

Police Service of Northern Ireland

ABSTRACT – This Policy sets out guidance on the investigation of all reported incidents of domestic abuse to ensure that police respond in a consistent, robust, proactive and effective manner

HQ Ref: TRIM 249711

PD 09/08

POLICY DIRECTIVE

POLICE RESPONSE TO DOMESTIC INCIDENTS

1. POLICY IDENTIFICATION

POLICY TITLE: Police Response to Domestic Incidents

POLICY OWNERSHIP:

DEPARTMENT	Criminal Justice
BRANCH	Community Safety
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POLICY APPROVED BY:

CCF REF/OTHER DATE OF APPROVAL	Chief Constable's Forum – Ref 68/03
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IMPLEMENTATION DATE: 31 July 2008

DATE OF ISSUE: 31 July 2008

DATE VERSION 2 ISSUED: 10 December 2010

REVIEW DATE: 11 December 2011

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2. POLICY STATEMENTS

(1) Policy

- (a) The Police Service of Northern Ireland's (PSNI's) Policy is to investigate all reported incidents of domestic abuse in a consistent, robust, proactive and effective manner.
- (b) The police role is one of prevention, protection and prosecution: prevention of further violence, protection of the victim, children and other vulnerable persons, and prosecution of the alleged perpetrator where there is sufficient evidence.
- (c) Domestic abuse is a crime and **must** not be tolerated. Police officers will take positive action at all domestic incidents to prevent crime, ensure public safety and protect the rights and freedoms of all parties, in particular, the victim in accordance with the Human Rights Act 1998.

(2) Definitions

In recognition of the sensitivity of terminology and responding to the ever increasing view that the term 'domestic violence' does not always reflect abusive behaviour in its broadest sense, the Association of Chief Police Officers (ACPO) has adopted the term domestic abuse in place of domestic violence. PSNI will now use the term domestic abuse in line with the ACPO position.

- (a) 'Domestic Abuse':

The Northern Ireland Regional Steering Group on Domestic Violence has defined Domestic Abuse as "any incident of threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation.

- (b) The following will assist in the application of this definition:

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

- (c) Repeat victim

A repeat victim of domestic abuse is a person about whom any incident of domestic abuse has been reported to police in the previous 12 months.

- (d) Serial perpetrator

A serial perpetrator is an offender who uses or threatens violence in 2 or more unconnected incidents against 2 or more victims who are unconnected to each other and are not or have not been intimate partners over a rolling 3 year period. (ACPO, August 2010).

3. INTRODUCTION

(1) Summary

- (a) Domestic abuse is an abuse of power and control where an individual tries to assert domination over another and often includes physical, sexual, emotional and financial abuse and occurs regardless of the victim's religion, ethnicity, age, socio-economic background, marital status, sexual orientation, gender, political opinion, disability, with or without dependants.
- (b) Domestic abuse can manifest itself through the actions of immediate and extended family members, for instance, forced marriage, so called 'honour crimes', or traditional practices, such as female genital mutilation. Domestic abuse can be linked to other offences (see Appendix 'A' for an overview of such associated offences and investigative considerations).
- (c) It is acknowledged that in the majority of cases the violence is perpetrated by men against women. In 2008/09, where the gender of the victim was known, 74.8% of the victims (aged 17 and over) were female, 25.2% of victims were male. There are victims within the lesbian, gay, bisexual and transgender communities. The impact of abuse extends beyond the immediate victim, alleged perpetrator and children to include consequences for their extended families and wider community.
- (d) Domestic abuse can include violence inflicted on, or witnessed by, children. The adverse effects of living with domestic abuse for children must be recognised as a child protection issue. They link to poor educational achievement, social exclusion and to juvenile crime, substance misuse, mental health problems and homelessness from running away. Research indicates that 90% of children in violent homes are in the same room or next room when violence occurs, with 60% of children witnessing domestic abuse likely to be physically abused by the same perpetrator. Studies also suggest that children who witness domestic abuse are more likely as adults to be affected by violence – either as victims or perpetrators.
- (e) Officers should be mindful that victims of domestic abuse may suffer numerous times before calling the police or contacting any other agency, and thus calls to incidents, regardless of whether or not a crime has been committed, should be taken as opportunities to signpost victims to support agencies. Early encounters with police are highly likely to inform the perception of victim's future expectations of the support they are likely to receive should the situation escalate. Therefore police officers must understand that victims who report domestic abuse but fail to make or pursue a formal complaint do so for very valid reasons, including a fear of further attack, embarrassment, loss of partner, children, home, financial stability or employment. It is therefore vital that officers who attend incidents respond positively to victims.
- (f) Victims of domestic abuse require specialist support, which is not a core role for police. Therefore in every reported case, information on support agencies must be made available to all victims (see section titled 'Referrals to Support Organisations').

(2) Aims and Objectives

- (a) The Service is committed to the principle that domestic abuse is totally unacceptable behaviour in any shape or form, 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 victim(s), children and police officers (attending such incidents) and to ensure that, where appropriate, alleged perpetrators of abuse are challenged and held to account to reduce the potential for re-offending. It is imperative that police deal effectively with domestic abuse from the initial report.

- (b) The Service aims:
- (i) To protect the lives of both adults and children who are at risk as a result of domestic abuse;
 - (ii) To investigate all reports of domestic abuse;
 - (iii) To facilitate effective action against alleged perpetrators so that they can be held accountable through the criminal justice system;
 - (iv) To adopt a proactive multi-agency approach in preventing and reducing domestic abuse.
- (c) These aims will be achieved by:
- (i) Recording, responding and effectively investigating all reported incidents of domestic abuse in a robust, consistent and proactive manner;
 - (ii) Appointing appropriate numbers of Domestic Abuse Officers (DAOs) in every district;
 - (iii) Assessing and managing risk in all reported domestic incidents.
 - (iv) Ensuring that every reported domestic abuse investigation is appropriately supervised;
 - (v) Where a power of arrest exists, only in exceptional circumstances will that power not be used;
 - (vi) Ensuring that every victim of domestic abuse is offered the services of a Domestic Abuse Officer (DAO) and provided with information relating to statutory and voluntary support agencies;
 - (vii) Taking adequate steps to protect children (including unborn children) who may be at risk from domestic abuse by engaging with the appropriate authority;
 - (viii) Assessing risk from all licensed and personal protection firearms where domestic abuse has been reported or identified and removing access where appropriate;
 - (ix) Identifying and meeting the needs of members of minority and vulnerable groups who report domestic abuse.

(3) Legal Basis

- (a) Police officers have a duty according to Section 32 of the Police (NI) Act 2000:
- (i) To protect life and property;
 - (ii) To preserve order;
 - (iii) To prevent the commission of offences; and
 - (iv) Where an offence has been committed, to take measures to bring the offender to justice.

- (b) When carrying out these duties police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights (ECHR) and International Human Rights Law. These rights include:
 - (i) an individual's right to life (Article 2);
 - (ii) an individual's right not to be subjected to torture, or to inhuman or degrading treatment (Article 3); and
 - (iii) the right to private and family life free from violence and intimidation (Article 8).
- (c) Article 3(1) (Privacy and Confidentiality) PSNI Code of Ethics requires that "Police officers shall gather, retain, use and disclose information or data only in accordance with Article 8 of the ECHR and shall comply with all relevant legislation and Police Service policy and procedure governing the gathering, retention, use and disclosure of information and data." Furthermore at Article 3(3) "Information or data of a personal or confidential nature in the possession or control of police officers shall be kept confidential, unless the performance of duty, compliance with legislation or the needs of justice require otherwise."
- (d) No distinction should be made by officers or police staff in responding to domestic incidents on any ground such as sexual orientation, race, colour, language, religious belief, political or other opinion, racial group, age, marital status, between men and women generally; between persons with a disability and persons without, or other status. (Section 75 Northern Ireland Act 1998).

4. IMPLICATIONS OF THE POLICY

The following implications were considered:

(1) Financial and Efficiency Implications

- (a) The full implementation of this Policy may require the appointment of additional DAOs, from within district resources, and police staff. Appropriate training must be delivered to every police officer, including DAOs.
- (b) By fully implementing this Policy, the Service will ensure that it deals with every reported domestic incident effectively and consistently.

(2) Human Resources and Training

- (a) The full implementation of this Policy will require the appointment of a number of DAOs appropriate to the level of reported incidents of domestic abuse within each district.
- (b) The full implementation of Multi Agency Risk Assessment Conference model (MARAC) requires a training package to facilitate this as well as administrative support.
- (c) All existing and newly appointed DAOs will be required to undergo training.
- (d) District Commanders should consider the need to have this topic included in the District Training Programme for frontline officers.

(3) Partnerships

- (a) The Service will continue to work to establish and build on the existing links with organisations operating in the arena of domestic abuse and work to support them.
- (b) The introduction of MARAC has created a partnership model for dealing with domestic abuse.

(4) Risks

- (a) This Policy must be consistently applied across every district to ensure that every reported incident is investigated to the same standard and that every victim of domestic abuse receives the same level of assistance and support commensurate with the risk assessment.
- (b) By not fully implementing this Policy the Service may be failing in its duties under Section 32 of the Police (NI) Act and its responsibilities under Human Rights legislation.

