a complaint and that, in general, they no longer received statements containing only a couple of lines with reference to the non-complaint, as they had in the past. However prosecutors commented that improvements could be made, for

example in asking the victim to clarify whether the original statement was true when withdrawing it and recording this as evidence. In addition, prosecutors suggested that officers should be more thorough in recording whether children were present during the incident or whether the victim would benefit from special measures to support them during the court process.

- 3.17 Inspectors were advised that the investigation of a domestic incident where the suspect was a police officer or member of police staff was dealt with in accordance with policy and treated no differently to any other case. In addition the Professional Standards Department would be informed if the suspect was a police officer and would carry out an investigation as appropriate. Employee Support Officers in Occupational Health and Welfare were in the process of being trained to use the DASH risk assessment checklists and were planned to link in with Domestic Abuse Officers where a police officer or member of police staff was involved.

### **Monitoring and intelligence**

- 3.18 Domestic Abuse Officers were responsible for monitoring Command and Control serials each morning to check that domestic incidents had been dealt with appropriately. They were also responsible for identifying which incidents required following-up, checking DASH forms and ensuring appropriate referral to a MARAC. The MARAC process enabled high-risk victims to be supported and information shared



around the circumstances of the domestic violence to reduce risk. In the absence of MARAC, prior to its roll-out, another District had created a list of the families who were most vulnerable and at risk regarding domestic violence. Calls to these addresses were then monitored and a Domestic Abuse Officer was allocated to ensure appropriate follow-up was undertaken. It was planned that analysts would in future provide information as to the longer-term impact of this approach. It was considered difficult to track perpetrators, particularly non-adjudicated perpetrators, of domestic violence if they became a 'serial perpetrator' (i.e. moved from one victim to the next). The issue of 'tracking' and the process of 'right to know' (where persons at risk of violence have the 'right to know' about relevant information in the possession of the State) has been reviewed by ACPO. Recommendations have been made that the law be changed to permit the registration and 'tracking' of serial perpetrators of violence against women and girls, in a similar manner to the registration of those convicted of sexual offences. This is something that legislators in Northern Ireland should monitor closely with a view to introducing similar legislation should the recommendation be accepted.

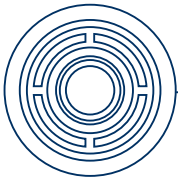
3.19 Generally domestic violence and abuse was taken seriously in police Districts but the priority afforded to it differed across Districts. One interviewee stated that sometimes it featured in the meetings of Tasking and Co-ordination Groups at District level but was not a priority as

domestic violence and abuse wasn't a target on the Northern Ireland Policing Plan. In other areas the District Policing Partnership's interest had sparked more of a focus; for example, one partnership had organised a second themed meeting on domestic violence in three years. PSNI statistics indicated although the numbers of offences recorded varied across the eight Districts, with a maximum of 1,610 and a minimum of 806 offences recorded in 2009-10, detection rates were broadly similar with a maximum of 46.3% and a minimum of 39.5%.

3.20 In addition domestic abuse teams had internal partnerships with other areas of the PPU. The quality of communications varied depending on the location of the teams and the emphasis placed on information sharing by managers. For example, in some Districts regular meetings were held between the Child Abuse Investigation Unit Sergeant and the Sergeant in charge of domestic abuse, offender management and missing persons.

### **Crime recording, file preparation and file transfer**

3.21 Variations existed in recording incidents, flagging calls as domestic incidents and how controllers registered the call at its beginning and end for example, whether it was recorded as criminal damage or assault. Some Districts still used paper records or spreadsheets with access for call management, whilst others had been moved onto NICHE RMS. Occurrence and Case Management Teams would normally



standardise the recording of calls when they logged occurrence monitoring forms. It was planned that the assessments from the DASH forms as high, medium or standard risk would be put on the Command and Control system.

3.22 Prosecutors commented that background histories to the case were often attached to the file when it came from a Domestic Abuse Officer but not as frequently from response officers, although they stated that this situation was improving. Prosecutors sent a 'Request for Further Information' when necessary to gain further information and were also able to search on the PPS Case Management System for previous cases relating to the victim or perpetrator. Public Protection staff explained that domestic violence and abuse cases were marked in red on the file to ensure it was identifiable.

## CHAPTER 4:

# Review, decision-making and case building



### Strategy and policy

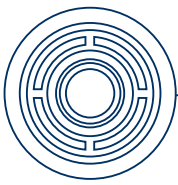
- 4.1 Responsibility for policy and procedure in relation to domestic violence and abuse lay in Policy Section in the PPS with a Senior Public Prosecutor appointed as the lead in this area. This prosecutor provided representation on the *Tackling Violence at Home* Regional Steering Group and the relevant sub-groups arising from the Strategy Group. The Policy for Prosecuting Cases of Domestic Violence which was in place had been issued in March 2006 and had been developed internally by the PPS in addition to referencing the Crown Prosecution Service's Domestic Violence Policy and input from a local academic. The policy in relation to 'Victims and Witnesses' made references to domestic violence, for example cross-referencing to the policy and training provided for prosecutors.

### Prosecutor training

- 4.2 All PPS prosecutors had been provided with a half-day seminar following the introduction of the policy which included input from Women's Aid and case studies to work through. More recently this type of training was delivered in the

PPS regions to smaller induction groups but still with Women's Aid input. The PPS had also engaged the services of a psychotherapist, recognised as having specialist knowledge/expertise with regard to human behaviour when faced with real or perceived threat, who had delivered an input as to how victims may react in an unpredictable way. Counsel who had been appointed to the PPS Panel (Counsel who would be used to prosecute cases for the PPS) were also invited to attend this event.

- 4.3 In addition, all prosecutors had received training regarding special measures and hearsay applications and information relevant to domestic violence and abuse was contained on the PPS intranet. Protecting victims and witnesses including objecting to derogatory remarks made by the defence was covered in the court advocacy training delivered to all prosecutors and some prosecutors were in the process of attending advanced advocacy training at the time of the inspection. Inspectors were also advised that prosecutors would regularly consult and use the experience of others through internal email, including seeking advice from the Senior Public Prosecutor in Policy



Section. Some PPS representatives had received training from the PSNI and Women's Aid regarding MARAC processes and procedures and plans were in place to train prosecutors in due course.


