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<b>SI1217</b>
<b>Domestic Abuse</b>
<p>This Service Instruction provides guidance to officers on how the Police Service of Northern Ireland should respond to, report and investigate domestic incidents and details the overarching principles. It is supplemented by guidance produced by the College of Policing’s Authorised Professional Practice on – <a href="#">‘Major Investigation and Public Protection – Domestic Abuse’</a>.</p>



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## 1. Aim

The aim of this Service Instruction is to provide the Police Service of Northern Ireland (PSNI) with clear information on how to respond to and investigate instances of domestic violence and abuse.

The PSNI's objectives in responding to domestic abuse are:

- To assess and manage the risks to victim(s) and associated persons (including children, vulnerable adults, etc.) through appropriate interventions.
- To investigate all reported incidents of domestic abuse in a consistent, robust and proactive manner, in line with investigative standards.
- To work in partnership with other agencies and organisations to collaboratively address domestic abuse.

## 2. Domestic Abuse definitions

The PSNI is committed to the principle that domestic abuse is unacceptable and that everyone has a right to live free from fear and abuse. Where domestic abuse occurs, or has the potential to occur, the paramount consideration is to ensure the safety and well-being of the victim, children, other household members and

attending Police personnel. A further consideration is to ensure that, where appropriate, perpetrators of abuse are challenged and held to account to reduce the potential for re-offending.

### Domestic Abuse

The PSNI has adopted the definition of domestic abuse as outlined in the Northern Ireland Government Strategy 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland' as:

*'threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member'.*

The following will assist in the application of this definition:

- (a) **'Incident'** means an incident anywhere and not confined to the home of one of the partners/family members;
- (b) **'Family members'** include mother, father, son, daughter, brother, sister, grandparents, whether directly or indirectly related, in-laws or stepfamily;

(c) **'Intimate partners'** means there must have been a relationship with a degree of continuity and stability. The relationship must also have had (or reasonably supposed to have had) a sexual aspect, such as in the relationship between husband and wife or between others generally recognised as a couple including same sex couples.

### Serial perpetrator

A serial perpetrator is someone who has been reported to the police as having committed or threatened domestic abuse against two or more victims. This includes current or former intimate partners and family members.

## 3. The Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021

The introduction of the [Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) closes a gap in law by criminalising abusive behaviour that occurs on at least two or more occasions, against an intimate partner, former partner or family member. Abusive behaviour includes not only physical violence, sexual violence and threatening behaviour but also extends to controlling or coercive behaviour,

psychological abuse, emotional abuse, financial abuse and economic abuse.

The 2021 Act creates a new domestic abuse offence and statutory aggravators for Northern Ireland which came into effect 21st February 2022. It does not have retrospective effect.

The key elements of this legislation are as follows:

- Creates new domestic abuse offence;
- Criminalises abusive behaviour;
- Creates aggravators that can be attached to the domestic abuse offence and other statutory offences;
- Supports victims by ensuring they are considered for special measures.

## 4. Multi Agency Response to Domestic Abuse

The PSNI is committed to working with all interested parties to end an ethos that considers violence and/or abuse within the family home as acceptable. Relevant joint agency documents in responding to domestic abuse should also be considered, including:

- Domestic Violence and Abuse Disclosure Scheme (DVADS) – The DVADS has been developed as a specific mechanism to assist the PSNI in delivering its existing powers and to consider the disclosure of information in the domestic violence and abuse context. It will allow police and its partners, to better manage risk through the sharing of relevant information about one person’s history of domestic abuse with another, or to a third party deemed best placed to safeguard that person (only in exceptional circumstances).
- PSNI / Public Prosecution Service (PPS) Service Level Agreement for the Investigation, Management and Prosecution of Domestic Violence and Abuse Cases.
- Domestic Abuse – a Joint Response within the Defence Community Service Level Agreement for the Management of Civil Orders made under The Family Homes and Domestic Violence (NI) Order 1998.
- Partnership Agreement between the PSNI and Women’s Aid.
- Guidance for police attendance at Child Contact Centres can be found at [Section 11 - ‘Child Contact Centres’](#) with contact details for staff.

## 5. Responsibilities in Responding To Domestic Incidents

Domestic abuse is complex, with a myriad of factors impacting upon the police response, whether that be the use of firearms, existence/service of civil orders, or to circumstances relating to the victim and/or perpetrator i.e. police officers, members of the defence community, Lesbian/Gay/Bisexual/Transgender community, etc., [Appendix A](#) details a Priority Action Checklist and below details officer/staff responsibilities.

Where it is not apparent from the initial call or attendance by police that it is a domestic abuse motivated incident or crime, upon being so advised that it would fit the definition of domestic abuse, the officer receiving this information should inform the original Attending / Investigating Officer of this development to ensure compliance with the Domestic Abuse Service Instruction.

