



DOMESTIC VIOLENCE AND ABUSE

A follow-up review of inspection recommendations

October 2013



Criminal Justice Inspection
Northern Ireland
a better justice system for all





DOMESTIC VIOLENCE AND ABUSE

**A follow-up review of
inspection recommendations**

October 2013

**Criminal Justice Inspection
Northern Ireland**
a better justice system for all





Contents

List of abbreviations	3
Chief Inspector's Foreword	4
Follow-up review	
Chapter 1 Introduction	6
Chapter 2 Progress against recommendations	8
Chapter 3 Conclusion	19



List of abbreviations

CJI	Criminal Justice Inspection Northern Ireland
DASH	Domestic Abuse, Stalking and Harassment (Risk Assessment)
DoJ	Department of Justice
IDVA	Independent Domestic Violence Advisor
MARAC	Multi-Agency Risk Assessment Conference
NICTS	Northern Ireland Courts and Tribunals Service
PPS	Public Prosecution Service for Northern Ireland
PSNI	Police Service of Northern Ireland
SLA	Service Level Agreement



Chief Inspector's Foreword

This is a follow-up review to our 2010 inspection of how domestic violence and abuse was being dealt with by the criminal justice system. The original report made 13 recommendations designed to support existing initiatives, and to develop a more proactive response in supporting victims to follow through with complaints.

Incidents of domestic violence and abuse continue to rise as indeed do reported crimes, some of which have resulted in the death of victims. With detection rates falling, fewer perpetrators are being brought before the courts. This is happening at a time when reported crime has fallen to its lowest level for many years, and the issue is getting the focus it deserves from wider Government so that it is not simply seen as a criminal justice issue.

The report finds that the criminal justice agencies are working more effectively together and integrating the support of the voluntary and community sector organisations into supporting victims. In addition, the establishment of Victim and Witness Care Units will improve the experience of those victims who come forward.

I am concerned however, that the Police Service of Northern Ireland (PSNI) have not resolved their internal issues around the use of Domestic Abuse Officers, the role of Public Protection Units and inconsistency of approach to investigation and support for victims in making the right decisions.

We acknowledge that this is a difficult and complex problem and there are no quick fix answers. However I am convinced that with greater effort and focus from the criminal justice agencies, the unacceptable rises in this type of crime and fall in the detection of perpetrators, can be reversed.

I will return to this issue again by way of a full inspection in 2015. Also, the forthcoming inspection of *Adult Safeguarding* will also consider the issues around public protection for vulnerable adult victims, some of whom will have suffered domestic abuse.

This review was conducted by Rachel Lindsay and David MacAnulty. My sincere thanks to all who contributed.

Brendan McGuigan
Chief Inspector of Criminal Justice
in Northern Ireland

October 2013



Follow-up Review



Introduction

Background to the follow-up review

The Criminal Justice Inspection Northern Ireland (CJI) full inspection, *Domestic Violence and Abuse* was published in December 2010. The report made 13 recommendations for improvement. The intention of this piece of work was to follow-up on progress against those recommendations with the Department of Justice (DoJ), the Northern Ireland Courts and Tribunals Service (NICTS), the PSNI and the Public Prosecution Service for Northern Ireland (PPS). The fieldwork for this inspection was conducted in tandem with the follow-up review on *Sexual Violence and Abuse* published on 10 October 2013.

Changes since the 2010 inspection

Since the original inspection, there have been a number of changes within the justice system and wider Government which impact on this area. In 2012 the first *Tackling Domestic and Sexual Violence and Abuse Joint Action Plan*¹ was published to deliver on the objectives of the *Tackling Violence at Home Strategy* (published October 2005) (which focused on domestic violence and abuse) and the *Tackling Sexual Violence and Abuse Strategy* (published June 2008). This therefore aligned actions to address both domestic violence and abuse, as well as sexual violence and abuse, and recognised the close links between these two types of crime. The Joint Action Plan feeds into the 2011-15 Northern Ireland Executive Programme for Government² in relation to a key commitment to:

'Introduce a package of measures aimed at improving Safeguarding Outcomes for Children and Vulnerable Adults (Department of Health, Social Services and Public Safety).'