(5) Consultation

- (a) The following police officers and departments were consulted:
 - (i) Police Service Top Team;
 - (ii) Legal Adviser;
 - (iii) Human Rights Legal Adviser;
 - (iv) District Commanders;
 - (v) Crime Department;
 - (vi) Crime Managers;
 - (vii) Analysis Centre;
 - (viii) Firearms and Explosives Branch;
 - (ix) Child Abuse and Sexual Offences Co-ordinator;
 - (x) Training, Education and Development Branch;
 - (xi) PSNI Diversity Branch;
 - (xii) Professional Standards Department;
 - (xiii) Police Federation for Northern Ireland (PFNI);
 - (xiv) Gay Police Association;
 - (xv) Ethnic Minority Police Association;
 - (xvi) Superintendents' Association of Northern Ireland;
- (b) The following voluntary and statutory agencies were also consulted:
 - (i) Northern Ireland Office (NIO);
 - (ii) Public Prosecutions Service (PPS);
 - (iii) Office of Law Reform;
 - (iv) Northern Ireland Court Service;
 - (v) Victim Support;
 - (vi) Law Society (Reg. Steering Group on Domestic Violence);

- (vii) Resident Magistrate (Reg. Steering Group on Domestic Violence);
- (viii) Northern Ireland Women's Aid Federation;
- (ix) Women's Aid;
- (x) Men's Advisory Project (MAP);
- (xi) NI Network of Child Contact Centres;
- (xii) Barnardos;
- (xiii) Help The Aged;
- (xiv) Northern Ireland Council for Ethnic Minorities;
- (xv) Children in Northern Ireland;
- (xvi) United Nations Development Fund for Women;
- (xvii) Multi-Cultural Resource Centre;
- (xviii) Parents Advice Centre;
- (xix) Probation Board for Northern Ireland (PBNI);
- (xx) Disability Action;
- (xxi) Rainbow;
- (xxii) National Children's Homes;
- (xxiii) Men to Men;
- (xxiv) Lesbian Line.

5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION

- (1) This Policy is deemed to be Human Rights compliant. It has been screened for Section 75 considerations and meets integrity standards.
- (2) This Policy is suitable for public disclosure in accordance with the Freedom of Information Act 2000. The policy is to be published on the PSNI web page to facilitate public access.

6. REVIEW

- (1) This Policy will be reviewed annually; the next review will take place on or before January 2012. |
- (2) The review will be undertaken by Inspector, Public Protection Branch. Any feedback in relation |
to this Policy should be addressed to Inspector, Public Protection Branch. |

SECTION 7

PROCEDURES

1. INTRODUCTION

- (1) This Policy should be read in conjunction with the ACPO "Guidance on Investigating Domestic Violence 2008."
- (2) When responding to victims of domestic abuse, police officers should be aware that information they receive may be confidential in its nature, and care should always be taken before disclosing such information to family members or friends, other agencies or the wider public. Disclosure of personal information engages Article 8 ECHR and must also be in compliance with the Data Protection Act 1998.

2. INITIAL REPORT OF DOMESTIC INCIDENT

(1) By phone

- (a) When a telephone call is received and the circumstances indicate that it may be a domestic incident and that the victim is in immediate danger, an emergency response will be required by police to the incident.
- (b) Where a report is received by telephone and the victim is not in immediate danger a priority response is required, a police officer should be sent to the scene at the earliest possible opportunity to investigate the incident.
- (c) Upon receipt of a report of a domestic incident, the first priority is to protect the victims of domestic abuse and any other vulnerable persons in the household as well as police officers in attendance at the scene. Therefore, the call taker should give safety or other advice, where appropriate, and keep the caller informed as to the deployment of officers.
- (d) If the alleged perpetrator is still at the scene, the caller should be encouraged to remain on the line, and if appropriate, check whether the caller is out of earshot of the alleged perpetrator. Any background noise from a 999 call will automatically be recorded and may have evidential value in any subsequent investigation. Should the telephone call be cut off this will require an urgent reassessment of the call grading as the safety of the caller may be further threatened.
- (e) Where the suspect has since left the scene, the caller should be advised to lock and otherwise secure the premises and return to the telephone. A full description of the alleged perpetrator should be recorded and circulated to patrols.
- (f) The call taker should record as much information as possible.
- (g) When it has been established that the victim is safe, basic scene preservation advice should be provided, including:
 - (i) **Not** moving anything (or allowing others to do so);
 - (ii) **Not** cleaning up or tidying the house;
 - (iii) **Not** washing or taking a shower;
 - (iv) **Not** changing clothing;

- (v) **Not** allowing children, relatives, neighbours or animals to enter areas where the incident took place (where possible).
- (h) Pending police arrival, and where appropriate, it may be necessary that medical assistance is tasked and the caller advised that police are en route. The safety of officers attending the scene should be addressed by ensuring suitable support (back up) is available for the crew where required in the circumstances.
- (i) Checks should be made by call takers on ViSOR as well as any local databases and information passed to the police officers attending the incident of the existence of firearms, bail conditions, civil injunctions, as well as any relevant history or factors that may affect the police response. Upon police arrival at the incident, the call taker should contact the victim so that officers can be safely admitted to the premises.
- (j) Where police are informed by the victim that they are no longer required, it should not be assumed that the victim is not in immediate danger as they may have been forced to state 'all is well' or curtail contact. Police must therefore attend the scene to confirm that the incident has been resolved.
- (k) The caller must be provided with details of support agencies that can provide emotional, psychological or practical support and asked if they require any help to make contact with a support agency or some other person, including the DAO. Police officers attending a domestic incident must leave the PSNI's domestic violence information card with the victim.
- (l) If a crime has been committed, supervisors should ensure that the incident is recorded on Command and Control, investigated and an Occurrence Management Form completed. Incidents not identified as involving the commission of a crime should be recorded on Command and Control system and reported to DAOs for follow-up contact, where appropriate.

(2) By Letter/Email

- (a) Reports of domestic incidents submitted to police by letter/electronically should be forwarded to the DAO for consideration and necessary action. Where a victim of domestic abuse attends at a police station in person, they should be afforded privacy and an interview arranged with an officer of the same sex, if preferred, as soon as possible.
- (b) If the documentation indicates that a crime has been committed, supervisors should ensure that the incident is recorded on Command and Control, investigated and an Occurrence Management Form completed. Incidents not identified as involving the commission of a crime should be recorded on Command and Control system and reported to DAOs for follow-up contact, where appropriate.

(3) Third party referral

- (a) On occasion a referral may be made by an external agency. In such instances, the information, decision-making and subsequent action taken in light of the referral should be recorded locally, ensuring an audit process of the investigation.
- (b) If a referral indicates that a crime has been committed, supervisors should ensure that the incident is recorded on Command and Control, investigated and an Occurrence Management Form completed. Incidents not identified as involving the commission of a crime should be recorded on Command and Control system and reported to DAOs for follow-up contact, where appropriate.

3. COMPLETION OF RECORDS AND SUPERVISION

- (1) When recording domestic incidents on Command and Control, it is essential that the appropriate opening and closure incident codes are correctly entered to ensure that the incident is properly recorded.
- (2) Domestic incidents, **where a crime is disclosed**, should be treated like any other crime for the purpose of completing the Occurrence Management Form. Care must be taken to record specific details required for domestic incidents.
- (3) Submission of the original Occurrence Management Form will be as for any other crime, that is via the supervising officer to the Crime Controller. A copy shall be made by the Crime Management Unit and forwarded to the DAO without delay.
- (4) If **no crime is disclosed**, then the original form will be forwarded via the supervising officer to the DAO. A copy shall be made by the DAO and forwarded to the Crime Controller without delay.
- (5) The information recorded on domestic abuse incident logs should be sufficient to allow for effective supervision of scene attendance and investigation. Proactive monitoring by supervisors should take place, particularly reviewing decisions not to arrest and in cases of serious crime, supervisors should take an active role from the outset in ensuring that an effective investigation takes place.

4. DUTY OF POSITIVE ACTION

- (1) The Human Rights Act 1998 includes positive obligations on police officers to take reasonable action within their powers, to safeguard the rights of victims and children/vulnerable persons. Victims have a right to protection from domestic abuse and police officers have a responsibility to investigate and obtain sufficient evidence to prosecute an alleged perpetrator. Failure to exercise a power of arrest may leave a victim at risk from further offences and may mean that the Police Service is vulnerable to legal challenge under both the Human Rights Act and the law relating to negligence.
- (2) An effective and proactive investigation should be completed in all cases where a domestic incident is reported. It is the decision of the police officer whether or not to arrest an alleged perpetrator and therefore victims should not be asked whether they require an arrest to be made. Whilst the views of the victim are an important consideration, it is the decision of the Public Prosecution Service (PPS) to prosecute. Thus initial police action should not pre-judge those decisions. It is the responsibility of the PPS to provide the PSNI with prosecutorial advice which may be requested at any stage of an investigation.
- (3) Positive action should be taken at all domestic incidents. Officers should consider the incident as a whole, pursue all lines of enquiry, gathering alternative evidence in order to charge and build a prosecution that does not rely entirely on the victim's evidence. **A police officer should exercise a power of arrest where such exists and where it is necessary and proportionate in order to carry out an effective investigation and/or prevent further offences.**
- (4) A decision to arrest or not should not be based on the willingness of a victim or witness to testify or otherwise participate in a judicial proceeding.
- (5) In situations where an arrest is made, the victim or their representative should be asked for details of how they may be contacted in the event of the alleged perpetrator being released from police custody. Victims should also be asked for any information that may be subject to consideration in the imposition of bail conditions.
- (6) Where a power of arrest exists, but the officer believes that it is not necessary to ensure an effective investigation and/or ensure that further offences will not be committed, the officer should take the following action:

- (a) Record in their notebook and on the Command and Control serial the details as to why an arrest has not been made;
 - (b) Explain the reason why an arrest has not been made to the victim (where appropriate);
 - (c) Consider proceeding by summons or issuing a Police Information Notice under the Protection from Harassment (Northern Ireland) Order 1997;
 - (d) Reassure the victim that the details of the incident will be recorded on the PSNI's IT systems;
 - (e) Offer help and protection to the victim and children/vulnerable persons;
 - (f) Gather evidence to support future criminal prosecutions, which could also be used in civil proceedings;
 - (g) Refer the victim and/or children to relevant agencies for support and assistance (eg refuges, Victim Support, Women's Aid (including the 24 hour Domestic Violence Helpline), Men's Advisory Project etc).
- (7) 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. The analysis should include an overview of the officer's details, alleged offence, whether the rationale for not arresting was recorded, and whether this decision was justified. These records should be scrutinised to ensure that officers are applying the Policy in practice and where issues or non compliance is found, to ensure appropriate action is taken. The analysis will be collated by Inspector, Public Protection HQ.