It is sometimes unavoidable and essential for officers to seize mobile phones as evidence for an investigation into a criminal offence. However, this can leave the individual without a means of making emergency communication. Officers should ensure they have arrangements in place so that individuals, who may be at

risk of harm and may require to call the emergency services, are not left without a means of making emergency communication. Furthermore, officers should be made aware that this should be an integral consideration in their safeguarding plans.

**Contact Management Centre**

- Appropriate qualifier used on C&C when closing (DOMD).

**Attending/Investigating Officer**

- Conduct checks on household, children, firearms, civil orders, etc.
- Undertake investigation in relation to any crimes using Body Worn Video (BWV), where possible, to maximise evidence gathering.
- Assess risk and take positive action to safeguard the victims and/or children/vulnerable persons in household, including referral to Social Services. For safeguarding actions, see safeguarding tactics for domestic abuse victims.
- Where a child has been assaulted (regardless of other victims), email zcru with details to identify whether specialist IO should be tasked to respond to the incident as child abuse allegation. The investigation, however,

remains with the Attending Officer until otherwise informed. This does not negate the need for Social Services to be informed, as appropriate.

- Brief supervisor as to incident, investigative and safeguarding actions taken and risk assessment carried out.
- Upon approval by supervisor, update Contact Management Support Unit with details of risk assessment and consent to refer to support agency (if appropriate).

**Sergeant**

- Consider initial investigative and safeguarding actions commensurate with risk assessment. If satisfied with actions to date and risk assessment, inform Attending/Investigating Officer.

**Public Protection Unit (PPU)**

- Consider risk assessment, identify further safeguarding actions as necessary and refer to MARAC (if appropriate).
- Undertake dip sampling of 3% of domestic abuse crimes to establish if decisions not to arrest were appropriate.

## 6. Safeguarding Tactics for Domestic Abuse Victims

The responsibility for safeguarding victims remains with the Attending Officer until the investigation/incident is passed to the relevant PPU (when appropriate). The following list outlines safeguarding tactics that may be offered to victims of domestic abuse, particularly for those who have been assessed as '**Standard**' and '**Medium**' Risk:

- Flag Address for quick response to any further calls to the address.
- Crime Prevention Officer referral/advice re:
  - i. Victim's home address and/or workplace or Schools:
  - ii. Other places frequented and other vulnerable areas
  - iii. Specific focus on victim e.g. personal attack alarm, mobile phone with direct 999 facility to police (Northern Trust area only), means of transport and routes used by victim
- Email/E-brief other Local Policing Teams to provide local and regular visible presence in close proximity to the victim's address. In some circumstance pay welfare visits if the victim consents.
- Bail Checks - to ensure the perpetrator is abiding with bail conditions in order to protect the victim and reduce offending.
- Social services referral – when relevant, it is the attending officer's responsibility to ensure that the correct information is shared with social services in a timely manner, whether via email or telephone. In the event of an emergency or complex child safeguarding cases, contact Regional Emergency Social Work Service. Officers must ensure that relevant checks are completed in respect of children and full details are passed to Contact Management Support Unit (CMSU).
- Support Services referrals to Women's Aid, Men's Advisory Project, etc. Referrals should be offered on every occasion. The victim should be made aware of support groups available to them; both locally and nationally e.g. Women's Aid, Men's Advisory Project, Victim Support, Nexus, Rainbow Project. Officers should develop their knowledge in the support services available.
- Email referral to or speak with Domestic Abuse Support Worker (if available in the area). This support worker can provide a coordinated response to victims who have requested a referral



and will provide emotional support and advice on matters in relation to emergency Court Orders, emergency housing, benefits and safety planning.

- If applicable Public Protection Arrangements for NI form (PPANI1) to be completed and submitted upon conviction for offences of Assault Occasioning Actual Bodily Harm (AOABH) and above, but can be completed if significant concerns for PPANI team to consider under specific circumstances – speak to Public Protection Team.
- Literature / leaflets (including the Police Service Domestic Abuse leaflet, Safe Place card, etc.). Signpost victim to the PSNI’s website for more information as well as leaflets in minority languages.
- At each incident an officer should be handing out the PSNI leaflet on Domestic Abuse detailing domestic abuse support services, contact details, court orders and escape plans. If the incident involves a male victim also hand out a copy of the Men’s Advisory Project leaflet.
- Fire Service referral (if threats to commit arson) - In scenarios where there have been threats to cause damage by fire and persons are considered to be ‘at risk’, Northern Ireland Fire Service will, if victim has consented, accept referrals to make a follow up call to the victims home and provide appropriate advice on escape routes, smoke alarms, etc.
- Dependent upon the circumstances and victim’s wishes, consider taking victim and/or family to emergency accommodation/refuge. If the victim is willing to go to Women’s Aid Refuge, contact 24 Hour Domestic and Sexual Violence Helpline (0808 802 1414) who will then liaise with local refuge personnel and advise of the most suitable accommodation. The locations of all Women’s Aid Refuges are now available on LOCATE.
- CrimeStoppers- Encourage reporting of other offences to this service anonymously which would enable police to enable targeted patrols, e.g. perpetrator regularly drives whilst under the influence of alcohol or is a disqualified driver.
- Safety Planning – provide advice to improve personal security.
- Notify Social worker / Mental Health worker etc. - Make the necessary referrals if victim/perpetrator is receiving services by Social Services or Mental

Health services for further support or intervention.