- 4.4 Domestic violence specialists had been appointed shortly before the inspection fieldwork and the role was in its early stages. In some regions prosecutors had been asked to express an interest in the role and in others the Regional Prosecutor had approached those known to have an interest in this area of work. At the time of the inspection, these prosecutors had not received further specialist training but consideration was being given to what their training needs might be in the future. It was intended that these prosecutors would be a source of advice and guidance rather than being solely responsible for prosecuting domestic violence cases as the number of cases would make this impossible and could de-skill other prosecutors. For example, it was anticipated that these prosecutors would provide advice in relation to policy updates and training, develop local links with stakeholders regarding domestic violence and abuse and provide advice on difficult cases. These prosecutors and representatives from Community Liaison Teams subsequently received training from Women's Aid and consideration was being given as to how specific issues relating to male victims of domestic violence and older persons suffering domestic violence could be highlighted through training. During the course of the fieldwork

Inspectors met with prosecutors who showed a genuine and passionate interest in the area of domestic violence and who had taken action to develop their knowledge and skills to assist them in their work.

### Case review and decision-making

- 4.5 The allocation of cases was undertaken in two ways; more serious cases were available as hard copy files and allocated by the Regional Prosecutor whilst less serious cases were available as electronic files on the case management system and self-selected by prosecutors via the unallocated work queue. The flagging of cases as domestic incidents determined by the PSNI did transfer to the PPS files however, the PPS prosecutors were required to flag cases as being domestic violence on their own case management system to maximise the accuracy of the information.
- 4.6 The directing officers reviewed the cases in accordance with the Code for Prosecutors to determine whether the case met the Test for Prosecution. The Code states that: *"The Test for Prosecution is met if:*
- the evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction - the Evidential Test;*
  - prosecution is required in the public interest - the Public Interest Test.*
- Each aspect of the test must be separately considered and passed before a decision to prosecute can be taken. The Evidential Test must be passed before the Public Interest Test is considered."*



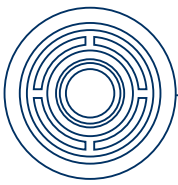


The PPS Policy for Prosecuting Cases of Domestic Violence stated that where a victim does not wish the police to proceed with the case and does not wish to give evidence *“This does not mean that the case will automatically be stopped. As a general rule, we will prosecute cases where there is sufficient evidence and there are no factors preventing us from doing so.”* Prosecutors confirmed that the culture had changed from one where the process would end if a withdrawal statement was received to one where witness evidence, other corroboration or an admission could be used to proceed with the case. An example was given of a case which had proceeded to trial on the basis of the perpetrator’s admission in interview and the 999 call received from the victim.

4.7 A PPS Thematic Review of the implementation of the PPS Policy for Prosecuting Cases of Domestic Violence reviewed 86 files of domestic violence and abuse and found that in 48 files (56%), the victim withdrew support for the prosecution of which about half withdrew prior to the prosecution decision being made. In addition there were two cases where no indication, was given that the victim had withdrawn support for the prosecution, but then the victim subsequently failed to attend court on the date of the contested hearing resulting in the case being dismissed. This emphasises the need for police and prosecutors to continue for look for evidence, other than the victim’s statement, which may enable the Evidential Test to be met. PSNI

representatives stated that the PPS was open to having discussions around the reasons for directions of no prosecution and that police availed of this opportunity when they felt appropriate. Prosecutors stated that bad character and hearsay applications were always considered in domestic violence cases.

4.8 Table 2 shows the decisions made by the PPS in respect of cases with a motivation or link to domestic violence. As can be seen just over half the cases were directed for no prosecution (52.9%) and of those directed for prosecution, the majority were for summary prosecution (38.7%). Inspectors cannot comment on the validity of no prosecution decisions as a case file review was not undertaken by CJI for this inspection. There are many reasons, such as those outlined above, as to why over half the cases are directed for no prosecution and the high level of withdrawals by victims is a significant factor, without whose evidence in many cases the Evidential Test may not be met. It is good practice, however, for prosecutors and police to work together to identify any improvements that can be made in this area and therefore Inspectors recommend that **the PPS should continue to review domestic violence and abuse files where a no prosecution decision has been taken to ascertain whether actions could be taken, where appropriate in conjunction with the PSNI, to improve the likelihood of the Test for Prosecution being met.**



**Table 2: Domestic Violence: PPS Prosecutorial Decisions Issued between 1 April 2008 and 31 March 2009**

Indictable Prosecution	Summary Prosecution	Caution	Informed Warning	Youth Conference	No Prosecution	Total
77	1,589	200	41	24	2,173	4,104
1.9%	38.7%	4.9%	1.0%	0.6%	52.9%	-

Note: Includes only those cases considered by a Prosecutor to have been motivated by/linked to domestic violence.

4.9 One of the challenges facing a prosecutor who was directing on a case was the assessment of risk to the victim and consideration of the consequences of not prosecuting. Prosecutors stated that sometimes police officers were reluctant to provide an objective assessment of risk and make a recommendation regarding prosecution. Therefore on occasions when they did make a recommendation this tended to err on the side of caution and recommend prosecution. Prosecutors commented that the DASH risk assessment checklists had been provided for use in bail hearings but not as yet to support a prosecution case.

4.10 The Northern Ireland Policing Board's Thematic Inquiry recommended that "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." It is understood that this Memorandum has been drafted and

was being finalised at the time of writing. CJI looks forward to the outcomes of this development which should help to improve domestic abuse case files prepared by the PSNI and develop better understanding between the two organisations.