Priority Four (Building a Strong and Shared Community) of the Programme for Government also:

...focuses on building relationships between communities, encouraging active citizenship, reducing the incidences, and impacts, of domestic and sexual violence and abuse, elder abuse and harm directed to other vulnerable groups, wherever it occurs and whoever is responsible...'

In May 2012 the Minister of Justice announced that a pilot of a Victim and Witness Care Unit would commence in Autumn 2012. This pilot commenced in November 2012, was sited in the PPS Belfast Chambers and was a joint initiative between the PPS and the PSNI. The project was developed as a result of a number of factors,

1 See <http://www.dhsspsni.gov.uk/dom-vio-plan.pdf>.

2 See <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf>.

3 Available at <http://www.cjini.org/CJNI/files/c3/c3a0fb11-e230-4d73-97e9-002c200e277a.pdf>.

including a recommendation in CJI’s December 2011 report on *The care and treatment of victims and witnesses in the criminal justice system in Northern Ireland*.³ A subsequent CJI report on *special measures*⁴ also made recommendations relating to the need for improvements in the treatment of vulnerable and intimidated witnesses. This project will inevitably impact on victims and witnesses of domestic violence and abuse, and Inspectors would hope that it will result in an improved service, reduce avoidable delay and reduce the numbers of victims who withdraw their complaint and therefore decrease overall attrition rates.

Recorded levels of domestic violence and abuse incidents

The PSNI provide statistics on their website of domestic abuse incidents and crime.⁵ These show the highest level of domestic abuse incidents and crimes recorded since the data series was first compiled in 2004-05. The table below illustrates more current data from 2009. These figures have also been compared to the figures provided for the original inspection report in 2010 and the years in between. They show a continuing steady increase in numbers of recorded incidents and recorded crimes with a domestic abuse motivation, whilst the sanction detection rate has reduced in recent years.

	2012-13	2011-12	2010-11	2009-10
Number of recorded incidents with a domestic abuse motivation	27,190	25,196	22,685	24,482
Number of recorded domestic abuse crimes	11,160	10,387	9,546	9,903
Number of recorded homicides with a domestic abuse motivation	5 of 20 (25%)	5 of 23 (22%)	7 of 28 (25%)	8 of 22 (36%)
Sanction detection rate⁶	34.8%	41.1%	46.5%	43.3%

The follow-up review

The purpose of this review was to assess the extent to which the recommendations made in the original inspection report had been implemented. As part of the fieldwork for this review CJI conducted an examination of relevant documentation, then undertook a series of follow-up interviews and focus groups with relevant individuals.

The following chapter looks at each of the recommendations, the response by the appropriate agency/agencies and provides the Inspectors’ assessment of progress. The final chapter draws conclusions about the progress to date, acknowledges the work that has taken place, and emphasises the need for work to continue in this area to address the issues raised in the original inspection report.

4 *The use of special measures in the criminal justice system in Northern Ireland*, CJI, April 2012.

5 See http://www.psni.police.uk/quarterly_domestic_abuse_bulletin_apr-mar_12_13.pdf.

6 The sanction detection rate is the number of crimes that are cleared up by a sanction detection divided by the total number of recorded offences.



Progress against recommendations

Recommendation 1

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.

Partially achieved

Agency response

This recommendation has been incorporated into the revised Policy Directive: Police Response to Domestic Incidents. An analysis of decisions not to arrest is being collated for onward transmission to Northern Ireland Policing Board.

Recommendation assessed as completed and therefore no further action required.

Inspectors' assessment

The recommendation, as written in the original report, was included in the PSNI Policy Directive: *Police Response to Domestic Incidents* under the section *Completion of Records and Supervision* when it was reviewed in 2011.

In addition, the Northern Ireland Policing Board 2009 report on domestic abuse⁷ included a recommendation that:

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

The Board's recommendation was accepted by the PSNI. In response to this, and a pilot conducted in 'A' District to ensure an accurate mechanism for analysing the decisions not to arrest, the PSNI Policy Directive included the following requirement: *'The Public Protection Unit Inspector will ensure that an analysis (of a minimum of 3% of domestic abuse crimes) is carried out of the recorded decisions not to arrest, on a six monthly basis... These records should be scrutinised to ensure that the Officers are applying the Policy in practice and where issues or non-compliance is found, to ensure appropriate action is taken.'*

The PSNI had reported to the Policing Board's Human Rights Advisor on reasons not to arrest and revealed a range of explanations, for example difficulties in locating the suspect or the victim refusing to co-operate with the police.