- Information on Court Orders (NMO/Occupation Orders) - Non-Molestation Orders forbid domestic perpetrator from using, threatening violence, harassing, pestering, or intimidating the victim and power of arrest is automatic. Occupation orders provide a remedy to have domestic perpetrator removed from the home and to forbid him/her from returning within a specified distance, entering or attempting to enter. Details of any Non-Molestation/Occupation Orders in force are available on Niche.
- Restraining Order on Conviction or acquittal – consider making a recommendation on the file and in discussions with the PPS Prosecutor to consider a request from the Court for a Restraining Order upon conviction or acquittal which will provide additional protection for victim and power of arrest for police.
- Domestic Violence and Abuse Disclosure Scheme (DVADS) - Consider the 'Power to Tell' pathway, which can be used where police have information that indicates that a person may be at risk of domestic violence or abuse. This

Scheme will allow police and partner agencies, to better manage risk through the sharing of relevant information about one person's history of domestic abuse with another, or to a third party deemed best placed to safeguard that person (only in exceptional circumstances).

For those victims that have been assessed as '**High**' Risk, in addition to the above, the officer should also consider:

- Flagging the parties on Niche indicating that the victim is 'high risk';
- Referral to a Multi-Agency Risk Assessment Conference (MARAC)– this task is undertaken by a Domestic Abuse Officer who will liaise with the victim to seek consent for such a referral;
- Issuing a personal safety alarm to the victim and/or family members.

## 7. Domestic Abuse and the Possession of Firearms and Ammunition

There have been incidents where the use of a legally held firearm in a domestic incident has resulted in fatal or serious injuries. Although each case must be judged on its merits, the

key to achieving these aims is a rigorous enforcement of the firearms legislation with action to seize firearms and revoke certificates, as appropriate, as a matter of public safety. This applies irrespective of any offences that may have been committed.

There is a distinction between firearms held on Firearms Certificate (FAC) and those issued to police officers or military personnel that are exempt from the requirement to be held on FAC. If the only firearm involved in a domestic incident is a police or army issue firearm and the perpetrator does not hold private firearms on a FAC, the Firearms (NI) Order 2004 is not relevant in this context and any action taken in respect of the firearm is a matter for the local police. If, however, a privately owned firearm held on FAC is directly involved or there is access to privately held firearms, the Firearms (NI) Order 2004 is relevant and Firearms and Explosives Branch (FEB) must be informed.

Article 5 of The Firearms Order (NI) 2004 requires that a FAC may only be granted if the Chief Constable is satisfied that the applicant can be permitted to have firearms without danger to the public safety or to the peace, and shall not grant a certificate unless satisfied that the applicant is a fit person to be entrusted with a firearm and they have good reason to possess a

firearm. Article 9 of the Order permits the revocation of a FAC if these conditions are not satisfied.

For a court to grant a Non-Molestation and/or Occupation Order under the Family Homes and Domestic Violence (NI) Order 1998 it must have been satisfied that there has been violence or a threat of violence and the applicant requires protection from further risk. Where a police officer is requested to serve a Non-Molestation Order and/or Occupation Order the serving police officer will carry out a check to determine if the applicant or respondent is a FAC holder.

If the respondent is a FAC holder, any licensed firearm which they have access to should be seized by virtue of Article 57 of the Firearms (NI) Order 2004 and in compliance with the paragraphs below, as appropriate.

Attending Officers should, at an early stage in the investigation of a domestic incident, and preferably prior to attendance at any incident, ascertain if the perpetrator in any incident has access to firearms. All firearm certificate holders are flagged on Niche. The Command and Control system is also linked to the firearms database and will notify control room operators that licensed firearms are registered at any given

address police are responding to.

Where enquiries into a domestic incident indicate that the perpetrator has access to firearms, serious consideration must be given by the Attending Officer as to whether the continued possession of a firearm by the holder is likely to endanger a member of the public. The firearm need not have been used during the incident, but mere access may present a danger or raise concerns regarding the perpetrator's suitability to retain firearms.