#### 'Victimless' prosecution

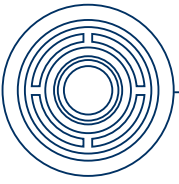
4.11 The issue of dealing with victim withdrawals was a challenge for the PPS, particularly in the area of so-called 'victimless' prosecution. The PPS Policy for Prosecuting Cases of Domestic Violence stated that "Sometimes a victim will ask the police not to proceed any further with the case and say that they no longer wish to give evidence. This does not mean that the case will automatically be stopped. As a general rule, we will prosecute cases where there is sufficient evidence and there are no factors preventing us from doing so." The policy also stated "If the victim confirms that the complaint is true but still wants to withdraw, we will consider first whether it is possible to continue without the victim's evidence (the Evidential Test) and then, if it is possible, whether we should continue with the case against the victim's wishes (the Public Interest Test)."



4.12 PPS prosecutors confirmed that decisions were made in line with the Test for Prosecution as outlined in the Code for Prosecutors and the PPS Policy on Prosecuting Cases of Domestic Violence which included considerations such as the seriousness of the offence, whether there had been a history of domestic violence and the likely re-occurrence of domestic violence. As outlined previously this could be difficult without an objective risk assessment from police. As highlighted earlier however, Inspectors were unable to provide an objective assessment of this decision-making as a case file review was not undertaken during this inspection. Inspectors recommend that **the PSNI and the PPS should reach agreement about the inclusion of assessments by investigating officers of the reasons for withdrawal statements being made, and views about whether and, if appropriate, how the case should proceed to prosecution without the consent of the victim/witness.**

be taken in cases where there is evidence, other than that of the victim, which allows the Evidential Test to be met.

4.13 Prosecutors were aware that taking a prosecution without the support of the victim required careful consideration and management of the case. Some prosecutors felt that it was beneficial in certain cases and could empower a victim. However, they appreciated the difficulties for the victim in attending court in terms of cost (for example of taking time off work and/or care for children etc.), time spent in court and the chances of re-victimisation or assault by the perpetrator. Clearly however, a victimless prosecution can only



## CHAPTER 5:

# The trial

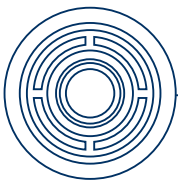


### The prosecution process

- 5.1 The majority of cases involving domestic violence were less serious summary cases and therefore heard in the Magistrates' Court and prosecuted by Public Prosecutors from the PPS. More serious indictable offences were heard in the Crown Court and prosecuted by independent Counsel, instructed by the PPS to prosecute on their behalf, but these were less common. In 2008-09 of the 1,614 defendants tried in a case considered by the PPS to have a domestic violence motivation or link 1,544 (95.7%) were tried in the Magistrates' Court with only 70 (4.3%) tried in the Crown Court in the same period. The venue for hearing the case depends on the seriousness of the offence and these figures reflect that.
- 5.2 A number of interviewees from both within and outside of the justice system raised concerns with the performance of prosecutors in the Magistrates' Court. Examples provided were of prosecutors not appearing to be sufficiently familiar with the file or prepared for court prior to contest (for example, asking for information already provided in

the file, lack of knowledge about the status of the defendant, apparently not having consulted with the victim) or being sufficiently robust in dealing with the defence (for example, not objecting to bail). Some interviewees did comment that prosecutors appeared to be performing at a higher level in some regions than others.

- 5.3 Problems in relation to case readiness at the Magistrates' Court were confirmed in court observations of casework by CJI Inspectors undertaken as part of the fieldwork for the CJI inspection of Avoidable Delay which was being conducted at the same time as this inspection. It should be noted however that issues in relation to case readiness are manifestations of a number of issues within the criminal justice system, not all of which are within the control of the PPS. For example, the quality of files prepared by the PSNI, the timeliness of responses to requests for further information by the PSNI, the timeliness of provision of forensic and medical reports and provision of contact information for victims and witnesses by the PSNI to the PPS can all impact on the ability of the PPS to appropriately prepare for court hearings. The impact of these issues



on delay has been covered more extensively in the recent CJI inspection of Avoidable Delay<sup>16</sup>.

5.4 The baseline inspection of the PPS undertaken by CJI and Her Majesty's Crown Prosecution Inspectorate in 2007<sup>17</sup> previously identified some issues with the quality of casework in the Magistrates' Courts. This inspection highlighted issues with the high levels of adjournments resulting in replication of effort, issues with obtaining witness availability and the requirement on advocates to prepare for cases at short notice therefore reducing time for consultation with victims. The baseline inspection highlighted this area as an 'issue to address' and the PPS was deemed to have made 'substantial progress' against this issue in the 2009 follow-up<sup>18</sup>. This found that the PPS had implemented the monitoring of Public Prosecutors by Senior Public Prosecutors in the Magistrates' Courts and that the performance of PPS staff in court was improving. It also found that prosecutors had more of a presence in court, and were more actively involved in case progression although "*they could still be more proactive in challenging defence applications to adjourn*". In addition, since 2007 prosecutors have undergone focused advocacy training with a number attending an Advanced Advocacy Course. The views expressed by some of the stakeholders for the current inspection would appear to indicate that whilst substantial improvements

have been made, this is still an issue that PPS management need to continue to focus on. Inspectors therefore highlight this as an issue to address and recommend **the PPS Management Board should continue to ensure that:**


- **there is regular and effective monitoring of the performance of prosecution advocates in the Magistrates' Courts; and**
- **prompt feedback is given to the prosecutor and any training needs addressed.**

5.5 Prosecutors admitted that, in cases prosecuted in the Magistrates' Courts, they generally didn't get a chance to speak to victims prior to the day of contest, except in cases where the police had flagged a specific need for a particular victim. Prosecutors stated however that they scheduled an opportunity to speak to the victim at court prior to contest (for example, in the morning prior to the court commencing), in some cases by making representations to the District Judge to do so. District Judges commented that the level of preparation of prosecutors for domestic violence and abuse cases was not dissimilar to other types of case in the Magistrates' Court with prosecutors too busy to speak to victims in advance of the day of contest. Whilst lack of information about the court process is often a cause for concern for victims of all types of crime, it is particularly an issue in these types of cases where

16 CJI, *Avoidable Delay*, June 2010.

17 CJI & HMCPSI, *An inspection of the Public Prosecution Service for Northern Ireland*, August 2007.

18 CJI & HMCPSI, *The Public Prosecution Service for Northern Ireland - A follow-up inspection of the 2007 baseline inspection report recommendations*, June 2009.