5. INITIAL RESPONSE BY POLICE TO DOMESTIC INCIDENT (SEE ALSO APPENDICES 'B' AND 'C')

- (1) The first priority of an officer attending a domestic incident should be to protect all people present from injury or further harm, including victim, children, police officers and the alleged perpetrator. An overview of legislation relating to domestic abuse can be found in Appendix 'B'.
- (2) On arrival at the scene officers should:
 - (a) On no account be satisfied that all is well solely on the word of the alleged perpetrator. Police should speak to all parties involved in the domestic incident and where children are present in the premises, officers should physically check on their welfare. NB: Where a child reports a domestic abuse/incident between parents/partners officers should ensure that they speak directly to the child reporting this, with the consent of their parent or guardian and not just accept the responses of the parents/partners. The facts and issues surrounding a child reporting such an incident must be reported to the PPU and the subsequent referral to the Social Services as soon as possible after the incident;
 - (b) Re-assess victim and officer safety, including immediate risks, particularly in respect of access to weapons;
 - (c) Make an immediate assessment of the need for first aid or other medical assistance, noting any visible injuries/defensive injuries/lack of visible injuries to any party;
 - (d) Separate parties, including any children. Officers should ensure that they speak to the victim in a place where the alleged perpetrator cannot overhear, as the victim may not be able to talk freely, if at all;
 - (e) Identify the victim and alleged perpetrator based on the evidence available, not on preconceived stereotypes, for instance gender;

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- (f) Establish who is or was at the scene, including any children;
- (g) If not already undertaken, request appropriate checks on the alleged perpetrator and household, including bail conditions, civil orders and child protection register;
- (h) Make accurate notebook records of everything said by the victim, witness(es) and alleged perpetrator (including significant statements);
- (i) Record the demeanour/emotional and mental condition of the alleged perpetrator, victim and other witnesses, including children;
- (j) Consider taking photographs and/or using a video camera to record evidence eg injuries/any damage at the location ie broken furniture, windows or ceramics, telephone ripped out etc;
- (k) Confirm the identity of the alleged perpetrator. In cases where the alleged perpetrator has left the scene, a description should be circulated and every effort made to locate them. Officers should ensure that victims and any children are safe while alleged perpetrators are being located;
- (l) Secure the safety of the victims in their home. If this is not possible, consideration should be given to taking them to a place of safety eg home of friend/relative or refuge;
- (m) Obtain an overview of what has occurred, completing the DASH (Domestic Abuse, Stalking and Harassment and Honour Based Violence) 2009 risk model, identifying risk factors, who is at risk and deciding what level of intervention is required (unless the investigation is immediately passed to a specialist eg a DAO in which case the specialist must complete the DASH form);
- (n) Take positive action - a police officer should exercise a power of arrest where such exists and where it is necessary and proportionate in order to carry out an effective investigation and/or prevent further offences;
- (o) Consider the alleged perpetrator's access to firearms, whether personal protection or licensed. See Service Procedures: 10/07 Domestic Violence and the Possession of Firearms and/or Ammunition for further guidance;
- (p) Reports of Honour-Based Violence (HBV) or suspected HBV should alert officers to additional risk factors which can be present and are associated with incidents and crimes. Officers should consider that:
 - (i) Reporting HBV might increase the risk and imminence of harm to the victim, and might act as a barrier to them seeking further help;
 - (ii) Other family members, such as siblings, might also be subject to HBV;
 - (iii) Threats might extend beyond the immediate family to the wider community;
 - (iv) Family members might seek to locate and pressurise the victim;
 - (v) Threats might extend to other family members or the partner of the victim;
 - (vi) There might be other patterns of offending which are not linked to HBV;
 - (vii) There might be a history of abuse/HBV with other partners or family members.
- (q) Liaise with supervisor to ensure adequate measures have been taken and debrief as necessary to identify issues or highlight areas that require to be addressed.

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- (3) Where a victim requires medical attention, a police officer should accompany them in order to maintain the continuity and integrity of the evidence and to co-ordinate any investigations undertaken. Where a forensic medical examination is necessary, the officer should explain the reason to the victim. ACPO guidance suggests the victim should be asked if they have any preference of the sex of the doctor. This choice should be offered where a doctor of either gender is available. In all cases involving injury endeavour to obtain a signed medical consent form or separate statement from the victim, or make arrangements to obtain such form/statement at the earliest opportunity and medical statement of evidence obtained in a proactive timely manner.
- (4) When separate individuals involved in the same case require a forensic medical examination, different personnel should be deployed at separate locations. Officers should avoid cross contamination of scenes, and should where possible, avoid attending both the scene and any forensic medical examination.

6. GAINING A FIRST ACCOUNT FROM A VICTIM OR WITNESS (SEE ALSO APPENDIX 'D')

- (1) When gaining a first account from a victim or witness, officers should:
 - (a) Ensure each party is spoken to separately (speak to the victim and/or any children independently, in a place where the alleged perpetrator cannot overhear, to allow them to talk more freely);
 - (b) Explain the investigation processes and procedures to the victim and/or any witnesses and make it clear that the police take these matters seriously;
 - (c) Explain that support is available for the victim or witnesses;
 - (d) Obtain a first account as soon as practicable after the event, when the witness may be most able to recall the incident;
 - (e) Record first accounts given by witnesses, especially those relating to alleged perpetrator descriptions;
 - (f) Provide the victim with referral details (ie Women's Aid, 24 hour Domestic Violence Helpline, Men's Advisory Project, etc) and a PSNI domestic violence information card for victims;
 - (g) Consider that the victim may be in a distressed state and that it is not appropriate to ask the victim what course of action they wish the police to take;
 - (h) Determine whether the victim or witness is in fear of the alleged perpetrator and advise the individual as regards special measures which may be provided on application to the court should a prosecution proceed. (See Appendix 'C' for more information on 'special measures').
 - (i) Note that previous withdrawals of support for a prosecution should not adversely influence decision-making as to whether or not to arrest for an offence;
 - (j) Consider the needs of victims and witnesses from black and minority ethnic communities (the Minority Liaison Officer can provide support, advice and information) and other victims whose requirements due to their gender, age, sexuality, disability or other factor may increase their vulnerability; (see Appendix K);
 - (k) Make an accurate record of everything that is said by all parties;
 - (l) Take the victim or other witnesses to a neutral place if appropriate as this may help to reassure the witness and improve the quality of evidence likely to be obtained;

- (m) If a victim is taken to a refuge or other place of safety, never disclose this to alleged perpetrator;
 - (n) Deal with victims and witnesses to criminal offences in accordance with the provisions of the Criminal Justice (NI) Order 1999 and the "Achieving Best Evidence" guidance. Early identification of abilities, vulnerabilities and/or the basis of the intimidation is important so that effective measures to address these can be put in place during investigation etc. Consider video recording or audio-taping the first account for victim and/or witnesses in serious cases and cases with vulnerable or intimidated witnesses or whether it would be more appropriate for a written statement to be taken following an interview. (See Appendices 'C' and 'D');
 - (o) Make a victim's witness statement immediately available to the victim (photocopy of the written statement) to expedite the civil remedy process and to minimise the number of times a victim is required to repeat their evidence.
- (2) Only in exceptional circumstances should officers seek to use family members to interpret, and in particular, children should never be used for such a role. Any use of a family member as an interpreter at the scene should only be for the purpose of establishing facts that might secure the immediate safety of all parties. Where this occurs, this information should be recorded with details of the 'interpreter'.

7. INCIDENT INVESTIGATION AND SOURCES OF EVIDENCE (SEE ALSO APPENDIX 'D')

Officers should focus efforts on gathering best evidence from potential sources in order to build a prosecution case that does not rely entirely on the victim's statement. Evidence to support a prosecution can be obtained from various sources including physical evidence, the first officer at the scene, the victim or any children present at the time of the incident. Consideration should also be given to the availability of hearsay and evidence of bad character. Further details of potential sources of evidence are included at Appendix 'D'.