If violence or the threat of violence is used in any domestic incident, any licensed firearm which the perpetrator has access to should be seized by virtue of Article 57 of the Firearms (NI) Order 2004. Prior to any seizure/removal of a firearm and/or ammunition Attending Officers should consult with their immediate supervisory rank. FEB should be advised of any seizure under these circumstances. The decision (as well as the rationale) as to whether or not to seize a firearm should be recorded on the Niche Occurrence Enquiry Log (OEL).

The Duty Inspector should be immediately informed of any domestic incident involving a police officer or a member of the armed services. Where a domestic abuse-related criminal offence is alleged to have been committed by a police officer or member of police staff, a police officer at least one

rank higher than that of the alleged perpetrator, should be appointed as Investigating Officer (IO). A police officer of at least Sergeant rank will take personal charge of the investigation in all other circumstances where a police officer, a member of police staff or a member of the armed forces is a party to the incident. Where a complaint/incident falls within the remit of the Police Ombudsman for Northern Ireland (PONI) relevant service instructions must be followed, particularly in the recording/forwarding of complaints, emergency/non-emergency complaints, initial action by Senior Officer on Duty, preservation of evidence, scene sharing, investigative primacy etc.

Where any personal issue, personal protection weapons (PPW) or army duty weapons are seized or removed, the duty inspector for the area will ensure that an adequate level of protection is afforded to the individual, and advice given regarding their personal security. To assist in this regard, the Duty Inspector will immediately ensure the following of the action taken:

- (a) the Duty Inspector of the area in which the person resides and in the case of a police officer (or where appropriate, member of police staff) the duty inspector of the District to which the

police officer/member of police staff is attached;

- (b) the officer commanding the armed services unit to which the person is attached and the officer commanding the army unit for the area in which the person resides;
- (c) information passed verbally to the officer commanding the armed services unit of that person must be confirmed in writing, as soon as possible, after the incident. Such written confirmations must be entered in District administrative records.

Generally, where personal issue PPW or army duty weapons are seized or removed, the IO will ensure that this includes any other weapons held on FAC. In such circumstances, the IO will prepare an immediate report for the information of the District Commander who will direct appropriate action. The IO will email without delay, FEB, Lisnasharragh via the local Firearms and Explosives officer (FEO) outlining the circumstances and details of any firearm seizures.

Where a firearm(s) has been seized in these circumstances, FEB will consider the circumstances and may serve notice of their intention to revoke the FAC. The certificate holder will then be given the

opportunity to make representations prior to a final decision being taken. The firearm should not be returned to the holder until a decision has been made by the FEB.

As stated above, police officers have a legal responsibility to protect life under Article 2 of the European Convention on Human Rights (ECHR) and where doubt exists, further advice must be sought from a supervisory officer or FEB (during office hours).

## **8. Non-Molestation and Occupation Orders**

The Magistrates Courts (Domestic Proceedings) (Amendment) Rules (NI) 2013 provide for the postal service of inter partes Orders made by consent; where the Respondent is present in court; or where the Respondent is represented by a solicitor. As the requirement for personal service is no longer required for these inter partes Orders.

Persons and Vehicle Index Unit (PVI) act as the central point of contact for the Northern Ireland Courts and Tribunal Service (NICTS) in receiving the Order, initiating the process internally and liaising with NICTS as regards service or difficulties with service of the documents.

The following are the instructions for officers and supervisors tasked with service of the Orders:

### **Action upon issuance of ex parte civil orders**

Upon receipt of the Order from NICTS, PVI will forward the serial containing the details of the Applicant and Respondent to the relevant CMC with geographic responsibility for the Respondent's last known/stated address.

The CMC Dispatcher will assign an IO, advise the CMC Supervisor of the name of the IO and the Duty Sergeant. An email will be sent to the IO and Duty Sergeant with details.

The IO will print a copy of the Order from NICHE and update PVI of efforts to attempt service. PVI will record details of each attempted contact, date, time, address, etc., on the NICHE Occurrence Enquiry Log (OEL).

If the Order has not been served before termination of duty the IO will advise their Duty Sergeant, who in turn will ensure the oncoming Duty Sergeant is briefed and has possession of relevant hard copy order and the NICHE number containing the Order for appointment of new officer. The newly appointed IO will receive the information from the Duty Sergeant and identify

themselves as the new IO on the NICHE OEL to reflect they are now in possession of, and will attempt to serve the Order.

If, after 24 hours of attempted service of the Order, efforts are unsuccessful, the Duty Sergeant should make contact with the Applicant to establish possible alternative addresses for the Respondent.

PVI will schedule a reminder on NICHE for 60 hours after receipt of the Order to check status of the Order. If required, PVI will advise CMC Supervisor and request assistance to progress the service of the Order.

In the interim, suggested actions for the IO are:

- to pursue include checking with neighbours/enquiries as to the location of the Respondent;
- checking NICHE and electoral register to establish alternative addresses; and
- contacting Applicant or liaising with solicitor.

Any efforts should be recorded on the NICHE OEL.