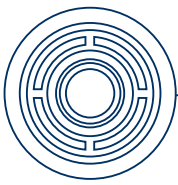
withdrawal of support is so common. Whilst meeting with victims on the morning of the trial may provide an opportunity for the prosecutor to introduce themselves and check any outstanding issues prior to contest, this may not necessarily address all the victims' anxieties around the prosecution process. This could also have provided them with reassurance in addition to the contact they would have with Community Liaison Teams, Victim Support or Women's Aid. We would suggest that the PPS continue to look at ways at which they can continue to develop the support provided to victims, particularly around this issue.

5.6 The PPS sought to confirm the attendance of all victims and witnesses at court prior to the date of trial by way of letter. Along with the 'requirement to attend court' notification, the victim was sent a form to be completed as to whether they do or do not intend to appear. Should the PPS receive a form indicating that the victim does not intend to appear, then they would be able to take appropriate action for the case (for example, summons the victim, proceed on the basis of other evidence). Where the victim does not return the form or where they indicate their intent to appear but then do not do so on the day, the prosecutor had to make a decision as to the next course of action in court. The PPS did not, as a matter of course, follow-up outstanding forms confirming attendance for any type of case. Inspectors were advised by

some interviewees that it appeared as if, on occasions, prosecutors had not considered an alternative course of action should the victim not appear which subsequently led to a further adjournment whilst they decided on the next course of action such as whether to summons the victim. The PPS Policy on Prosecuting Cases of Domestic Violence does state that in deciding what action to take when a victim withdraws "*this may involve delaying the court proceedings to investigate the facts and decide the best course of action*" and therefore this is the appropriate outcome in accordance with the policy however, it is clearly advantageous to have begun such considerations at the earliest possible stage.

5.7 In addition, failure to ensure the victim is attending court could lead to a situation where the District Judge, defence, prosecutor and police are all in attendance in the court and the victim does not appear; thus leading to wasted time and resources<sup>19</sup>. The Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate *Tackling Violence at Home* report on investigation and prosecution of domestic violence and abuses cases in England and Wales reported that "*Generally, specialist or experienced prosecutors were not used for domestic violence trials, nor were they considered necessary in the cases where a witness summons was used. In two of the cluster courts visited, the Crown Prosecution Service used specialist lawyers. They were significantly better*

19 The impact of court processes on delay has been inspected further in the CJJ inspection of avoidable delay as outlined previously.



*prepared and more professional than the norm.” This should be something that the PPS should consider in their decision-making around the role of domestic violence and abuse specialists.*

- 5.8 Whilst confirmation prior to the court date by the victim of their attendance will not necessarily guarantee they will not change their mind, it should give the victim further support, encouragement and confidence to attend the trial and provide reassurances for the prosecutor. It also provides the prosecutor with an opportunity to consider alternative courses of action should the victim announce their intention to withdraw support for the prosecution at that stage, albeit that this may still result in an adjournment. **The PPS should develop and, where possible, implement additional methods of seeking confirmation of the attendance at court of all victims of domestic violence and abuse prior to the trial date and ensure consideration is given as to potential alternative courses of action where it is believed the victim may not attend.**
- 5.9 The use of specialist courts for domestic violence has become more widespread in England and Wales with support from the Home Office. The Specialist Domestic Violence Court (SDVC) Programme commenced in April 2006 identifying the first 23 individual such court

systems. A National Resource Manual outlining the recommended core components of a SDVC was published in March 2006 to aid consistency of service delivery and a further 39 Courts were selected in April 2007, bringing the total number to 64. In April 2008 a further 34 SDVC systems were selected, bringing the total number of court systems accredited by the national programme to 98 (of 356 Magistrates’ Courts in England and Wales). SDVCs represent a partnership approach to domestic violence by the police, prosecutors, court staff, the probation service and specialist support services for victims. These court systems provide a specialised way of dealing with domestic violence cases in Magistrates’ Courts. They refer to the approach of a whole system, rather than simply a court building or jurisdiction. Agencies work together to identify, track and risk assess domestic violence cases, support victims of domestic violence and share information better so that more offenders are brought to justice.

- 5.10 As part of this inspection, interviews were undertaken with criminal justice representatives and a stakeholder organisation who were members of the SDVC steering group in Leeds where a specialist court had been in place since 1999<sup>20</sup>. At the time of the inspection the SDVCs were held in Leeds on a Monday with two courts in the morning and three in an afternoon. These courts only dealt

20 Leeds is the largest city and metropolitan borough in West Yorkshire with an estimated population in 2008 of 770,800. For each police force Her Majesty’s Inspectorate of Constabulary has determined a set of ‘most similar forces’, which have similar social and geographic characteristics to the force in question. The PSNI’s most similar forces includes West Yorkshire. In 2008 there were 9326 domestic violence incidents in Leeds city.



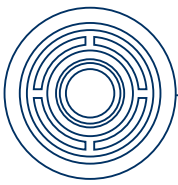


with pre-trial hearings as there were too many trials to schedule them into the SDVC and therefore cases were 'clustered' into the specialist court. Police officers could charge perpetrators and bail them straight to the court although perpetrators who were remanded in custody had to be bailed to the next available court, which may not be a Monday SDVC. These perpetrators would then be identified for their next hearing and listed for the specialist court. When setting the next pre-trial date (for example, for adjourned cases, requests for bail variations etc) magistrates were able to list the case to the next specialist court.