8. INVESTIGATION DEVELOPMENT

- (1) In all domestic abuse cases, Investigating Officers (IOs) should explore the history of domestic abuse, with such information supporting a prosecution file and proving that the offence is part of a pattern of domestic abuse rather than an isolated incident.
- (2) These procedures should be applied to all domestic abuse cases and to cases where there is a possibility that domestic abuse is an element, ie in a suspicious missing person enquiry.
- (3) Any historical disclosures of serious violence should be accurately recorded and brought to the attention of a supervisor for consideration as either a separate investigation or supporting any current prosecution.
- (4) Lines of enquiry should include intelligence; incidents not previously disclosed; incidents witnessed by and previous threats made to family members, friends, colleagues, etc; child contact arrangements/disagreements; house to house enquiries; civil injunctions; medical information that may constitute evidence; evidence of social isolation as well as evidence held by any other agency or data source on both the current and the alleged perpetrator's previous victims.
- (5) Prosecution files should be dealt with expeditiously and the PPS kept informed of any changes or developments throughout the life of a case. Care should be taken to identify those witnesses who may require special measures and officers should respond rapidly to a PPS request for further evidence or information (RFI). The victim must be kept informed particularly of any changes to bail conditions.

9. COUNTER ALLEGATIONS

- (1) When attending a domestic incident, police officers may be confronted by sharply conflicting accounts of what has taken place, with each party claiming to be the victim. The alleged perpetrator may make a false counter allegation and/or both parties may exhibit some injury or distress. In such situations, officers should examine whether the victim may have used justifiable force against the alleged perpetrator in self-defence.
- (2) Therefore officers should conduct immediate further investigations at the scene (or as soon as is practicable) to attempt to establish the primary aggressor, evaluating each party's complaint separately. Police action should be based on the available evidence. Officers should avoid making dual arrests without conducting a full investigation that seeks to identify the primary aggressor. This may not be the person who was first to use force or threatening behaviour.
- (3) When investigating counter allegations, officers should note and record:
 - (a) Comparative severity of any injuries inflicted by the parties;
 - (b) Whether either party has made threats to another party or family/household members;
 - (c) Whether either party has a prior history of violence;
 - (d) Whether either party has made previous counter allegations;
 - (e) Whether either party acted defensively to protect him/herself or a third party from injury.
- (4) It should be noted that the arrest of the primary aggressor does not prohibit the officer from arresting both parties where there is sufficient evidence **and** the officer is unsure as to whether the offences have been committed in self-defence.
- (5) Depending upon the severity of the offence, arrests should not be made for acts which officers have reasonable cause to believe were committed in self-defence. Should a delayed counter allegation be received, it should be investigated and a decision to arrest made in a manner consistent with this policy.

10. RISK IDENTIFICATION, ASSESSMENT AND MANAGEMENT (SEE ALSO APPENDICES 'E' AND 'F')

- (1) The DASH 2009 risk model has been agreed by Association of Chief Police Officers as the appropriate model for police officers attending domestic abuse incidents. This form should be completed at all incidents of domestic abuse, whether a crime is believed to have been committed or not, and at all incidents reported as a breach of Non Molestation Orders/Occupation Orders.
- (2) Risk assessment and action to manage the risks should also take full account of the following:
 - (a) whether children have been injured (either directly or indirectly during incidents) or whether the alleged perpetrator has threatened or attempted to harm the children. In addition to this, where children have been present in the household at the time of the domestic incident, the following details should be recorded:
 - (i) the duration of the incident; and
 - (ii) whether the children witnessed the incident.
 - (b) whether the alleged perpetrator has overtly threatened or attempted to harm others;
 - (c) whether the alleged perpetrator has damaged property or has harmed pets;
 - (d) whether the alleged perpetrator generally leaves the scene before the arrival of the police;

- (e) any threats or attempts to abduct the children or take the victim abroad;
 - (f) whether the alleged perpetrator minimises or denies the violence;
 - (g) whether the alleged perpetrator has an attitude of dominance and shows no motivation to change.
- (3) Police officers should use the established risk factors to inform decision-making whilst an alleged perpetrator is in custody. Supervisors, including custody officers, must consider the risk indicators and take appropriate action.
- (4) It is not uncommon for victims to underestimate the level of danger that they face. There is an obligation to share information with victims that could increase their safety and failure to do so could leave the Service vulnerable to challenge. Therefore, victims should be informed of the nature of risk, the risk indicators and any assessments that relate to their particular situation.
- (5) Any formal risk assessment must be reviewed and updated regularly in order to increase victim's safety and comply with positive obligations to protect in the Human Rights Act and the requirements of the Data Protection Act. As one piece of information could alter the level of risk in a particular case, communication with victims should be regularly updated and recorded.
- (6) See Appendix 'E' for further information in relation to Risk Assessment and Safety Planning processes and Appendix 'F' for a sample Safety Plan.

11. MULTI-AGENCY RISK ASSESSMENT CONFERENCES

The Multi-Agency Risk Assessment Conference or MARAC provides a forum for sharing information and developing action plans that will reduce future harm to high-risk domestic abuse victims and their children. See also Appendix 'G' Domestic Abuse Flags'.

12. INTERVIEWING THE ALLEGED PERPETRATOR (SEE ALSO APPENDIX 'H')

- (1) Interviewing the alleged perpetrator should be carried out in accordance with the principles of investigative interviewing and the PEACE model. It is important to understand the legal requirements and points to prove, or defences of an offence, which are key elements in achieving interview aims and objectives.
- (2) Appendix 'H' provides an overview of the seven principles of investigative interviewing, along with special considerations for domestic abuse related cases.

13. POLICE BAIL

- (1) Every effort should be made to consult victims prior to making bail decisions, including charges proffered, as well as informing the victim of the release of an alleged perpetrator from police custody. This notification should be recorded and the outcome thereof by the IO. Any difficulties in contacting a victim or their representative should not, however, delay the release of the alleged perpetrator.
- (2) Where an alleged perpetrator is granted bail it is important to clarify the following points:
 - (a) It is the alleged perpetrator's responsibility to comply fully with any bail conditions;
 - (b) Any breaches of bail will be treated as such even if the alleged perpetrator and/or victim state they have reconciled;
 - (c) It is the police and the PPS (not the victim) who make decisions in relation to charging;
 - (d) It is the PPS (not the victim) who makes decisions in relation to prosecution.

14. ASSISTING WITH THE RECOVERY OF PROPERTY FOR THE ALLEGED PERPETRATOR OR VICTIM

(1) Following an arrest or in response to a court order, officers might be required to assist with the exchange or removal of property. Police officers may be required to facilitate recovery or exchange to prevent a breach or further breach of the peace. Care should be taken to ensure this facilitation does not breach bail conditions.

(2) **Alleged Perpetrator requests for property recovery**

(a) Officers should request that the alleged perpetrator make a list of property for removal that can be checked with the victim. This list should include items that could reasonably be required for short term use. Officers should not facilitate removal of a significant amount of property beyond what is reasonably needed for short-term use, or property that is jointly owned by the couple.

(b) The victim should not be required to be present at the residence to observe the recovery of property neither should telephone contact be permitted between the alleged perpetrator to the victim to arrange for property recovery. Instead police should make contact directly with the victim to discuss the alleged perpetrator's requests and determine whether the victim is willing to allow the exchange. Where appropriate, officers should request that victims prepare for the removal of the alleged perpetrator's property by packing it in advance. Consideration to the possibility of a third party recovering property may assist this process.

(3) **Victim property recovery**

Victims intending to recover property from a residence should be offered assistance to ensure that this process can be carried out safely. The same safeguards exist in terms of the amount of property to be reasonably removed. Officers should note that post separation violence is an established risk factor and victims seeking to recover property might be at risk of further violence.

15. RETRACTION STATEMENTS (SEE ALSO APPENDIX 'D')

(1) A victim of domestic abuse may report to police that they have been reconciled with the alleged perpetrator and/or no longer wish to pursue the prosecution.

(2) The victim should be advised that by withdrawing support for a prosecution, this does not mean that the PPS will withdraw the case. As a general rule, PPS will prosecute cases where there is sufficient evidence and an absence of factors preventing the case from continuing.

(3) Where possible, a DAO should record any retraction statement. This statement should contain the following information:

(a) Confirmation of whether the original statement given to police was true (if the account given in the original statement has to be amended, an explanation for this should be included);

(b) Whether the victim has been put under pressure, directly or otherwise, to withdraw;

(c) Nature of the original allegation (if not fully covered in a previous statement);

(d) Victim's reasons for withdrawing the allegation;

(e) With whom they have discussed the case – particularly anyone who has advised them (ie a solicitor);

(f) Whether any civil proceedings have been or are likely to be instigated;

- (g) Impact on the victim's life and that of any children if the case is continued;
 - (h) Where it is suspected that the victim has been pressured or frightened into withdrawing the complaint, this will require further investigation. The victim should be made aware of special measures available should prosecution continue. See Appendix 'D' for more information;
- (4) Any withdrawal of support for a prosecution should prompt a re-consideration of the DASH revised risk assessment process and safety planning.