### **Failure to serve order(s) within 72 hours**

After 72 hours of repeated unsuccessful attempts to serve the Order, the Duty Sergeant should contact PVI requesting

that NICTS be advised of the difficulties and establish possible alternative addresses for the Respondent. The C&C serial will be closed. In the interim, should the Respondent come to police attention, the Order should be served and the procedure below complied with.

If further information is provided by NICTS to assist in locating the Respondent, PVI will open the original C&C serial and update the NICHE OEL with potential addresses, before advising CMC of this development.

#### **Actions upon service of order**

Upon serving the order, the IO should advise the CMC Dispatcher via radio and thereafter update PVI by phone providing details of service i.e. serial number, time, date place, etc. PVI will amend the C&C serial with appropriate closing codes and serving officer's details before attaching appropriate flags ('NMO Applicant' and 'NMO Respondent'). Any supporting information will also be attached (with particular reference to the expiry of the Order or if it is effective until further Order<sup>1</sup>). Where relevant, an 'Occupation Order' flag should be attached to the relevant address.

The IO should also update the Applicant following service of the Order. If no telephone number has been provided, or no contact has been successful after two attempts, the IO should inform/leave a voicemail message with the Applicant's Solicitor. No voicemail message should be left on the Applicant's phone.

IO should update OEL and notebook with details of service.

The IO will complete the 'Particulars of Service' in the proforma OEL entry on NICHE before termination of duty with a workflow sent from the IO to the PVI whiteboard including the reference number. PVI will thereafter notify the NICTS of the service of the Order with 8 hours, via email, attaching details of the 'Particulars of Service' and reference numbers.

#### **Action upon issuance of inter partes civil orders**

The NICTS will email a copy of each Order as an attachment to PVI with details of expiry date, Applicant and Respondent's details including date of births, addresses, contact numbers, and solicitor details to ensure links can be made on NICHE.

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<sup>1</sup> For Orders effective 'until further Order', the expiry date will be 100 years hence with.

PVI will thereafter send an email acknowledging receipt of the Order to the NICTS within 72 hours.

PVI will link the relevant parties on NICHE with appropriate flags ('NMO Applicant' and 'NMO Respondent'). Where relevant, an 'Occupation Order' flag should be attached to the relevant address. PVI will also add a copy of the Order(s) to the Reports tab on NICHE.

An Occurrence Index entry should be added to the Applicant's address advising of current NMO in force as well as any supporting information, with particular reference to the expiry of the Order or if it is an effective until further order.

There may be exceptional inter parte Orders that do require serving. These will be highlighted by the Court Service. If this is the case the same process will be followed as ex parte Orders.

## 9. Notes on service of orders

### **Sunday Observance (Ireland) Act 1695**

Section 7 of the Sunday Observance (Ireland) Act 1695 prohibits certain court orders / documents being served on a Sunday. Documents listed in the legislation include "...any writ, process, warrant, order, judgment, or decree (except

*in cases of treason or any offence triable on indictment or any breach of the peace)...".*

Therefore, neither the Non-Molestation/Occupation Order nor the summons attached to the ex parte Order(s) may be served on a Sunday. The PSNI Human Rights Legal Advisor has confirmed the validity of this legislation, indicating if disregarded and documents served on a Sunday, this action may invalidate the court proceedings potentially leaving the Service liable for claims of unlawful arrest / detention or trespass by the Respondent.

If there is an urgent requirement to act out of safety concerns, officers should assess the situation to determine whether any offences have been committed.

### **Young people as respondents of orders**

Where the DOB or other information indicates or directs that the Respondent of a civil order (i.e. Non-Molestation/ Occupation Order) is a young person (under 18 years of age), or an otherwise vulnerable person, Social Services should be notified prior to service of document, particularly when the person is being excluded from the family home. It is recognised that these young people may have particular needs or concerns and require support - therefore, the liaison



between PSNI and Social Services is necessary to ensure that the situation is assessed as appropriate and relevant services are arranged to support the individual.

If PSNI records indicate that the Respondent is 'Looked After' whether on a voluntary basis or under an Interim or Full Care Order, the Director of Social Services for the relevant HSCT or the named Key Worker should be notified prior to service, to allow for a suitable time/place for service by the police and social services to be in attendance to support the individual. NICTS will also highlight to PSNI, any specific instructions given by the court which are to be adhered to by those parties concerned.

In exceptional circumstances, where prior contact with Social Services is not possible, liaison should be made as early as possible thereafter to advise them of the situation and what action has been taken.