Specialist Domestic Abuse Officers reported a mixed picture in terms of proactivity of Officers across the police Districts, with differences in approach noted depending on which response section was responding to calls. Serious crime incidents were however highlighted as being investigated in a more effective manner. The use of the Domestic Abuse,

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

Stalking and Harassment (DASH) Risk Assessment forms when dealing with domestic incidents was also mentioned as being better in some areas than others. There is therefore still a need for the PSNI to continue to strive for a more consistent approach across police Districts when dealing with domestic violence and abuse incidents. These issues had been recognised within the PSNI and a *Gap Analysis and Options for Change* paper had been prepared for the Chief Officer responsible for this area. A solution to fully address the inconsistencies in practice in relation to domestic violence and abuse were therefore some way off at the time of this follow-up review.

Recommendation 2

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.

Not achieved

Agency response

The Home Office is currently piloting Domestic Violence Protection Orders in the Greater Manchester, Wiltshire and West Mercia police areas. The Justice Minister has agreed that his Department will assess the appropriateness of introducing Domestic Violence Protection Orders in Northern Ireland following the outcome of an evaluation of the Home Office pilot, taking account of any necessary legislative changes required.

Initially it was expected that the Home Office would evaluate the pilot in Summer 2012. However they have extended their pilot for another year and an evaluation

report is not now expected until late Summer 2013. We will consider the way forward for Northern Ireland following the Home Office evaluation.

Inspectors' assessment

As outlined above, the prolonged nature of the pilot evaluation in England and Wales had delayed any development of this recommendation in Northern Ireland. Information provided by the Home Office on its website⁸ stated:

'On 30 June 2012, the Domestic Violence Protection Order provisions operating in the West Mercia, Wiltshire and Greater Manchester police force areas were extended for another year. The Domestic Violence Protection Order pilot closed on Saturday 30 June 2012, but all three police forces will continue the scheme for a further year while the Home Office evaluates the pilot to assess whether or not a change in the law is needed... The Home Office has commissioned an evaluation of the pilot to capture lessons learnt and explore the implications of Domestic Violence Protection Orders for victims, perpetrators and criminal justice agencies, which is expected to report in late Summer 2013.'

The DoJ had decided to await the outcome of the Home Office pilot before making any decisions about the introduction of Domestic Violence Protection Orders in Northern Ireland. This would enable them to identify any lessons learnt which may be relevant in the Northern Ireland context and avoid repeating any mistakes already made.

In light of this delay the Department do not feel it is possible to progress this recommendation at this time other than to keep a watching brief on developments in England and Wales. The recommendation is therefore assessed as 'not achieved' at this stage.

⁸ <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence/dv-protection-orders/>.

Recommendation 3

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.

Not achieved

Agency response

The role and skill set requirements for Domestic Abuse Officers and Public Protection Unit Supervisors is currently being considered as part of the Operational Policing Model Review.

Target date April 2013.

Inspectors' assessment

The work needed to progress this inspection was stalled due to a wider review of operational policing in Districts which included Public Protection Units. At the time of the fieldwork, as outlined above, a *Gap Analysis and Options for Change* paper had been prepared but proposed options had not yet been agreed. This recommendation must therefore be currently assessed as 'not achieved'.

Recommendation 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.

Achieved

Agency response

Ongoing endorsement of this existing good practice continues.

The PPS has also recently assisted the PSNI with a review of domestic violence cases including reviewing cases submitted to the from the PSNI.

Inspectors' assessment

A Departmental Instruction issued by the PPS in 2011 gave directions on the files to be selected by Regional Prosecutors/Assistant Directors as part of their monthly quality assurance process. This stipulated that of the minimum 12 files to be dip sampled each month, four files should be those in which no prosecution was directed 'to include one in respect of domestic violence.' This illustrates that the PPS is placing a focus on these types of offences in quality assuring the decision-making process of Prosecutors.

Inspectors were provided with a paper which a Senior Public Prosecutor (PPS Policy Branch) had presented to the PSNI in December 2012. This paper contained details of a review of nine domestic abuse cases against the standards set out in the Service Level Agreement (SLA). This included both specific comments relating to the individual files (for example, in relation to both good practice and items missing from the file) and more general comments from Domestic Abuse Specialist Prosecutors, relating to patterns of issues they had noted in relation to police domestic abuse files.