- 5.11 In a practical sense the setting up of a SDVC in Leeds had not required a significant amount of resources; the cases were still heard in the same manner but they were being clustered together on a Monday rather than spread throughout the week. A Domestic Violence Co-ordinator from the Police was required to attend the court every Monday and this responsibility was spread between the three police Divisions on a rotational basis. The Crown Prosecution Service had trained all their prosecutors in domestic violence and initially dedicated domestic violence prosecutors attended the specialist court although resources had restricted that more recently. A specialist bench of Magistrates had not been set up however all Magistrates had received domestic violence training and by virtue of the fact that these courts were always held in the same courts on the same day, in front of Magistrates who had a

particular interest in this area, a degree of 'specialism' had been developed.

- 5.12 The 2004 inspection by Her Majesty's Inspectorate of Constabulary and Her Majesty's Crown Prosecution Service Inspectorate '*Violence at Home*' reviewed the role of SDVCs in the areas they inspected. They found that advantages cited by court users were: a specialist court focused on domestic violence as an issue instead of those cases being diluted throughout the system; cases treated seriously with commensurate sentences; and the specialist court used as a model for training Magistrates and other agencies. They also stated that in one Prosecution Service Area it appeared that the specialist court was having a positive impact on outcomes of domestic violence cases. However, the report suggested that more information was needed for a full assessment of the advantages of these courts. A review of SDVCs titled '*Justice with Safety*' was published in March 2008 which considered data and information from the 23 specialist courts operating in 2007-08. This found that 10 of the 23 SDVC systems achieved over 70% successful prosecutions which was generally better than the non-specialist courts within their wider Crown Prosecution Service areas. These courts also had the least cases discontinued and were among the least with no evidence being offered at trial. Anecdotal evidence from interviewees in Leeds suggests that the SDVC has led to fewer hearings required although not necessarily less time for the case to come to trial; due to the length of time required to



set a trial date. In view of the benefits outlined above and the greater ability of the specialist courts to provide a victim focussed service in domestic violence cases, Inspectors recommend that **the Protection and Justice sub-group of the Tackling Violence at Home Regional Steering Group should evaluate the feasibility of developing a Specialist Domestic Violence Court in Northern Ireland for inclusion, if appropriate, in the forthcoming Action Plan.**

5.13 Adjournments, particularly requests by the defence, were considered to be an issue by several interviewees spoken to. Although adjournments are a concern in all types of cases in the Northern Ireland criminal justice system, they can be particularly concerning in domestic violence and abuse cases as the longer the delay the more likely the victim is to withdraw support for the prosecution. This can be either because the victim wants to get on with their life and recover from the abuse or because of reconciliation with the perpetrator. The CJI inspection of Avoidable Delay made recommendations to the PSNI, the PPS and the NICTS as to how improvements can be made in this area. In the Women's Centres Regional Partnership study, 32% of the 68 women profiled who had engaged with the legal system had experienced court procedures which were *'out of step with their recovery process from the trauma of violence'* because they were delayed and of lengthy duration due to adjournments.

5.14 Several interviewees also commented that there was a lack of support given to victims when they were providing evidence and that prosecutors did not object sufficiently in order to avoid inappropriate questioning. This can be a traumatic experience for victims, particularly when they have been subjected to threats or intimidating behaviour from the perpetrator and have to come face-to-face with them and their supporters in the court room. However, in some circumstances this may be due to the limited understanding of the victim about the court process. For example, although the victim may consider that they should be protected from certain questions, the court may conclude that cross-examination is permissible in pursuance of the defendant's right to a fair trial.

### Conviction or acquittal

5.15 Table 3 shows the outcomes for the Magistrates' Court and Table 4 outcomes for the Crown Court for defendants in domestic violence cases in Northern Ireland. Figures from the Crown Prosecution Service in England and Wales show that the conviction rates for domestic violence cases was 72.2% for 2008-09. The corresponding overall figure for the PPS was 61.3% (including conviction of a lesser offence or a mixed outcome where the defendant was convicted of at least one offence). The Crown Prosecution Service figures for England and Wales show that guilty pleas accounted for 65% of all domestic violence cases whereas the PPS figures indicate 43% of defendants pleaded guilty (for both

types of court combined). Taking account of the relatively low rate of guilty pleas in Northern Ireland, a conviction rate of 62% for 2008-09 would suggest that the PPS has been relatively successful in achieving convictions in contested cases. For the most serious domestic violence cases which are tried in the Crown Court, the PPS has been even more successful with a conviction rate of 83% for 2008-09. It should also be noted that there are still a relatively high number of victims who wish to withdraw even once the decision to prosecute has been made and the case has proceeded to court, either by making a withdrawal statement or

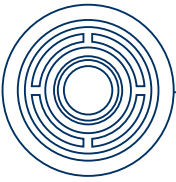
failing to attend court, which inevitably will impact on conviction rates (for example, if the PPS has to offer no evidence). The PPS Thematic Review found that of the 50 cases where the victim withdrew support for the prosecution, half of these withdrew support after a decision to prosecute was made. This includes two cases in which the victim did not indicate that they wished to withdraw, that is, no statement was made and they did not advise that they would not attend court, but then they failed to attend court when the cases were listed for contest resulting in the cases being dismissed.

**Table 3: Domestic Violence: Magistrates' Court outcomes between 1 April 2008 and 31 March 2009**

Acquitted	Convicted	Mixed outcome	Withdrawn	Elect for Crown Court Trial	Other	Total
104	727	205	448	3	57	1544
6.7%	47.1%	13.3%	29.0%	0.2%	3.7%	-

**Table 4: Domestic Violence: Crown Court outcomes between 1 April 2008 and 31 March 2009**

Acquitted	Convicted	Mixed outcome	Crown offers no evidence	Marked not to be proceeded with	Total
6	38	20	5	1	70
8.6%	54.39%	28.6%	7.1%	1.4%	-



## Preparations for sentencing

5.16 Inspectors previously heard positive comments about pre-sentence reports by the Probation Board for Northern Ireland in the inspection of Sexual Violence and Abuse<sup>21</sup>. Similar positive comments were received about pre-sentence reports from District Judges in this inspection in relation to the provision by probation.