#### **Service of orders at women's aid refuge**

On occasion, police officers will be required to serve an order on a resident of a Women's Aid refuge. This can be a particularly distressing experience for the woman, her children and other women and children at the refuge. Women's Aid acknowledges that in certain

circumstances, the PSNI may have no alternative other than to serve an order or effect an arrest at these premises. In such situations, enquiries will be conducted via the 24 Hour Domestic and Sexual Violence Helpline (0808 802 1414). The Helpline staff will liaise with the Refuges and inform the police of the woman's location (if availing of Refuge accommodation). The police will thereafter contact the Refuge staff, who will advise as regards the return of that individual or their anticipated presence at the Refuge. Arrangements will be agreed between the police and Refuge staff to ensure discreet service of the order, in a manner that does not infringe on Refuge activities.

It is anticipated that police will respond sensitively and discreetly, bearing in mind the other residents and the circumstances under which they have sought refuge. These arrangements will also apply if PSNI have reason to contact a woman living in refuge in relation to other matters.

#### **No order in existence**

On occasion, police may be informed by a victim of domestic abuse that a Non-Molestation/Occupation Order is in existence. In the absence of any records on NICHE to that effect, an officer should consider other appropriate legislation,

including the use of the Protection from Harassment (NI) Order 1997.

## 10. Recording Withdrawal Statements

Where a victim wishes to withdraw their complaint a full withdrawal statement will be taken (for those investigations relating to high risk victims of domestic abuse, this should be recorded by a Domestic Abuse Officer). The statement will include:

- The reasons for wishing to withdraw the complaint;
- Establishing whether the victim is saying that the offence did not occur or whether they are saying that they do not wish the investigation or prosecution to continue;
- Whether the victim still consents to police accessing medical records (if consent had previously been given for this access);
- Whether any pressure or persuasion, directly or otherwise, has been brought to bear on them;
- Whether they have been subjected to any threats or intimidation in relation to the case;

- With whom they have discussed the case;
- Whether any civil proceedings have been instigated;
- The impact on their life and that of any children.

A template statement is available on Policenet for use by officers in recording a statement withdrawing a complaint of domestic violence/abuse.

The Investigating Officer should also discuss with the victim whether an application to the court for the provision of special measures at court would be of assistance.

The Investigating Officer or the Officer taking the statement of withdrawal will inform the PPS of their view on:

- The truthfulness of the reasons given;
- How a victim might react to being compelled;
- Safety issues relating to the victim and any children;
- Their recommendation as to how the case should be dealt with;

- Any other information that they may consider relevant regarding the victims or offenders circumstances.

The taking of a 'withdrawal' statement makes no difference to the responsibility of the Investigating Officer in conducting a full and proportionate investigation to actively seek other evidence to link a suspect to the offence.

Where lines of enquiry remain the PSNI will continue the investigation despite the fact that the victim indicates his/her unwillingness to attend Court.

An updated assessment of risk to the victim or any other vulnerable person should also be provided if available. Any other information that police may consider relevant to the victim's circumstances should be provided.

This information will be made available electronically through Causeway in the Structured Outline of Case (SOC) or in direct written contact with the PPS Prosecutor.

The victim should be informed that making a withdrawal statement does not necessarily mean that the case will not proceed and that it does not preclude the requirement for them to attend Court and give evidence if necessary. In appropriate

cases the PPS may determine that, notwithstanding the victim's withdrawal, it is in the public interest to proceed with the prosecution and in some instances it will not be possible to proceed without the complainant's evidence and therefore consideration will be given to compelling the victim to attend court.

The victim may be invited by the Officer to make written representations to express their views as to why they do not support a prosecution and their views now on the incident/relationship/defendant. The PPS will consider any available representations when deciding whether a prosecution should proceed against the wishes of the victim.

The Officer taking the withdrawal statement should be in a position to make their own statement which should include evidence of the demeanor of the victim and any alleged duress, threats, intimidation, fear or other matters which may be relevant to a possible hearsay application being made to admit the victim's statement as evidence under Article 20 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004. The Officer should be prepared to attend court to give such evidence orally should such application be considered appropriate.

Where a victim discloses that they have been intimidated or threatened (either directly or indirectly) to withdraw their complaint or withdraw their support for prosecution then the Investigating Officer should take a statement from the victim to this effect. This may support an application by the PPS to admit the victim's original statement of complaint (if made) as evidence under Article 20 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004. Again it is important in such circumstances that supporting evidence is obtained and provided as the court is less likely to admit the victim's statement as evidence where it is the sole decisive evidence before the court. Further the statement may disclose additional offences, whether committed by the defendant or the victim, which may require investigation.

## 11. Child Contact Centres

Child Contact Centres provide a neutral meeting place where children of separated families can enjoy contact with one or both parents, and sometimes other family members, in a comfortable and safe environment when there is no viable alternative.

Child Contact Centres can be used by families for many reasons. A neutral venue may be required where both the resident and the contact adults can be supported and where the child can feel safe and relaxed. There may have been no contact for some time, or a father or grandparents may use the Centre to see a child for the first time. Frequently the break down in relationships has been as a result of domestic violence or abuse and there may be a Non-Molestation Order in force.