The PPS had also contributed to work being undertaken by the PSNI's Process Improvement Unit in January 2013 by outlining a list of information which would be of use to Prosecutors when presented in a domestic abuse history report.

These are positive examples of partnership working between the PPS and PSNI. Addressing the issues raised should assist the police in producing better case files, which may improve the likelihood that the Test for Prosecution is met and that more victims are protected.

Prosecutors who had been appointed as Domestic Violence Specialists in the regions confirmed that other Prosecutors approached them to ask for advice about difficult cases.

Women's Aid representatives spoken to also stated that they had seen an improvement in recent years in terms of cases being taken forward with, in their view, no 'controversial' decisions being made.

Recommendation 5

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.

Partially achieved

Agency response

The PPS/PSNI memorandum of understanding has been finalised, agreed and signed (12 April 2011). The memorandum of understanding has been circulated to all staff. The memorandum of understanding includes guidance on what information is required in withdrawal statements, should a victim wish to withdraw their support for prosecution, and what information is

required to be provided by the PSNI to the PPS to ensure informed decisions are made.

Recommendation assessed as completed and therefore no further action required.

Inspectors' assessment

The PSNI Policy Directive: *Police Response to Domestic Incidents* recommends that 'where possible a DAO (Domestic Abuse Officer) should record any retraction statement' and then details the information that should be recorded in it (for example, confirmation of whether the original statement given to police was true, reasons for withdrawing the allegation, if the victim has been put under any pressure to withdraw). It also states 'Where a victim has advised an intention to withdraw a complaint of domestic abuse, this should be referred to the DAO, who will arrange to meet with the victim, and if appropriate, record any retraction statement'.

The SLA between the PSNI and the PPS includes a section on 'withdrawal of complaint in domestic violence/abuse cases.' This outlines the issues to be included in the withdrawal statement taken by the Domestic Abuse Officer or other appropriate Officer, such as the reasons for wishing to withdraw the complaint, whether the victim is saying that the offence did not occur or, that they do not wish the investigation/prosecution to continue etc. It also states that the Officer should:

'Inform the PPS of their view on:

- *the truthfulness of the reasons given;*
- *how the victim might react to being compelled;*
- *safety issues relating to the victim and any children;*
- *and*
- *their recommendation as to how the case should be dealt with.*

Both Prosecutors and police indicated that there were differences in the quality of the withdrawal statement

depending on whether it had been taken by a Domestic Abuse Officer or a Response Officer. In one police District a policy was in place that only Domestic Abuse Officers could take withdrawal statements. This approach was suggested to lead to less victims completing their withdrawal due to the Specialist Officers being more skilled in dealing with them appropriately, explaining the risks of withdrawing and the benefits of continuing with the criminal justice process (for example explaining special measures options). Where a withdrawal statement was taken by a Domestic Abuse Officer this was generally believed to be of better quality than that taken by a Response Officer.

Whilst the SLA and Policy Directive set out the required content of the withdrawal statement, it appears there is still work to be done to ensure this is implemented in operational practice by PSNI Officers.

Recommendation 6

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.**

Partially achieved

Agency response

Advocacy Standards have been agreed with the Bar Council.

The PPS continues to send Prosecutors to the Advanced Advocacy Course facilitated by the Institute of Professional Legal Studies. This is an intensive course run by Advocates from the USA (National Institute for Trial Advocacy).

The PPS are currently drafting a three-year Advocacy Strategy and have established an Advocacy Working Group.

Further Advanced Advocacy Training has been arranged which will be conducted within the PPS utilising the National Institute for Trial Advocacy. This will be mandatory for all Public Prosecutors who have not attended the Institute of Professional Legal Studies advanced Advocacy Course.

Work is ongoing to further develop the monitoring of advocacy which is intended to include Prosecution Advocates in the Magistrates', County Courts and Crown Courts.

In the meantime, the performance of Public Prosecutors in the Magistrates' Courts will continue to be monitored by their line manager (Senior Public Prosecutor).

This will be an ongoing action.