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21 CJI *The Handling of sexual violence and abuse by the criminal justice system in Northern Ireland*, July 2010.

## CHAPTER 6:

# Victim support and care

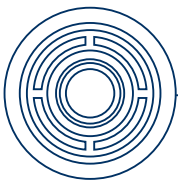


### Victim support

6.1 Victims' views varied as to the quality and level of support they had received from the criminal justice agencies with differing views depending on organisation, area of the country, team or individual member of staff dealt with. All victims spoken to praised the support they had received from victim support groups such as Women's Aid. Inspectors were impressed by the commitment shown by victims' supporters to help victims to cope with physical, emotional and psychological pain in difficult circumstances. The PSNI and the PPS were supportive of these victims' organisations and examples were found of partnership working between them (for example, in providing training, working groups etc) and in a practical sense such as police officers taking victims direct to Women's Aid refuges in the local area. 'One-stop' surgeries had also been held in some areas where victims could speak to Domestic Abuse Officers, Women's Aid, a legal professional and a representative from housing all under the same roof. In addition, the Housing Executive and the PSNI had worked in partnership to provide a 'sanctuary room' in two

Housing Executive properties where the victim had suffered exceptional levels of domestic violence and were considered at very high-risk; these provided a safe room where the victim could escape from the perpetrator and contact the police.

6.2 In England and Wales the role of the independent advisor for victims of domestic violence and abuse is central to the MARAC process which is described earlier in this report. The Independent Domestic Violence Advisor (IDVA) role is designed to be a bridge between the victim and the MARAC meeting. They explain the process, attend the MARAC to represent the views of the victim and provide updates on the agreed actions. They are also pro-active in implementing immediate safety plans as well as longer-term solutions. These plans include actions from the MARAC as well as sanctions and remedies available through the criminal and civil courts, housing options and services available through other organisations. The IDVA is therefore invaluable in supporting the victim through the criminal process. The Northern Ireland model for MARACs, to date, had not included the use of independent advisors and no such service was included in the



MARAC pilot. The organisation Co-ordinated Action Against Domestic Abuse (CAADA) points to early analysis which shows that following intervention by a MARAC and an IDVA service, at least 60% of domestic abuse victims will be made safer. The lack of an appropriately resourced independent advisory service in Northern Ireland is also likely to affect the results of quality assurance and accreditation by CAADA. At the time of the inspection, consideration was being given to developing an IDVA service in Northern Ireland but on a part-time basis. Some interviewees had concerns that this would be insufficient to meet the demands of the MARAC and that victims would suffer. The CJI Inspection of Sexual Violence and Abuse did not make recommendations around the introduction of Independent Sexual Violence Advisors as it was felt there was a need to concentrate on the plans for an IDVA service in the first instance. It is recommended that **plans for a properly resourced Independent Domestic Violence Advisor service to provide advocacy and support for all victims of domestic violence and abuse should be developed by the Department of Justice as a matter of urgency to complement the roll-out of the Multi-Agency Risk Assessment Conference process.**


### **Engagement with the criminal justice system and support for investigation and prosecution**

6.3 In the Women's Centre's Regional Partnership study of the 113 women

profiled who were working with domestic violence services, 68 (60%) had engaged with the legal system. As these women had chosen to engage with domestic violence services (for example, Women's Aid, Women's Centres, PSNI or Social Services) it would therefore be anticipated that the proportion of women in the population suffering domestic violence who had not engaged with such services who engaged with the legal system would be much lower.

6.4 The findings indicated that for 47% of these women, a breach of a non-molestation order had not been taken seriously (although the study did not indicate specifically by which organisation or give details as to how this manifested itself) and for 21%, the cost of a non-molestation order was unaffordable, which provides greater support for the use of some form of 'Go' Order as recommended earlier. A total of 34% of these women had faced practical difficulties in participating with the requirements of the legal system for example, availability of childcare, short notice to attend court etc and 19% did not receive adequate information on progress or explanation on the process of criminal proceedings from the PPS.

6.5 As outlined earlier in this report the victim's withdrawal of support for the investigation or prosecution of the perpetrator was a challenging issue for police and prosecutors to deal with. Victims' supporters explained the complex emotional, psychological, social and cultural reasons why victims may state that

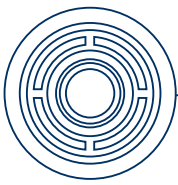


they do not wish to make a complaint when police attend an incident or, why they may initially support an investigation and prosecution but, at a later date, withdraw this support. Interviewees from the criminal justice system were also cognisant of these issues and understanding about the reasons why victims may not be willing to engage with the criminal process. Nevertheless, police and prosecutors had a duty to deal with criminal offences committed and had to make judgements around risk and public interest, as outlined earlier. Victims' groups were, in the main, supportive of prosecutions taken without the support of the victim against perpetrators who were repeat offenders or who presented an ongoing risk of harm to the victim. These decisions however could obviously only be taken in cases where the Test for Prosecution was met. Some also did not feel it would deter a victim from reporting an incident to police again although all interviewees commented that any such case would require careful handling. A recent media campaign about domestic violence and abuse had raised expectations that prosecutions could be taken without the victim needing to give evidence. It is important that the potential for this is fully utilised, providing that the Evidential Test is met by the other forms of evidence available.

## Reporting and initial response

6.6 In general Inspectors heard from victims and their supporters that the police response to domestic violence

and abuse had improved in recent years with a move away from attitudes of 'just another domestic'. However victims described inconsistent experiences from officers in different stations; some victims had been treated in an extremely sensitive, patient and effective manner by officers whereas others were described as being less interested, inclined to believe the word of the perpetrator rather than the victim and in the most extreme cases rude and aggressive. In one of the cases where the police did not assist the victim she described how hysterical she was at the time and therefore was unable to explain the situation coherently to officers. Inspectors heard how plausible perpetrators of domestic abuse could be in order to convince the police that no action was required. The issue of plausible perpetrators is a topic that could be beneficial to include in training provided to response officers on domestic violence and abuse. Victims also described how they were unable to comprehend and assimilate information given to them by the police in these types of situations. These types of experiences from victims emphasise the need for consistency of approach across all PSNI Districts in order that victims are treated in the same sensitive, professional, effective manner regardless of location. It also reinforces the need for follow-up, ideally by a Domestic Abuse Officer, in cases where victims are traumatised and feel vulnerable. The roll-out of the DASH Risk Identification Checklist should assist in identifying these victims.