16. CHILDREN (SEE ALSO APPENDIX 'I')

- (1) The wide adverse effects of living with domestic abuse for children must be recognised as a child protection issue. Research has shown that children who are either present at or hear incidents of domestic abuse can be deeply affected, and in 90% of incidents occurring within families, children are in the same or next room, which can cause distress and confusion. Where evidence of domestic abuse with a family exists, the likelihood of child abuse is greatly increased.
- (2) The police have a duty to protect children from harm and in all investigations the principle that the welfare of the child is paramount, should be observed. Officers attending a domestic incident should identify whether a child was present when the incident occurred, or whether a child is ordinarily resident at the address where it occurred and investigate insofar as to determine whether there are any child protection concerns. They should also carry out relevant checks re sex and violent offenders via Niche, ViSOR etc. When officers do not see children, they should ask if children are resident at the address and look for signs such as clothing and toys, as well as checking bedrooms.
- (3) Officers should record the following information where children (defined as under 18 years of age) are present at the time of the incident or ordinarily resident at an address where a domestic incident has occurred:
 - (a) Name, including other family names and any previously used names;
 - (b) Date of birth;
 - (c) Sex;
 - (d) Normal address;
 - (e) General Practitioner;
 - (f) Primary carer or care arrangements for looking after children;
 - (g) School;
 - (h) Full details of the child's circumstances as witnessed by the officer, to include personal welfare, cleanliness, communication ability, injuries and demeanour;
 - (i) Details of anything said by the child;
- (4) Police officers should advise victims that it is police policy to share information with the local Family and Child Care Manager where children are resident or present at the home at the time of the incident or where the victim is pregnant. See paragraph 19 below.
- (5) Guidance for police attendance at Child Contact Centres can be found at Appendix 'I' 'Child Contact Centres'.

17. CULTURAL INFLUENCES ON DOMESTIC ABUSE

See "Victims with particular needs at Appendix 'K". Information on both forced marriages and domestic abuse proceedings is available in Service Procedure No 67/07 - Police Response to Forced Marriage.

18. SAME SEX RELATIONSHIPS

- (1) Research undertaken into the prevalence of domestic abuse amongst lesbians and gay men found that almost 25% of women had suffered physical, sexual or mental abuse or violence from a regular female sexual partner, with 19% suffering recurrent abuse. Of the male participants, 29% had suffered physical, sexual or mental abuse or violence from their male sexual partner, with 24% suffering recurrent abuse. In relation to reporting these incidents to police, over 80% of sufferers did not report the abuse to police.
- (2) As can be seen from these statistics, there is significant under-reporting of domestic abuse amongst same sex relationships. Although there are similarities in the forms of abuse, the domination and control by one partner over another and the fears of leaving the relationship as with heterosexual relationships, issues surrounding isolation, confidentiality as regards sexual orientation, community myths and greater difficulties in accessing services for support may affect an individual wanting to leave a violent same-sex relationship.
- (3) The instructions and procedures outlined in this Policy apply equally when dealing with domestic incidents involving people in same sex relationships. However, it is also important for officers to avoid stereotypical assumptions and remain sensitive and non-judgemental in responding to reports for assistance, as well as respecting the confidentiality in relation to the sexual orientation, providing reassurances that you intend to do so. This is particularly important where house-to-house enquiries are undertaken following an incident.

19. REFERRALS TO SUPPORT ORGANISATIONS

- (1) Officers should inform victims of the availability of local statutory and voluntary sector support agencies, such as refuges, Victim Support, Women's Aid, Men's Advisory Project, etc. Consent of the victim is required for any referrals to these organisations by police.
- (2) The requirements under the PSNI Child Protection Policy Directive 06/05 should be complied with in relation to referrals to Social Services where a child was present or normally resident at an address at which an incident occurred. This Policy Directive includes the referral of victims who are pregnant and requires that such referrals be made as soon as possible after the incident. Police officers should advise victims that it is police policy to share information with Social Services in such circumstances.

20. RECORDS MANAGEMENT

Records arising from the investigation of domestic abuse, including prosecution and non-prosecution cases, report forms, alleged perpetrators' and victims' registers (where appropriate), should be filed at the conclusion of an investigation and retained in accordance with records management policy.

21. FAMILY HOMES AND DOMESTIC VIOLENCE (NI) ORDER 1998 (SEE ALSO APPENDIX 'J')

The Family Homes and Domestic Violence (NI) Order 1998 came into effect on 29 March 1999. Essentially, 2 court orders are available to victims of domestic abuse: Non-Molestation Orders and Occupation Orders. Aspects of this legislation have since been amended by the Law Reform (Miscellaneous Provisions) NI Order 2005.

22. DOMESTIC INCIDENTS INVOLVING PSNI OFFICERS AND POLICE STAFF

PSNI officers and police staff may be involved in domestic incidents. Information is contained in Service Procedure 20/07: Domestic Incidents Involving PSNI Officers and Police Staff.

23. THE APPLICATION OF DOMESTIC ABUSE WITHIN NIM PROCESS (SEE ALSO APPENDIX 'J')

- (1) Effective analysis of information from a variety of sources through partnership working may be used in the application of NIM in developing tactics which will reduce or remove threats. Analysis will also contribute towards the risk assessment process.
- (2) Analysis of intelligence and information relating to domestic abuse by the Analyst in conjunction with the DAO/Criminal Intelligence Officer enables the identification of patterns of offending by persistent alleged perpetrators. Such analysis should inform decisions about the most appropriate strategies for the prevention of abuse, and the most appropriate method of enforcement. Knowledge gaps may be identified which officers may address in future attendance at domestic incidents.
- (3) Similarly a subject profile can be used to identify particular individuals who are suspected of serial offending or carrying out other criminal activities. Risk analysis should be used to assess the risk posed by persistent and serious alleged perpetrators and should enable the determination of the most appropriate tactics to use to reduce or remove any threat posed.
- (4) Home Office guidance for the preparation of NIM problem profiles for domestic abuse is included in Appendix 'J'. A standard format for problem profiles within PSNI is already in place based on ACPO guidelines.

24. DOMESTIC ABUSE OFFICERS (DAOs)

- (1) District Commanders will appoint and maintain dedicated DAOs, who will be located within each police district specialising in this role. Commanders should examine the domestic abuse profile within their district to ensure a sufficient number of DAOs to manage the level of reported incidents.
- (2) DAOs must be properly supported in relation to supervision, administrative support, transportation, accommodation, equipment and cover for absence.
- (3) Commanders must ensure Service Policy in relation to domestic abuse is followed.

25. ROLE OF DOMESTIC ABUSE OFFICER (DAO)

The role of the DAO is as follows:

- (a) Examine all DASH forms, and aside from any initial police action, where the risk level has been assessed as 'standard' the DAO should:
 - (i) Where appropriate, send a domestic victim social services liaison/non liaison letter;
 - (ii) Where appropriate, take follow-up action commensurate with local resources;
 - (iii) Quality assure those reports (and take appropriate action) where there are children in the household or the victim is pregnant;
 - (iv) Dip sample at least 5% of other DASH forms (which do not fall under the criteria of children in the household or the victim being pregnant);

- (b) Where the risk level has been assessed as 'medium' or 'high' the DAO will:
 - (i) Check the information obtained from the response officer;
 - (ii) Complete/conduct the intelligence checks if not already completed;
 - (iii) Contact victim and reassess in light of current situation;
 - (iv) Inform the victim of referral to MARAC (where appropriate);
 - (v) Review and manage the risk;
- (c) Participate in Multi-Agency Risk Assessment Conference process;
- (d) Manage identified risk factors and monitor implementation of safety measures;
- (e) Provide support, guidance and information to the victim of domestic abuse;
- (f) 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;
- (g) Provide advice to operational officers and supervisors investigating domestic incidents;
- (h) Receive completed Form OMF and DASH and assess the information from officers attending initial incidents of domestic abuse;
- (i) Develop good working relationships with statutory and voluntary domestic abuse support agencies, including those concerned with child protection, within their police district and ensure that these details are readily available to all police officers;
- (j) Assist victims of domestic abuse to access support agencies as appropriate.
- (k) Maintain and collate statistics relating to domestic abuse.
- (l) Assist the Analyst with the preparation of subject profiles and the provision of intelligence briefings;
- (m) Engage in the tasking and co-ordinating process to address high risk and persistent alleged perpetrators;
- (n) Deal with requests for disclosure of information from solicitors who act on behalf of Social Services or victims of domestic abuse (See Service Procedures 61/02 – Sharing of Personal Data Policy and the Data Protection Act 1998 refers).
- (o) Deal with requests from Probation Officers preparing pre-sentence reports for courts or supervising alleged perpetrators on criminal orders.
- (p) Maintain and make available a register of court orders in respect of the Family Homes and Domestic Violence (NI) Order 1998 and ensure that procedures are in place for the efficient services of such orders;
- (q) Carry out checks in relation to firearms applications/renewals;
- (r) Attend local Domestic Abuse Forums (DAFs), Community Safety Partnerships (CSPs), etc, in order to establish good working practice and innovative initiatives in handling domestic abuse issues;
- (s) Promote domestic abuse issues through the media and presentations as appropriate.

- (t) Provide information relating to domestic abuse, when appropriate, to siege commanders and hostage negotiators.
- (u) At the direction of District Commander, assist and on some occasions, take full responsibility for the investigation development of domestic abuse incidents. ACPO guidance suggests DAOs should be investigative. It also suggests consideration should be given to the desirability of having a specialist DAO as part of every first response team, or at the least, available to every first response team.