Inspectors' assessment

The quality of advocacy in the PPS has been extensively covered in the recent CJI report *A corporate governance inspection of the Public Prosecution Service for Northern Ireland* published in April 2013. This stated:

'As for prosecuting cases, the independent assessment of the advocacy skills of the PPS in-house Prosecutors carried out as part of this inspection rated them as competent, although it identified some examples where performance could be improved... Although performance was mostly satisfactory, Inspectors concluded that the PPS would benefit from introducing a more comprehensive and reliable assessment process. It was noted that the PPS was conducting a thorough review and that it had agreed advocacy standards to assess both independent Counsel and PP [Public Prosecutor] performance. The Director of the PPS confirmed that a new panel of Counsel had been

commissioned with an improved mechanism for assessing performance. To further develop and improve the advocacy expertise within the PPS, the Director made it clear that he was keen to increase the number of Higher Court Advocates in the PPS, and Inspectors would welcome the launch of a clear strategy to implement this.'

The report recommended that:

'An effective and objective assessment process of PPS Prosecutors, Counsel (and future Associate Prosecutors) is established by the end of 2013. This should include stakeholder feedback, court observations and management information on Prosecutor performance. The process should complement the appointment of the new panels of Counsel.'

In light of the extensive work completed on advocacy in this inspection, Inspectors did not feel it was appropriate to revisit this work to the same level. The response from the PPS and the information provided in the recent CJI report suggests that the PPS are continuing to develop their approach to the monitoring of performance in relation to advocacy, particularly through the Advocacy Strategy for the PPS (the design of which commenced in early 2012).

The PPS also advised that subsequent to their initial response, the intense training in advocacy had been provided by experienced trainers from the National Institute for Trial Advocacy. The training was mandatory for all Public Prosecutors who had not attended the Institute of Professional Legal Studies Advanced Advocacy Course. As part of the training course, the trainers evaluated each of the participant's performance and provided individual feedback.

At this stage however Inspectors can only consider this process to be 'partially achieved' as there is still work to be undertaken in ensuring the implementation of this training into practice, and to monitoring and giving feedback to Advocates on an ongoing basis. Inspectors would therefore hope to

see significant progress when a follow-up review is undertaken of the 2013 PPS corporate governance report.

Recommendation 7

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.

Partially achieved

Agency response

There is a commitment in the April 2012 to September 2013 Domestic and Sexual Violence Action Plan to evaluate all available information, and make a recommendation to the Domestic and Sexual Violence Regional Strategy Group, on whether it would be feasible for Domestic Violence Specialist Courts to operate in Northern Ireland.

This will include:

- *production of an evaluation report on the 'New Listing' arrangement currently running in Derry/Londonderry;*
- *consideration of the findings and recommendations arising from the evaluation report on the 'New Listing' arrangement; and*
- *production of a paper for Regional Steering Group on the feasibility of Domestic Violence Specialist Courts in Northern Ireland.*

The DOJ Community Safety Unit, in liaison with the NICTS and the other stakeholders involved in the pilot, are currently working on taking forward the evaluation of the new court listing arrangement in Derry/Londonderry which sees criminal adult cases,

involving domestic violence, being listed on a set day each month. This pilot commenced in November 2011.

Inspectors' assessment

The pilot listing arrangement for domestic violence and abuse cases as outlined above in Derry/Londonderry had commenced in November 2011. The pilot had been extended to February 2013 in order to ensure sufficient numbers of cases had been through these new arrangements prior to evaluation. Early indications suggested that those involved felt the arrangement was a positive approach.

In this process, there was an onus on the PPS to identify and highlight the cases for listing in the appropriate court, but anecdotal evidence suggested this was working effectively. One Prosecutor then dealt with all these cases on the day of the court. Some victims attending court were supported by local Women's Aid staff and this was felt to be effective. The Prosecutor working within this listing arrangement suggested that the number of victims attending court had increased, albeit this information is anecdotal at this stage. This will be an important aspect to consider when evaluating the pilot.

A formal evaluation was anticipated which would provide information on the benefits and potential pitfalls of such a listing arrangement. This would then be provided to the judiciary to inform their thinking around the roll-out of these arrangements.

Recommendation 8

Plans for a properly resourced Independent Domestic Violence Advisor (IDVA) 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 (MARAC) process.