6.7 Police attendance to deal with breaches of non-molestation orders was also variable with Inspectors told of some areas where they were 'vigorously' policed whereas in others, breaches did not always lead to an arrest. In some instances, this may be because officers are attempting to 'second guess' what action, or not, the local District Judge would take in relation to the breach, depending on its seriousness. In addition, one victim's organisation explained that some victims were reluctant to follow through with a prosecution in cases where the perpetrator was repeatedly breaching the order because of the time taken to complete a statement on each occasion. At the time of the inspection, PSNI officers had responsibility for serving non-molestation orders on perpetrators. Inspectors were told this could, on occasion, be a protracted process if the perpetrator was difficult to locate and officers had other police business to attend to. Inspectors were also told that police officers were aware of their responsibilities when children were present in the home and the needs of the child.

### **Investigation, case building and review**


6.8 Victims and their supporters were generally positive regarding the work undertaken by PSNI Domestic Abuse Officers and found them to be sensitive and efficient. It was recognised that these officers had a higher level of training and were knowledgeable about domestic violence and abuse. It was also recognised that Domestic Abuse Officers attended more serious

offences and follow-up victims, although concerns were raised by one victim's group that this could be delayed in some cases due to shift patterns. In common with previous inspections (see for example CJI's inspection of Sexual Violence and Abuse) victims were often not updated as to the progress of the case by the investigating officer. This caused particular anxiety when victims were not aware whether the perpetrator was released from custody or what bail conditions were imposed on them.

### **Prosecution and trial**

6.9 In common with comments about communication from PSNI officers, Inspectors were told that victims could also experience a lack of update regarding the progress of the case from the PPS. This was a particular issue in terms of court dates for adjournments, remands and bail applications. This led to feelings of apprehension if the victim heard second-hand that the perpetrator had been to court but did not know the outcome. This was also an issue when a case got to trial as outlined in Chapter 5. Community Liaison Teams were in place in each PPS Region which were designed to provide proactive information to victims at key milestones in the prosecution process and also provide an information line to assist with any queries a victim (or witness) may have. Inspectors did not hear any specific comments from victims or their advocates around Community Liaison Teams but it may be that these will have a longer-term impact.



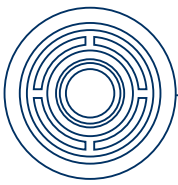


6.10 Inspectors also heard that attendance at court could be a very traumatic experience for victims. The PPS also offered referrals to the Witness Service run by Victim Support Northern Ireland or the Young Witness Service run by the NSPCC where the victim or witness consents. Referrals were made to ensure that support pre-trial, during trial and following trial could be delivered effectively and a protocol had been entered into between the PPS, Victim Support Northern Ireland and the NSPCC to reflect the arrangements. Whilst Women's Aid and/or Victim Support Northern Ireland were generally in attendance to support the victim, interviewees described how intimidated they felt when at court due to being approached by the perpetrator; the courtroom being full of the perpetrator's supporters; having to give evidence; and being cross-examined by the defence.

6.11 The grounds on which a prosecutor can apply to the court for special measures are set out within the Criminal Evidence (Northern Ireland) Order 1999 and were introduced to Northern Ireland during 2003-04. The measures aim to assist vulnerable or intimidated witnesses to give their best evidence in criminal proceedings. The measure can include screening the witness from the accused; evidence by live link; video-recorded evidence in chief and evidence to be given in private. Several stakeholders and representatives of the criminal justice system stated that special measures were not used as widely as they could be or to their full potential. Most victims spoken to stated that

neither the PSNI nor the PPS had told them about special measures and one interviewee commented that the PPS had told her they were only for exceptional cases. This explanation is likely to relate to the fact that applications for special measures are not granted as of right. They are applied for following careful consideration of the legislative criteria as to the eligibility of each witness and the suitability of each measure.

6.12 Prosecutors commented that it could be hard to get special measures applications granted in domestic violence and abuse cases as it could be hard to prove that the victim was in fear and would have difficulty testifying (as required under the legislation) if the perpetrator was in custody. It could also be a lengthy, difficult process to get supporting evidence from medical practitioners. Whilst special measures may not always be necessary in the case, it is important that they are considered by both the PSNI and the PPS at an early opportunity in order to offer support to the victim and make early preparations. Prosecutors are initially reliant on the police to provide information advising whether a witness may require special measures. Police officers should assess when initially attending with a witness whether the individual has a need for special measures but if they are in doubt, they can seek prosecutorial advice. It is also incumbent on the PSNI and the PPS to explain the process for applying for special measures to the victim at an early stage and, if a special measures application is not granted, to provide




an explanation as to why this is the case. In addition, when prosecutors receive information that a victim wishes to withdraw support for a prosecution, they are required to request police to take a full withdrawal statement. Prosecutors will request that police discuss the availability of special measures with the victim at this stage and include in the withdrawal statement the victim's view in relation to whether special measures would assist them in giving evidence.

- 6.13 The NICTS staff had received domestic violence training as part of the customer service section of their induction training. This training incorporated inputs from Victim Support Northern Ireland and Women's Aid and received positive feedback from attendees. The NICTS did not receive notification via Causeway to enable them to identify domestic violence cases (that is cases which were categorised as assault, grievous bodily harm etc but did not reflect those with a domestic motivation as determined by the PPS) which would be required with any move to a specialist domestic violence court. Victims of domestic violence in general did not receive differential treatment from any other vulnerable victim from the NICTS although some courts had use of a room for Women's Aid. Difficulties arose with the likelihood of victims seeing the perpetrator due to witness rooms being close to public areas and the lack of separate entrance and exit facilities in most courthouses for victims. Court familiarisations were undertaken by Women's Aid or Victim Support Northern Ireland staff.