26. ROLE OF DOMESTIC ABUSE CO-ORDINATOR IN SUPPORTING INVESTIGATION DEVELOPMENT

- (1) Public Protection Units (PPUs) established in each district will lead in child protection, missing and vulnerable people, sex offender management and domestic abuse. The Units will be directly responsible to the District Crime Manager and will be led by a Detective Inspector. PPU's will only be successful if information is shared and steps are in place to identify links, especially between child abuse and domestic abuse. The National Intelligence Model (NIM) process will be used to establish a control strategy and to develop police tactical responses to all areas of public protection including domestic abuse. 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 on Command & Control serials where a power of arrest existed but an arrest was not made. The analysis should include an overview of the officer's details, alleged offence, whether the rationale for not arresting was recorded, and whether this decision was justified. These records should be scrutinised to ensure that officers are applying the policy in practice and where issues or non compliance is found, to ensure appropriate action is taken. The analysis will be collated by Inspector, Public Protection HQ.
- (2) DAOs will report to a police domestic abuse coordinator, a police officer of at least Sergeant rank, who will have responsibility for managing domestic abuse specific tasks within their role and liaise with shift supervisors. This officer will be the Sergeant in the District PPU. This Sergeant will also supervise roles within the PPU relating to sex offender management and missing and vulnerable persons. These co-ordinators should monitor domestic abuse cases to identify established risk factors and victimisation, evaluate and update risk assessments, and participate in the MARAC process. Co-ordinators should generate further risk assessments after specified periods of time to ensure that risk factors are managed and are part of a safety planning process. They should ensure steps are in place to ensure information is shared across all areas within a PPU and will develop good communication between the Detective Sergeant, Child Protection, PPU and the Detective Inspector, PPU. In addition, they should also collate any performance indicator data and monitor prosecution cases, through liaison with PPS.
- (3) Police domestic abuse co-ordinators should monitor specialist officers in the following aspects of their role:
 - (a) Tactical investigative advice to police officers;
 - (b) Risk assessment;
 - (c) Liaison with child abuse investigation units;
 - (d) Partnership work in relation to domestic abuse;
 - (e) Tactical advice in siege and hostage situations.

27. PUBLIC PROTECTION BRANCH

- (1) The Head of Public Protection Branch, Headquarters will have ownership of Service Policy on domestic abuse.
- (2) Public Protection Branch will be responsible for:
 - (a) Ongoing review and evaluation of the Domestic Abuse Policy;
 - (b) Development of guidelines to identify, assess and manage risk in domestic abuse cases and monitor and review same;
 - (c) Work in partnership, internally and externally, to develop and deliver appropriate training in respect of Domestic Abuse Policy;
 - (d) The identification and dissemination of good practice;
 - (e) Monitoring Service performance and trends to ensure policy compliance;
 - (f) Provide a central point of reference for outside bodies;
 - (g) Ensure consistency of recording across the Police Service;
 - (h) Co-ordinating training for DAOs to ensure effectiveness and high quality standards;
 - (i) Attending the Northern Ireland Domestic Violence Regional Steering Group, its sub-groups and other partnerships in order to establish good working practices and innovative initiatives in handling domestic abuse issues;
 - (j) Development of inter-agency protocols to support victims and reduce/prevent domestic abuse;
 - (k) Develop and co-ordinate the production of corporate domestic abuse literature and information.

28. INTERNAL LINKS

Policy Directive 06/04	Records Management Policy
Policy Directive 06/05	PSNI Child Protection Policy
Policy Directive 05/06	Dealing with Victims and Witnesses
Service Procedure No 44/01	Service Charging Policy
Service Procedure 12/06	Vulnerable and Intimidated Witnesses - Implementation of the Criminal Evidence (NI) Order 1999 and the Protocol for Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults and Children
Service Procedure No 6/07	Role and Responsibilities of Firearms and Explosives Branch and the Wider Police Service
Service Procedure No 67/07	Police response to Forced Marriage
Service Procedure No 10/07	Domestic Violence and the Possession of Firearms and Ammunition

NOT PROTECTIVELY MARKED

Service Procedure No 41/08	Domestic Incidents involving PSNI Officers and Police Staff	
Service Procedure No 11/09	Recording of Incidents of Harassment	
Service Procedure No 30/09	VISOR (Violent and Sex Offender Register)	
PSNI 'Guide to Culture and Diversity in Northern Ireland.		

ASSOCIATED INVESTIGATIONS

1. CHILD ABUSE INVESTIGATIONS

- (1) Research has indicated that there is a common link between domestic abuse and child abuse, with up to 40% of victims of child abuse reporting domestic abuse in the home.
- (2) Children learn early and powerful lessons about the use of violence in interpersonal relationships to dominate others – and might even be encouraged in doing so. A predictor of becoming an alleged perpetrator or victim in adulthood is the influence of domestic abuse during childhood and the home environment.
- (3) When investigating reports of domestic abuse, officers should be alert to potential child protection concerns, and where appropriate comply with the PSNI Child Protection Policy - Policy Directive 06/05.
- (4) When responding to a domestic incident, officers should be advised as to previous history of domestic abuse and child abuse offending, including whether children are on the Child Protection Register and any civil orders in place.
- (5) Officers should also consider whether identified children might be at risk of honour-based violence (HBV) including forced marriage. In cases where HBV is reported or suspected, officers should take appropriate steps to identify particular risks, protective factors and sources of support.

2. VULNERABLE ADULT ABUSE

- (1) It is estimated that half a million older people across the UK are abused by someone they thought they could trust. Abuse cases are often multi-faceted; few directly due to a carer feeling stressed. Calls to the Action on Elder Abuse helpline indicate that 66% of this abuse takes place in people's own homes, by someone they trust; 46% of abusers are related to the person they are abusing; 25% of abusers are sons or daughters; and 78% of abuse is perpetrated against people who are over the age of 70, with 16% of that abuse affecting people over the age of 90 years.
- (2) Older people and adults with a physical or learning disability, or who have mental health problems, are particularly vulnerable to suffering domestic abuse perpetrated by their partners, ex partners and family members. Alleged perpetrators might also be the primary carer for the victim.

3. MISSING PERSONS INVESTIGATIONS

- (1) All missing person investigations should consider the possibility that the missing person is either a domestic abuse victim or alleged perpetrator as this may influence the type and level of investigation to be undertaken. DAOs should be contacted to establish any intelligence, records of domestic abuse risk assessments and/or links with local services providers ie refuges who may provide useful information. Similarly these officers may be useful in determining the nature of the relationship between the missing person and the person reporting.
- (2) When investigating a missing person report in which the victim is or may be a **victim of domestic abuse**, officers should:
 - (a) Maintain victim confidentiality. An officer should seek the full consent of the traced person before disclosing any additional information to the person reporting, or any other interested party;

- (b) Consider that a child may have run away from home to escape domestic abuse or other forms of abuse occurring in the home environment. On the other hand, an abuser may report children as missing or abducted by their partner, when they have left for their own safety, or when the children have been removed to a place of safety;
 - (c) Ensure that the locations of refuges are never revealed to family members attempting to trace a missing person;
 - (d) Carry out checks on those reporting spouses, partners, children or other family members to determine whether there are any civil orders, child contact orders, child protection issues, etc, or any matters recorded on ViSOR.
- (3) Be aware that the abuser may:
- (a) Report the victim missing as a means of covering up a crime ie murder, attempting to mislead police and others showing genuine concern;
 - (b) Fail or be reluctant to report the victim missing to avoid a subsequent investigation;
 - (c) Seek help from police in the hope that the whereabouts of the victim will be disclosed or returned to the abuser.
- (4) In cases where the reported missing person is or might be a **domestic abuse alleged perpetrator**, officers should:
- (a) Be aware that the person reporting may be embarrassed or ashamed to disclose information to the effect that they are a domestic abuse alleged perpetrator;
 - (b) Establish whether the domestic abuse alleged perpetrator has threatened or attempted to commit suicide. Where this has been attempted or threatened, there is a risk for domestic homicides to involve the suicide of the abuser;
 - (c) Consider the possibility that a domestic abuse alleged perpetrator may have been reported missing as a result of a dispute or disagreement in relation to child contact arrangements. Post-separation violence and disputes over child contact arrangements are established risk factors for further violence and homicide.

4. FORCED MARRIAGES

- (1) Forced marriage is a form of domestic abuse and can involve child and sexual abuse, including violence, rape, false imprisonment, abduction and often putting a reluctant party at risk of murder, commonly known as an 'honour killing'. Often associated with cultural practices, it is not a community or religious issue as all major faiths condemn its practice and require consent to be freely given as a prerequisite to marriage.
- (2) Further guidance may be found in Service Procedure No 67/2007 - Police Response to Forced Marriages.

5. DOMESTIC HOMICIDES

- (1) Domestic abuse accounts for a high proportion of homicides in Northern Ireland. When investigating a domestic homicide, information should be sought from relevant partner agencies to establish whether there has been previously recorded domestic abuse.
- (2) Domestic homicides committed by family members may claim that such were necessary to 'restore honour' within a family group. Such 'honour killings' are misleading and indeed cultural issues are not a defence to homicide or assault.

6. SEXUAL OFFENCES/PROSTITUTION

- (1) Sexual abuse is often a part of domestic abuse but may be rarely disclosed. The IO should deal with discussions surrounding such issues sensitively, and where appropriate, contact CARE Unit personnel.
- (2) Abusers or family members may force victims of domestic abuse into prostitution, which may increase the vulnerability of the victim to further harm or homicide. When undertaking operations addressing prostitution, potential links between prostitution and domestic abuse should be identified during the tasking and co-ordinating process. |

SUMMARY OF MAIN PROVISIONS OF LEGISLATION

1. COMMON LAW

Under Common Law, a Constable has the power to enter premises to prevent or deal with a breach of the peace.