However, child safeguarding is the paramount consideration for staff employed in these centres and frequently they may be confronted with hostile family members, aggrieved at the supervised access to children, due to ongoing child protection concerns.

There have been a number of occasions where Police Officers have arrived at Child Contact Centres to effect an arrest for a Breach of a Non-Molestation Order or in relation to another offence. This can be a particularly distressing experience for a child and for other children or adults using the centre at that time.

The Northern Ireland Network of Child Contact Centres has expressed the view that the PSNI should **not** visit Child Contact Centres in order to serve an order or effect

an arrest due to the negative implications for children and families visiting the centre.

Where a member of staff from a Child Contact Centre contacts police for assistance, the police response should be appropriate to the circumstances as reported, bearing in mind that child safeguarding and welfare is the priority for both Contact Centre staff and police.

## Appendix A Priority Action Checklist

<p><b>Contact Management Centres/Dispatchers (CMC)</b></p> <p><b>Station Enquiry Assistants/ Station Duty Officers</b></p>	<p>✓</p>
<p>Upon receipt of a domestic incident/crime a new command and control serial will be commenced.</p>	
<p>Obtain necessary information to ensure the appropriate action is taken and to identify repeat victims and vulnerability issues. If in doubt simply ask the victim sensitively/carefully about their needs/worries/concerns.</p>	
<p>When closing it is essential that the appropriate qualifiers are correctly entered to ensure that the incident is properly recorded as a domestic incident/crime with DOMD closing code.</p>	
<p>Contact Management Centre Supervisors should regularly check that Command and Control serials are fully completed and comprehensively updated and that the appropriate closing codes and qualifiers are included.</p>	
<p><b>Attending / Investigating Officer</b></p>	<p>✓</p>
<p>Attending Officer will attend the scene of the domestic incident incident/crime using Body Worn Video (BWV), where possible, to maximise evidence gathering.</p>	
<p>Commence investigation, identify and assess risk reflecting the DASH Risk Assessment (DASH 2011 Form available on Point). Further guidance available at Dash. Seek consent for support agency referrals. A DASH should be completed for all victims aged 16 years or over if the abuse is the result of being in an intimate relationship. Other familial abuse below 18 will be dealt with under child abuse joint protocol consideration.</p>	
<p>Consider and implement safeguarding actions to manage risk to victim and other vulnerable persons in household including referral to Social Services. Update OEL as</p>	

<p>to actions. <a href="#">See Appendix B for more information</a>. When closing C&amp;C serial, inform CMU of Domestic sub-type closing code (DOMD).</p>	
<p>Where a child has been assaulted (regardless of other victims), email zcru with details to identify whether specialist IO should be tasked to respond to incident as child abuse allegation. The investigation, however, remains with the Attending Officer until otherwise informed. This does not negate the need for Social Services to be informed, as appropriate.</p>	
<p>Consider removal of firearms and/or ammunition (if appropriate). <a href="#">Domestic Abuse and the Possession of Firearms and Ammunition</a></p>	
<p>See <a href="#">Non-Molestation and Occupation Orders</a> if Non-Molestation/Occupation Order requires service by police.</p>	
<p>If a domestic incident involves a police officer or police staff, inform Supervising Sergeant and see Police Officer/ Staff experiencing domestic abuse. If a domestic incident involves a member of the military community, see Joint Response for more information and contact details.</p>	
<p>If a withdrawal statement is recorded from the victim it should be based upon the template statement see (statement of withdrawal)</p>	
<p>If a domestic incident occurs at a Child Contact Centre, or assistance is requested from such a Centre, see <a href="#">Section 11</a>.</p> <p>Click link to obtain contact details for the staff in Child Contact Centres.</p>	
<p>Brief Sergeant about domestic incident (investigative and safeguarding actions) as well as risk assessment. Upon authorisation of Sergeant, contact CMSU with details of risk assessment, including consent to refer to support agency, if appropriate.</p>	

<b>Supervising Sergeant</b>	✓
Review the initial DASH Risk Assessment, investigations and ensure actions to safeguard the victim and any children/vulnerable persons have been taken.	
Record reviews and directions on NICHE OEL: Supervise the investigation of the domestic incident to completion unless otherwise directed.	
If a domestic incident involves a police officer or police staff, click this link. If a domestic incident involves a member of the military community, see the Joint Response within the Defence Community, for more information and contact details. Update Supervising Inspector in both instances.	
<b>Supervising Inspector</b>	✓
If domestic incident involves a police officer or member of police staff, appoint IO at least one rank higher than that of the alleged perpetrator, where possible.	
If a domestic incident involves a member of the military community, Joint Response for more information and contact details.	
<b>Contact Management Support Unit</b>	✓
Record answers to all DASH questions. Record consent (if given) for referral to specialist agency.	
<b>Central Referral Unit</b>	✓
If consent has been given to referral to specialist agency, complete ERF and email to appropriate branch/agency. Update OEL once referral forwarded to relevant agency.	
CRU constables to quality assure all 3+ Standard, 3+ Medium and all High incidents. Dip sample 3% of standard risk assessments.	