- 6.14 Delay, as outlined above, was also raised as an issue in common with most types of case in the Northern Ireland criminal justice system. This could cause concern for victims and could lead to a greater likelihood of withdrawal. This could occur either from those who had separated from the perpetrator and therefore wished to move forward with their life and leave domestic violence in the past or from those who had reconciled with the perpetrator and did not wish to pursue a prosecution.

### **Male victims, victims from minority ethnic groups and from the Traveller Community**

- 6.15 A total of 20% of victims of crimes with a domestic abuse motivation recorded by the PSNI in 2009-10 were male. The support services for male victims of domestic violence were more limited than those for women and there was less experience of dealing with male victims in the criminal justice system. The topic of male victims was covered in the PSNI Student Officer Training and the Men's Advisory Project had been asked to input into training for Domestic Abuse Officers. PSNI posters advertising the media campaign around domestic violence also included an image of a male who had been assaulted. Inspectors heard that male victims are reluctant to report due to the stigma associated with such incidents and the stereotyping that male victims are homosexual. In addition, some interviewees commented that where a male victim did contact the PSNI, that the perpetrator would sometimes make a counter allegation

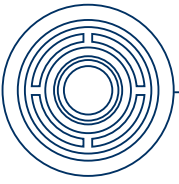


therefore hoping the police would assume that the female had been the victim. This emphasises the importance of officers making objective, professional assessments and not allowing preconceptions to affect their decision making.

- 6.16 Victims from minority ethnic groups were also described as being particularly vulnerable due to social, cultural and economic factors. In 2009 the Northern Ireland Human Rights Commission published '*No Home from Home*'; an investigation into homelessness for people with no or limited access to public funds. This included a section on domestic violence which outlined the difficulties for non-United Kingdom nationals who travel to Northern Ireland with a partner or spouse or non-EEA nationals who marry an Irish or United Kingdom citizen who subsequently suffer domestic violence and abuse. The victim is then faced with difficulties such as rights to residence in Northern Ireland and employment, access to public funds such as legal aid, social and medical care and housing and the right to custody of any children from the relationship, in addition to possible cultural barriers to seeking assistance from statutory and voluntary agencies to address the domestic violence. Victims' supporters described the additional difficulties in assisting victims from minority ethnic groups such as overcoming language barriers, lack of public funding for hostel places and the serious levels of violence experienced by some victims. The PSNI had well-established policies for accessing interpreting services and the leaflets

on domestic violence and abuse were widely translated into several languages.

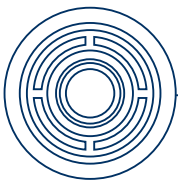
- 6.17 Domestic violence and abuse was also described as being an issue in the Traveller Community. In September 2009 the Foyle area of the NSPCC ran an event regarding the multi-agency challenges to providing support to Traveller children who have witnessed domestic violence due to the need for a particular focus on the additional challenges that arise from supporting these children. This brought together representatives from the PSNI, An Garda Síochána, Donegal Women's Domestic Violence Service, the NSPCC and Travellers' organisations to provide a focus for and gather information from key stakeholders. In addition, the NSPCC organised a similar event which looked at responding to children who experience Domestic Violence in a cross-border setting. Inspectors would commend the involvement of criminal justice organisations in events of this type.



Section



# Appendices



# Appendix 1: Inspection methodology

## Desktop research and development of inspection Terms of Reference and question areas

Research literature and guidance documentation was reviewed in relation to domestic violence and abuse. The Northern Ireland Policing Board's Thematic Inquiry on Domestic Abuse contained valuable information which provided a background to the issues. Other relevant documents included ACPO guidance on investigating domestic abuse and on identifying, assessing and managing risk in the context of policing domestic violence, Crown Prosecution Service domestic violence policy and background information on MARACs as well as the NIO/DHSSPS Strategy on *Tackling Violence at Home*, guidance documents and associated Action Plans.

## Document review

Copies of all policies, procedures and other documentation relating to domestic violence and abuse issues were requested and received from the relevant agencies in the inspection. A review was undertaken of this documentation to cross-reference information against the topic areas and later obtained during the fieldwork. This was used also to inform interview questions during the fieldwork phase.

## Fieldwork

One-to-one and focus groups interviews were conducted with a range of personnel within the relevant agencies. Interviews were also conducted with stakeholders who had an interest in domestic violence and abuse, particularly from a victim's perspective. Representatives from the following areas were interviewed during the fieldwork:

### Northern Ireland Courts and Tribunals Service:

- Business Development;
- Court Clerks; and
- Information Services.

### Public Prosecution Service for Northern Ireland:

- Public Prosecutors;
- Regional Prosecutors;
- Senior Public Prosecutors;
- Senior Public Prosecutor Policy; and
- Domestic Violence Trainers.


### Police Service of Northern Ireland:

- Call handlers;
- Detective Inspector Criminal Justice Department;
- Detective Chief Inspectors (Crime Managers) (responsible for PPU's);
- Inspectors PPU;
- Sergeants PPU;
- Constables PPU (Domestic Abuse Officers);

- Domestic Violence Trainers;
- MARAC Co-ordinator; and
- Response officers.

### Stakeholders:

- Children in Northern Ireland;
- DHSSPS Domestic Violence Unit;
- District Judges;
- Family solicitor;
- Men's Advisory Project;
- Multi-Cultural Resource Centre;
- Northern Ireland Housing Executive;
- DoJ (formerly NIO) Community Safety Unit;
- Northern Ireland Policing Board Human Rights Advisor;
- Northern Ireland Women's Aid Federation;
- NSPCC;
- Victim Support Northern Ireland;
- Victims of domestic violence and abuse with experience of the criminal justice system; and
- Women's Aid local groups.



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