- (1) **POLICE AND CRIMINAL EVIDENCE (NI) ORDER 1989 AS AMENDED BY THE POLICE AND CRIMINAL EVIDENCE (AMENDMENT) (NI) ORDER 2007**
- (a) Under Article 19(1)(b) of Police and Criminal Evidence (NI) Order 1989 as amended by the Police and Criminal Evidence (Amendment) (NI) Order 2007, a constable may enter and search any premises for the purpose of arresting a person for an indictable offence. (This power is only exercisable if the constable has reasonable grounds for believing that the person whom he is seeking is on the premises and are limited, in relation to premises consisting of 2 or more separate dwellings, to powers to enter and search any parts of the premises which the occupiers of any dwelling comprised in the premises use in common with the occupiers of any other such dwelling and any such dwelling in which the constable has reasonable grounds for believing that the person whom is seeking may be.)
 - (b) Under Article 19(1)(e) of Police and Criminal Evidence (NI) Order 1989 as amended by the Police and Criminal Evidence (Amendment) (NI) Order 2007, a constable may enter and search any premises for the purpose of saving life or limb or preventing serious damage to property.
 - (c) Under Article 26(1) of Police and Criminal Evidence (NI) Order 1989 (as amended by the Police and Criminal Evidence (Amendment) (NI) Order 2007), a Constable may arrest any person who is about to commit an offence; anyone who is in the act of committing an offence; anyone whom he has reasonable grounds for suspecting to be about to commit an offence; anyone whom he has reasonable grounds for suspecting to be committing an offence.
 - (d) Under Article 26(2) of the Police and Criminal Evidence (NI) Order 1989 (as amended by the Police and Criminal Evidence (Amendment) (NI) Order 2007, if a constable has reasonable grounds for suspecting that an offence has been committed, he may arrest without warrant anyone whom he has reasonable grounds to suspect of being guilty of it.
 - (e) Under Article 26(3) of the Police and Criminal Evidence (NI) Order 1989 (as amended by the Police and Criminal Evidence (Amendment) (NI) Order 2007, if an offence has been committed, a constable may arrest without warrant anyone who is guilty of the offence; anyone whom he has reasonable grounds for suspecting to be guilty of it.
 - (f) But the power of summary arrest conferred by paragraph (c) to (e) above is exercisable only if the constable has reasonable grounds for believing that it is necessary to arrest the person:
 - (i) to enable the name of the person in question to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's name, or has reasonable grounds for doubting whether a name given by the person as their name is their real name);
 - (ii) to enable the person's address to be ascertained (in the case where the constable does not know, and cannot readily ascertain, the person's address, or has reasonable grounds for doubting whether an address given by the person as their address is their real address);

- (iii) to prevent the person in question:
 - (aa) causing physical injury to themselves or any other person;
 - (bb) suffering physical injury;
 - (cc) causing loss of or damage to property;
 - (dd) committing an offence against public decency (where members of the public going about their normal business cannot reasonably be expected to avoid the person in question);
 - (ee) causing an unlawful obstruction on a road (within the meaning of the Road Traffic (Northern Ireland) Order 1995 (NI 18));
- (iv) to protect a child or other vulnerable person from the person in question;
- (v) to allow the prompt and effective investigation of the offence or of the conduct of the person in question;
- (vi) to prevent any prosecution for the offence from being hindered by the disappearance of the person in question.

(2) DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004

Section 10(2) of the Domestic Violence, Crime and Victims Act 2004 provides for a power of arrest for common assault.

(3) OFFENCES AGAINST THE PERSON ACT 1861

- (a) Under Section 42 Offences Against the Person Act 1861, a Constable may arrest any person whom within his view unlawfully assault or beats any person.
- (b) Under Section 47, it is an offence to assault any person thereby occasioning actual bodily harm.
- (c) Under Section 18, it is an offence to unlawfully and maliciously, by any means whatsoever, wound or cause any grievous bodily harm to any person, with intent to do some grievous bodily harm to any person.
- (d) Under Section 20, it is an offence to unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument.

(4) SEXUAL OFFENCES (NI) ORDER 2008

- (a) Rape - Under Article 5 of the Order a person (A) commits an offence if –
 - (i) he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis;
 - (ii) B does not consent to the penetration; and
 - (iii) A does not reasonably believe that B consents.
- (b) Assault by penetration - Under Article 6 of the Order a person (A) commits an offence if –
 - (i) he intentionally penetrates the vagina or anus of another person (B) with a part of his body or anything else;

- (ii) the penetration is sexual;
 - (iii) B does not consent to the penetration; and
 - (iv) A does not reasonably believe that B consents.
- (c) Sexual assault - Under Article 7 of the Order a person (A) commits an offence if –
- (i) he intentionally touches another person (B);
 - (ii) the touching is sexual;
 - (iii) B does not consent to the touching; and
 - (iv) A does not reasonably believe that B consents.
- (d) Causing a person to engage in sexual activity without consent - Under Article 8 of the Order a person (A) commits an offence if –
- (i) he intentionally causes another person (B) to engage in an activity;
 - (ii) the activity is sexual;
 - (iii) B does not consent to engaging in the activity; and
 - (iv) A does not reasonably believe that B consents.

(5) CRIMINAL DAMAGE (NI) ORDER 1977

Article 3 of the Order states that a person who without lawful excuse destroys or damages property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence.

(6) PROTECTION FROM HARASSMENT (NI) ORDER 1997

- (a) Article 3 of this Order prohibits a person from pursuing a course of conduct that amounts to harassment. References to harassing a person include alarming the person or causing the person distress. In order to commit the offence it is necessary to show that harassment was caused by a 'course of conduct' defined in the Order as conduct on at least 2 occasions.
- (b) Course of conduct may include speech and the alleged perpetrator must know, or ought to know, that the course of conduct amounts to harassment of the other.
- (c) This legislation was introduced to address harassment where conduct was such that it did not necessarily constitute an offence under any existing legislation. Therefore where a person's actions amount to an offence in some legislative capacity, proceedings should be instigated for that offence and not under harassment.

(7) FIREARMS (NI) ORDER 2004

Article 57 states that a Constable may seize and detain any firearms or ammunition in the possession of a person whom he believes to be in possession of those firearms or that ammunition in contravention of any of the provisions of the Order.

(8) **CHILDREN (NI) ORDER 1995**

- (a) Article 65 states where a constable has reasonable cause to believe that a child is likely to suffer significant harm, he may remove the child to suitable accommodation and keep him there; or take such steps as are reasonable to ensure that the child's removal from any place, in which he is then being accommodated is prevented.
- (b) Article 66 states where an authority has reasonable cause to suspect that a child who lives, or is found, in that authority's area is suffering, or is likely to suffer significant harm, the authority shall make enquiries to enable it to decide whether it should take any action to safeguard or promote the child's welfare.

(9) **FAMILY HOMES AND DOMESTIC VIOLENCE (NI) ORDER 1998**

- (a) A Non-Molestation Order prevents the respondent from molesting the applicant or a relevant child. It can prohibit particular actions and behaviour or molestation in general. It may exclude the respondent from a defined area in which a dwelling house is included, any other defined area, and any premises specified in the order.
- (b) Occupation Orders may be granted to a wide variety of people, regardless of marital status, ownership of property and whether or not they are still resident there. Furthermore, they may apply to current and former spouses, current and former cohabittees current or former same sex partners in which they, at any time cohabited, or intended to cohabit, and in some cases, those who merely share a house. Police will only have a power of arrest for contravention of an Occupation Order where it is issued in conjunction with a Non-Molestation Order. There is no inherent power of arrest for an Occupation Order in itself.
- (c) This legislation was subsequently amended by the Law Reform (Miscellaneous Provisions) Northern Ireland Order 2005. Article 25 of the 1998 Order has been amended by this latter legislation so that - any person who without reasonable excuse contravenes:
 - (i) A Non-Molestation Order;
 - (ii) Where there is in force a Non-Molestation Order prohibiting that person from molesting any person, an Occupation Order or an Order under Article 18;
 - (iii) An exclusion requirement included by virtue of Article 57A of the Children (NI) Order 1995 in an Interim Care Order under Article 57 of that Order; or
 - (iv) An exclusion requirement included by virtue of Article 63A of the Children (NI) Order 1995 in an Emergency Protection Order under Article 63 of that Order

shall be guilty of an offence.

(10) **ANTI-SOCIAL BEHAVIOUR (NI) ORDER 2004**

- (a) This legislation enables relevant authorities, namely the PSNI, Northern Ireland Housing Executive and district councils to apply to the Magistrates' Court acting in its civil capacity for an Anti-Social Behaviour Order (ASBO).
- (b) An ASBO is a statutory instrument aimed at protecting the public from behaviour that causes or is likely to cause harassment, alarm or distress. Legislation specifically **excludes** the use of an ASBO where the abuser is of the same household as the victim, and is often not appropriate to protect victims of domestic abuse. ASBOs should not be used in place of prosecutions for domestic abuse related criminal offences, however, if used, they should always restrict the behaviour of the abuser in domestic abuse cases.
- (c) As ASBOs allow for the police to deal creatively with behaviour that causes or is likely to cause harassment, alarm or distress, they may be useful where:

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- (i) The victim and abuser do not reside in the same household;
- (ii) The victim is not intending to seek a domestic abuse related civil order;
- (iii) Violence is such that a public nuisance is being caused as well as specific harassment of the victim.

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SPECIAL MEASURES

Special measures may assist vulnerable or intimidated witnesses in giving evidence in court.

