



KEY FACTS

REVIEW OF THE EFFECTIVENESS OF PART 1 OF THE DOMESTIC ABUSE AND CIVIL PROCEEDINGS ACT (NORTHERN IRELAND) 2021

APRIL 2024



KEY FACTS

WHAT WAS THIS REVIEW ABOUT?

- The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (the Act) came into effect on 21 February 2022.
- The Act created a domestic abuse offence to criminalise a course of abusive behaviour including controlling or coercive behaviour and introduced a range of aggravating factors to be considered when Judges passed a sentence in cases of domestic abuse. An enhanced sentence was available for the domestic abuse offence and the sentence could be increased from the minimum if there were children impacted by the domestic abuse.
- It also meant other offences, like an assault or criminal damage, could be aggravated where it involves domestic abuse.
- The Act also improved support and protection available during the criminal and civil justice processes for victims like Domestic Abuse Protection Notices and Orders and the Operation Encompass information sharing protocol between police and education providers so children affected could be better supported.
- Under Section 33 of the Act, Criminal Justice Inspection Northern Ireland (CJI) were appointed by the Minister of Justice to undertake independent oversight of Part 1 of the Act each year for seven years. This Review is our first report.

HOW DID YOU CARRY OUT THIS REVIEW?

- Inspectors conducted fieldwork across a range of inspected agencies and stakeholders including the Department of Justice (DoJ), the Police Service of Northern Ireland (PSNI), the Public Prosecution Service for Northern Ireland (PPS) and the Northern Ireland Courts and Tribunals Service (NICTS).
- This included examining documents, interviews, focus groups and file reviews of 70 police investigation case files and 98 prosecution case files.





WHAT DID INSPECTORS FIND?

- The DoJ and the criminal justice organisations had done a lot of work individually and together to implement the Act. They worked well together across different areas and with victim support organisations to produce detailed and comprehensive statutory guidance for the Act and implemented an awareness raising campaign across a range of media including television advertisements and public transport signage for the public, staff and stakeholders.
- The PSNI, the PPS and the NICTS had provided training to staff on this new legislation which was challenging to use.
- The PSNI responded to domestic offences proactively and effectively, however there were some delays in the response to emergency and priority incidents.
- Prosecution decision making was sound but there was a need for better recording of decision making within prosecution case files.
- Review fieldwork highlighted a need for greater collaboration and communication between Police Officers and Prosecutors to maximise the use of the Act provisions and the approach to domestic abuse more generally, including in relation to the use of domestic abuse offence.
- The Act created a greater focus of the impact of domestic abuse on children, through Operation Encompass and the use of the child aggravators.
- Across the organisations there is more to be done to improve the approach to children and use of the aggravators and fulfil the intention of the Act in protecting children from harm.
- There had been few applications to make use of the new provisions of legal aid for victims of domestic abuse in civil proceedings and awareness raising measures were being taken by the DoJ and its partners.





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WHAT NEEDS TO BE BETTER?

Inspectors made eleven recommendations for improvement including:

At a strategic (leadership) level...

- The PSNI need to work with education partners to develop an information sharing protocol and agree how Operation Encompass can support and be supported by wider child safeguarding practices.
- The PSNI and the PPS need to further develop and embed the Prosecution Team approach for cases of domestic abuse and consider reintroducing specialist domestic abuse prosecutors.

At an operational (on the ground) level...

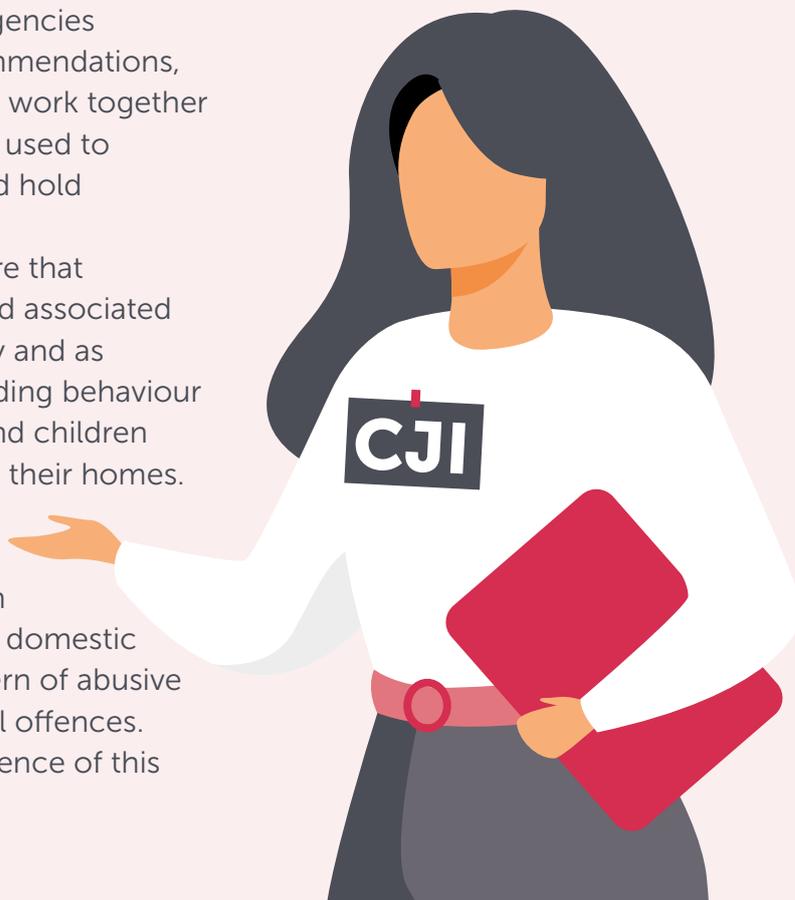
- The DoJ should take steps to raise awareness of the statutory guidance and promote participation in the awareness raising e-learning package.
- The PSNI need to deliver further training to those working in contact management roles to improve its approach to domestic abuse.
- The PSNI should assess how effectively training has improved the response to children in domestic abuse cases and use quality assurance processes to ensure training is applied and information recording is better and consistent.
- The PSNI and the PPS should take action to ensure that the domestic abuse aggravator is appropriately considered and attached to each relevant offence.
- The PPS policy and guidance should clarify and direct the rare use of cautions in domestic abuse cases and adequately record why a Prosecutor decided it was appropriate.
- The NICTS and its partners should ensure accurate, complete and consistent recording when sentencing aggravators are attached to offences and considered by a Judge in domestic abuse and all other relevant offences.



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WHAT DO INSPECTORS WANT TO SEE HAPPEN NOW?

- The DoJ and criminal justice agencies should work on all these recommendations, particularly where they need to work together well, to improve how the Act is used to protect and support victims and hold perpetrators to account.
- The PSNI and PPS should ensure that the domestic abuse offence and associated aggravators are used effectively and as the Act intends to reflect offending behaviour and better protect all victims and children impacted by domestic abuse in their homes.
- An important element of cultural change is required in police and prosecution cases in adjusting to the use of the new domestic abuse offence to reflect a pattern of abusive behaviour rather than individual offences. Inspectors will wish to see evidence of this when the Act is next reviewed.



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