Public Protection Unit	✓
Public Protection Unit to investigate domestic abuse motivated crimes as per C7 Case Allocation Policy.	
Consider risk assessment, identify further safeguarding actions as necessary and refer to MARAC if appropriate.	
The PPU 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. This should consist of dip-sampling cases identified as domestic abuse and reported breaches of orders (pertaining to Non-Molestation/Occupation Orders) on Command & Control serials where a power of arrest existed but an arrest was not made.	

## Appendix B Safeguarding Checklist

<p><b>Safeguarding tactics that may be offered to victims of domestic abuse, particularly for those who have been assessed as ‘Standard’ and ‘Medium’ Risk:</b></p>	✓
<p>Flag Address for quick response to any further calls to the address. Contact CMC.</p>	
<p>Contact Crime Prevention Officer to provide advice re: Victim’s home address and/or workplace or Schools, Other places frequented and other vulnerable areas. Advice to be given on personal attack alarm, mobile phone direct 999 facility to police and routes used by victim.</p>	
<p>Ensure Bail Checks are carried out on the perpetrator in order to protect the victim.</p>	
<p>Social services referral – Ensure that the correct information is shared with social services, whether via email or telephone. In the event of an emergency or complex child safeguarding cases, contact Regional Emergency Social Work Service on: 02895049999. Officers must ensure that relevant checks are completed in respect of children and full details are passed to CMSU.</p>	
<p>The victim should be made aware of support groups available to them both local and nationally.</p>	
<p>Email referral to or speak with Domestic Abuse Support Worker to provide emotional support and further advice.</p>	
<p>Consider completion of Public Protection Arrangements for NI form (PPANI1) for offences of AOABH and above if significant concerns in relation to victim safety exist consider speaking to Public Protection Tea.</p>	
<p>Attending officer to provide victim Literature / leaflets.</p>	
<p>At each incident an officer should be handing out the PSNI leaflet on Domestic Abuse.</p>	
<p>Fire Service referral - In scenarios where there have been threats to cause damage by fire and persons are considered to be ‘at risk’, Northern Ireland Fire Service will,</p>	

<p>if victim has consented, accept referrals to make a follow up call to the victims home and provide appropriate advice.</p>	
<p>If the victim is willing to go to Women’s Aid Refuge, contact 24 Hour Domestic and Sexual Violence Helpline (0808 802 1414) who will then liaise with local refuge personnel and advise of the most suitable accommodation.</p>	
<p>Safety Planning – provide advice to improve personal security.</p>	
<p>Notify Social worker / Mental Health worker etc. - Make the necessary referrals if victim/perpetrator is receiving services by Social Services or Mental Health services for further support or intervention.</p>	
<p>Provide advice and information on Court Orders (NMO/Occupation Orders Restraining Orders).</p>	
<p>Domestic Violence and Abuse Disclosure Scheme (DVADS) - Consider the ‘Power to Tell’ pathway, which can be used where police have information that indicates that a person may be at risk of domestic violence or abuse. This Scheme will allows police and partner agencies, to better manage risk through the sharing of relevant information about one person’s history of domestic abuse with another, or to a third party deemed best placed to safeguard that person (only in exceptional circumstances).</p>	
<p>For those victims that have been assessed as ‘<b>High</b>’ Risk, in addition to the above, the officer should also consider:</p> <ul style="list-style-type: none"> <li>• Flagging the parties on Niche indicating that the victim is ‘high risk’</li> <li>• Contact PPU for a referral to a Multi-Agency Risk Assessment Conference (MARAC)</li> <li>• Issuing a personal safety alarm to the victim and/or family members.</li> </ul>	
<p>Where it is not apparent from the initial call or attendance by police that it is a domestic abuse motivated incident or crime, upon being so advised that it would fit the definition of domestic abuse, the officer receiving this information should inform the original Attending / Investigating Officer of this development to ensure compliance with the Domestic Abuse Service Instruction.</p>	

<p>It is sometimes unavoidable and essential for officers to seize mobile phones as evidence for an investigation into a criminal offence. However, this can leave the individual without a means of making emergency communication. Officers should ensure they have arrangements in place so that individuals, who may be at risk of harm and may require to call the emergency services, are not left without a means of making emergency communication. Furthermore, officers should be made aware that this should be an integral consideration in their safeguarding plans.</p>	
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## Appendix C Contact Us

### Service Instruction Author

### Branch Email

[publicprotectionsecretariat@psni.police.uk](mailto:publicprotectionsecretariat@psni.police.uk)