Not achieved

Agency response

Progress in taking forward this recommendation was delayed due to budget uncertainty across funders. However the business case in relation to Independent Domestic Violence Advisors (IDVAs) is currently being considered for approval.

The preferred business option is to provide an IDVA service across Northern Ireland for those domestic violence victims being referred into the Multi-Agency Risk Assessment Conference (MARAC process) (i.e. high risk victims). IDVAs will be required to provide advocacy and support to the victim until such times as the MARAC safety plan has been initiated and actioned.

Finances have been allocated for the financial periods 2013-14 and 2014-15 to accommodate the provision of an IDVA service and officials plan to proceed to procurement as soon as the business case has received approval.

It is anticipated that the IDVA service will be in place by June 2013.

Inspectors' assessment

The DoJ were in the process of seeking feedback from the Central Procurement Directorate as to the most appropriate method of seeking providers for this service. The outcome would have some impact on timescales for seeking and appointing a provider,

depending on whether a full tender process was required or whether a supplier could be sought via a grant application process. Approval had been received for the IDVA business case by both the Department for Finance and Personnel and the Financial Services Division of the DoJ by the start of April 2013. The DoJ also advised that following professional procurement advice, an IDVA service provider was to be sought via a grant funding process and work to take this forward was ongoing. The Department noted that *'whilst this has caused some delay the grant funding process should ensure best use of public funds'*. The original June 2013 timescale for implementation of the service had therefore not been met.

In order to address funding issues a decision had been taken that the full IDVA service (as available in England and Wales) would not be implemented initially. The Department had therefore opted to seek a supplier for a service that would, in summary, support high risk victims through the MARAC and whilst a safety plan was developed and implemented. The victim would therefore be unlikely to be supported through any criminal justice process, although would hopefully have been signposted to organisations such as Women's Aid or Victim Support, who may assist in this.

The DoJ advised Inspectors that further consideration would be given in the future to the role of the IDVA in supporting a high risk victim through the criminal justice process.

Inspectors remain concerned about the implementation of an IDVA service which is not properly resourced to meet the full range of the needs of all high-risk victims who require support. This is an issue that Inspectors are likely to return to in a forthcoming inspection of *Adult Safeguarding*.

Recommendation 9

The PSNI should develop a call taker checklist based on that provided in the Association of Chief Police Officers' *Guidance on Investigating Domestic Abuse 2008* to enable call handlers to support the victim and gather evidence.

Not achieved

Agency response

A checklist based on the National Policing Improvement Agency Guidance is being developed and will be added to the Contact Management Centre Assist computer programme, which is available to all call handlers within the PSNI.

Inspectors' assessment

The PSNI provided a copy of the call taker checklist developed, which prompted important questions to ask during a domestic incident (for example, if the victim/any children present were safe), actions to take (for example, if the call was cut off, if weapons had been used) and partners who may need to be involved (for example, the Ambulance Service, Women's Aid). This had not yet been implemented and rolled-out.

Officers spoken to advised that there were still frequent issues regarding the appropriate identification of incidents as being of a domestic nature, with the result that incidents were open and closed with the wrong codes. At this stage Inspectors therefore believe that the checklist, and appropriate training/guidance for its implementation, is required before this recommendation can be considered to be achieved.

Recommendation 10

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.

Not achieved

Agency response

A pilot has been completed and Photography Branch is now examining the processes upon which operational use will be based.

The PSNI and the PPS have had a number of discussions and Prosecutors have seen prosecution files being processed with photographs from BlackBerry cameras. A recent analysis undertaken by the Information and Communications Services Branch specifically focusing on domestic abuse incidents was circulated to Districts to encourage uptake on the use of cameras at incidents. Ongoing evaluation is taking place.

Inspectors' assessment

The PSNI Policy Directive: *Police Response to Domestic Incidents* advises that in the initial response Officers should 'consider taking photographs and/or using a video camera to record evidence, for example injuries/any damage at the location i.e. broken furniture, windows or ceramics, telephone ripped out etc'.

Domestic Abuse Officers stated that sometimes photographs were available but that there could be issues with quality and the technology aspects (such as getting them uploaded onto the system). Prosecutors also concurred that some photographs were received but very few came from BlackBerry devices. These tended to be of injuries rather than the scene. They also raised issues with the quality of the photographs.

Inspectors have not seen a copy of the analysis of this approach undertaken by the PSNI. Due to the limited usage of such photographs, Inspectors cannot consider this recommendation to be achieved at this time.

Recommendation 11

In consultation with the PPS, the PSNI should explore the feasibility of further roll-out of the BodyWorn Digital Recording System to the other police Districts in Northern Ireland and take action to do so, as appropriate.

Not achieved

Agency response

All Response and Neighbourhood Officers are issued with BlackBerry devices that have image capture capability. They also include training around domestic abuse. In theory, those devices could do video but have not been enabled. BodyWorn Video is already being used in the PSNI, although these initiatives are locally managed. Different brands of BodyWorn Video are being used in Districts. The most popular types are vest mounted (rather than head mounted) cameras, similar to VideoVest. The ability to manage, control, secure and share video is part of the Digital Media Management Project due for delivery in 2013.

Therefore, the PSNI is currently exploring the feasibility of this recommendation and has set a new target date of 30 June 2013 for this recommendation.

Inspectors' assessment

Inspectors were not told of any examples of where BodyWorn Video was being used in domestic abuse cases. Anecdotally, it was suggested that these were more often used for public order incidents. Inspectors were advised that until national guidance was forthcoming with regard to the back office functions for video recording (for example,

processing and storage of evidence etc.) that the PSNI had placed their decisions around this on hold. At the time of the fieldwork therefore there were no plans to roll-out the use of the video recording any further. The recommendation is therefore 'not achieved' at this time.

Recommendation 12

The PSNI should explore, in conjunction with Women's Aid, the possibility of further co-location of support workers with Public Protection Units.

Partially achieved

Agency response

This recommendation is an endorsement of existing good practice in a number of Districts.

A number of Districts have appointed personnel, however, other Districts may examine this commensurate with local funding.

The matter was discussed at a meeting on 18 April 2012 between the Assistant Chief Constable Service Improvement Department and the Women's Aid Federation on 18 April 2012. Progress of the recommendation will be made in line with local funding.

Recommendation assessed as completed and therefore no further action required.

Inspectors' assessment

At the time of the follow-up review, Inspectors were advised that there were Women's Aid support workers co-located with two Public Protection Units and a further two had dedicated workers based out of station. In 'A' District this was found to be very beneficial, particularly for high risk victims. There was no corporate approach to this issue however, and decisions around whether to fund these posts were

left to individual District Commanders to determine based on their own resources and views around the benefits of such an approach. Inspectors were also advised that, at the time of the fieldwork, a further one District was exploring possible funding for a co-located Women's Aid worker. A SLA agreement for all co-located workers was also being developed by the PSNI with Women's Aid groups across Northern Ireland to ensure consistency of service delivery for victims of domestic abuse.

Recommendation 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.

Partially achieved

Agency response

All PPS Community Liaison Teams follow-up non-responses from victims to Requirement to Attend Court letters.

In line with the PPS Policy on Prosecuting Cases of Domestic Violence, Public Prosecutors give consideration as to potential alternative courses of action where it is believed that the victim may not attend, for example, whether the cases should proceed against the wishes of the victim, whether the cases can proceed in the absence of the victims evidence, whether any application can be made to court to tender the evidence of the victim, whether the victim should be summoned to attend court. These decisions require reconsideration of the Evidential and Public Interest Tests.

Additional methods of advising victims as to when they are required to attend court are being explored, including the establishment of a Victim Information Portal which will enable victims to access their case online and obtain details including court dates.

The Victim and Witness Care Unit Pilot was launched on 1 November 2012 in Belfast Chambers. At this stage, the pilot covers Belfast Magistrates' Court, Belfast Youth Court and Belfast County Court appeal cases. Work is currently ongoing to progress the second stage of the pilot, which is anticipated to include all Belfast Crown Court cases, by March 2013.

The objectives of the pilot are:

- *to improve the experience of victims and witnesses in the criminal justice system;*
- *to improve communication and the provision of relevant information by making contact using the victims preferred means of communication;*
- *to reduce avoidable delay and expense by ensuring that witnesses attend court when required; and*
- *to provide a single, informed point of contact for each case.*

This is a joint PPS/PSNI initiative, with the PPS in the lead.

The team is comprised of PPS staff and PSNI civilian staff, with each member of the team having access to both the PPS Case Management System and the PSNI Options and Niche systems.

Inspectors' assessment

Since the original inspection was undertaken, CJI recommended the implementation of a Victim and Witness Care Unit in its December 2011 inspection of *The care and treatment of victims and witnesses in the Northern Ireland criminal justice system*. This was being piloted by the PSNI and the PPS at the time of the fieldwork and the methodology includes asking victims and witnesses during initial contact, how they would prefer to be contacted (for example, by letter,

telephone call, text message). This should help to address the communication issues raised in the initial inspection, where most communication was undertaken by letter.

In locations where the Victim and Witness Care Unit was yet to be implemented, Inspectors were told by Prosecutors that the follow-up by Community Liaison Teams to unanswered letters had improved but that there were still issues in some areas.

Greater awareness of the likelihood of the victim to attend court should therefore enable Prosecutors to develop potential alternative courses of action where it is believed the victim may not attend. The impact of the Victim and Witness Care Unit will be assessed by further CJI work in due course. At this stage it is too early to assess its full impact on this issue but it is evident improvements are being made.



Conclusion

Since the original inspection there has been some work undertaken between the PSNI and the PPS to address issues in the area of domestic violence and abuse. There have been a number of documents produced or updated which reinforce roles and responsibilities of each agency, and these should continue to be embedded into working practices. Of the 13 original recommendations, Inspectors have assessed that only one has been achieved, six partially achieved and six not achieved. Some of these recommendations are awaiting developments and decisions at a United Kingdom level before the approach in Northern Ireland can be clarified. Others are affected by wider decisions within policing, for example about the approach to public protection work more generally.

Some of the issues highlighted in the 2010 inspection report have been addressed via the work of other projects, which contribute to CJJ's body of evidence in this area, rather than directly the recommendations of this particular report. One notable example is the pilot of the Victim and Witness Case Unit as a result of a number of CJJ reports in this area (for example this report, *Sexual violence and abuse, The care and treatment of victims and witnesses in the Northern Ireland criminal justice system, The use of special measures*). The PPS Corporate Governance report commented extensively on the quality of advocacy and the processes and procedures the PPS have implemented to better address the issues raised. It is anticipated that these projects will bring greater improvements to the victims of domestic violence and abuse in the longer term.

Some of the out-workings of actions taken to address the recommendations (such as policies or the memorandum of understanding) will take longer to be embedded than the fieldwork for this follow-up allows for. There is also still a need to address ongoing issues of the role of the Domestic Abuse Officer within the PSNI, which is critical to the investigative process and in addressing the needs of victims. Inspectors were disappointed that issues such as this and the collection of evidence via photographs or video recording, had not progressed since the original inspection and that inconsistencies in practice across police Districts were still evident, particularly in light of the challenges faced in helping victims remain engaged with the criminal justice process.

As with the recent review of *Sexual violence and abuse*, in this area of crime there is a need to continue to focus on the reasons why cases drop out of the criminal justice process at all stages, in order to increase the number of cases which ultimately, result in a conviction in court and to ensure that vulnerable victims are supported both in the initial days after the abuse is reported and over the longer term. There is also a need for a particular focus on the victim in these types of cases due to the high numbers who withdraw from the process, particularly those who are high risk. The focused attention and support provided by Domestic Violence Protection Orders, IDVAs and the use of Specialist Domestic Violence Courts aim to enhance this service.

In view of the high (and increasing) prevalence of domestic violence and abuse, the significant risks to victims and the limited progress against the recommendations, this is an area which CJI will intend to return to. The forthcoming inspection of *Adult Safeguarding* will therefore consider the most pertinent issues surrounding domestic violence and abuse, as well as offences against other vulnerable adults. Inspectors appreciate that progress against these recommendations are awaiting developments outside of the control of those individuals working in this area of the Northern Ireland criminal justice system. The forthcoming inspection will therefore again, review the recommendations that Inspectors see as most critical in terms of protecting victims, in the hope that developments will enable some further improvements to be made. Further details will be provided in the Terms of Reference for that inspection in due course.



Copyright© Criminal Justice Inspection Northern Ireland
All rights reserved

First published in Northern Ireland in October 2013 by
CRIMINAL JUSTICE INSPECTION NORTHERN IRELAND
14 Great Victoria Street
Belfast BT2 7BA
www.cjini.org