1. Vulnerable witnesses are:

- (1) Children under 17 years at the time of the hearing;
- (2) Those 17 or over whose quality of evidence is likely to be diminished because they suffer from a mental disorder (as defined by the Mental Health (NI) Order 1986) or have a significant impairment of intelligence and social functioning or have a physical disability or are suffering from a physical disorder.

2. Intimidated witnesses are:

- (1) Those witnesses whose quality of evidence is likely to be diminished by reason of fear or distress at the prospect of giving evidence.
- (2) In determining whether a witness falls into this category, a court must take into account:
 - (a) The nature and alleged circumstances of the offence;
 - (b) The age of the witness;
 - (c) Where relevant:
 - (i) The social and cultural background and ethnic origins of the witness;
 - (ii) The domestic and employment circumstances of the witness;
 - (iii) Any religious beliefs or political opinions of the witness.
- (3) Any behaviour towards the witness on the part of:
 - (a) The accused;
 - (b) Members of the accused person's family or associates, or
 - (c) Any other person who is likely to be an accused or a witness in the proceedings.
- (4) In addition the court must consider any views expressed by the witness. The PSNI, the PPS and support services will all have an important role in capturing the views of witnesses which will assist the court in making its determination.
- (5) Fear and distress for victims and witnesses may be increased by factors relating to their gender, age, marital status, family circumstances, sexual orientation, race, ethnicity, culture, religion, political opinions and/or disability (See Appendix J)

3. Special measures that the court may allow include:

- (1) The use of screens in the courtroom to shield a victim or other witness from the defendant;
- (2) Giving evidence away from the courtroom through a live television link;
- (3) Clearing the public gallery in sexual cases or cases involving intimidation; and

- (4) The use of communication aids for vulnerable witnesses;
- (5) Examination of witness through an intermediary.

Special measures may be granted at the court's discretion, taking into account the domestic circumstances of the witness as regards their fear or distress at giving evidence. The evidence in respect of the victim's fear or distress may be provided by the officer in charge of the case or a doctor.

Victims of sexual crimes are presumed to be eligible for special measures if they want them and satisfy the statutory criteria.

SOURCES OF EVIDENCE

1. PHYSICAL EVIDENCE

(1) 999 calls

- (a) Tapes of 999 calls can provide a useful source of evidence to support the prosecution process, highlighting the demeanour of the caller, background noise and any first description of the incident as provided by the victim or witness. Such recordings can be used as first complaint evidence. A recording of the 999 call and a statement of evidence can be provided by contacting the Station Sergeant, Belfast Regional Control (BRC) between 0900 and 1700 hours, Monday – Friday.
- (b) Where appropriate, officers should include such records as part of the prosecution file to PPS.

(2) Photographic evidence

- (a) Photographic evidence should be gathered and proactively used throughout a domestic abuse investigation and prosecution. A victim's consent should be obtained before any photographs are taken and recorded and all photographs should be submitted as part of the prosecution file. They should also be advised that such evidence might be used in subsequent criminal or civil proceedings.
- (b) Whilst consideration should be given to photographing injuries as soon as possible after the incident, arrangements should be made with the victim to be re-photographed when the injuries become more apparent (ie bruising). Take particular care with lighting when photographing darker skin tones as bruising can be more difficult to see.
- (c) Where the scene has been damaged or disrupted, photograph or video record the affected area and any other evidence that might assist in corroborating victim or witness accounts or proving the offence(s). Officers trained in the use of photographic equipment should be used for this role or contact made with Photography Branch.

2. POLICE EVIDENCE

- (1) The potential for using house-to-house enquiries should be identified early in the investigation. Where its use is considered, it is important to take account of the following issues:
 - (a) Sensitivity of the enquiry might require appropriate questioning techniques are adopted to establish what the neighbours saw or heard, without disclosing the exact nature of the alleged offence or incident;
 - (b) In cases of domestic abuse involving same sex partners, officers should consider the need to be careful not to reveal the sexual orientation of the victim and alleged perpetrator by careless use of language or questioning;
 - (c) Open questions should be used to allow interviewees to describe previous incidents and provide further pieces of evidence.
- (2) Other aspects of police evidence may be considered, including covert surveillance, closed circuit television cameras and covert human intelligence sources.

3. WITNESS AND VICTIM EVIDENCE

- (1) Evidence can be obtained from the first officer at the scene, the victim or any children present at the time of the incident.

(a) First officer at the scene

Where the first officer to a domestic incident is not the IO, a statement should be recorded of the officer's observations and initial appraisal of:

- (i) Victim's injuries;
- (ii) Alleged perpetrator's injuries;
- (iii) Presence of children and any injuries they have sustained;
- (iv) Any damage to property;
- (v) Observations of the scene/signs of a disturbance ie overturned furniture, broken ornaments, marks on clothing etc;
- (vi) Demeanour of the alleged perpetrator, victim and witnesses, including children;
- (vii) Completion of DASH;
- (viii) Allegations made by the victim;
- (ix) Unsolicited comments made by the alleged perpetrator;
- (x) Significant statements made by the alleged perpetrator;
- (xi) Whether a statement of complaint was recorded from the victim;
- (xii) Res gestae*.

Res gestae means a first description of a 'thing of the moment'. It is used to describe an out of court statement which relates to and is closely associated in time and place with an event so that it can be said to form part of the same transaction. An example of this is spontaneous statements made by onlookers in response to and at the same time as the commission of the offence in question.

Where no prosecution ensues, a copy of this statement should be forwarded to the DAO for retention in the event of future prosecutions and/or as part of a case history for the PPS.

(b) Victim

- (i) A decision should be made as to how to interview the victim, with consideration given to conducting a video or audio significant witness interview. Whilst it may not be appropriate in every case, the decision should take account of all the circumstances of the case, including the particular needs of the witness and the availability and appropriateness of various special measures. Victims should, however, be advised that such recorded interviews will not negate their need to give evidence in any subsequent court proceedings. Full planning for the interview should include acquiring the following information (some of which would have been covered during completion of DASH):
 - (aa) Full details of the current incident including evidence to support the alleged offence;
 - (bb) Details of witnesses present during the incident;

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- (cc) Nature and seriousness of the victim's injuries (physical and emotional), whether there is any damage at the location ie broken furniture, windows or ceramics, whether the telephone was ripped out etc;
 - (dd) Details of family members;
 - (ee) History of the relationship and any other incidents;
 - (ff) Reference to previous incidents including those with previous partners;
 - (gg) Whether a weapon was used (how and what type), where it came from and whether any attempt at choking or strangulation has been made;
 - (hh) Details of any threats made before or since the incident;
 - (ii) Whether any children were present and, if so, the effect that the incident had on them;
 - (jj) Whether the alleged perpetrator planned the incident;
 - (kk) Whether the parties are separated;
 - (ll) Victim's view of the future of the relationship;
 - (mm) Whether any civil action has been taken by the victim or any previous partners;
 - (nn) Whether any sexual violence has occurred;
 - (oo) Points to prove;
 - (pp) Victim's view of the likelihood of further violence and victim's views about their own safety and that of any children;
 - (qq) Whether the alleged perpetrator is currently the subject of a court order, civil or criminal.
- (ii) Officers should ensure that information gained from the victim and witness interviews is included in any risk assessment and safety planning process.
- (iii) All victims should be offered the opportunity to:
- (aa) state how the crime has affected them – physically, emotionally, psychologically, financially or in any other way;
 - (bb) express their concerns in relation to bail or the fear of intimidation by or on behalf of the defendant;
 - (cc) state whether they want information about, for example, the progress of the case;
 - (dd) state whether they want to claim compensation or request support from Victim Support or any other agency;

This provides the criminal justice agencies with a ready source of information on how the particular crime has affected the victim involved.

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(c) Children

Officers should make an assessment of the potential for interviewing child witnesses based upon the age and circumstances of the child. This should also depend upon the offences disclosed and characteristics of the child. Where a decision has been made to interview a child, this should be on video in compliance with Achieving Best Evidence in Criminal Proceedings Guidance.

4. HEARSAY AND EVIDENCE OF BAD CHARACTER

(1) Hearsay

- (a) The Criminal Justice Evidence (NI) Order 2004 provides when hearsay evidence can be admitted in a case. Hearsay evidence can be used in circumstances where the victim is unable to attend for physical or psychological reasons, where there is a previous inconsistent statement and where the incident has been reported to a 'third party'.
- (b) Issues surrounding the admissibility of the hearsay evidence should be left to the prosecutor, and officers should gather as much information as possible to ensure the maximum flexibility in the use of that evidence.
- (c) Of particular interest in domestic abuse investigations would be statements from neighbours or family members who can report the first account of the aggrieved or who can provide supporting evidence to the background of domestic abuse cases. Where such evidence is admissible, it will be admitted as evidence of truth.
- (d) The multiple hearsay provisions allow that early statements taken from the aggrieved or other parties that are supported by other evidence can be used as 'truth' for cases where a victim or witness gives a different account at a later date.

(2) Bad character

- (a) The Criminal Justice Evidence (NI) Order 2004 also makes provisions for previous convictions, cautions or other reprehensible behaviour to be admitted into evidence. Admitting bad character gives an indication about the propensity of the defendant to commit certain types of offences. The use of this type of evidence in relation to domestic abuse investigations could be very useful as such offences are rarely one-off incidents and there is a high repeat offending rate.
- (b) In order to assist prosecutors with the use of bad character evidence, previous convictions should be clearly labelled to indicate previous domestic abuse offences. Records that show a history of domestic abuse should always be included as part of the background report to the PPS. Officers should be mindful that the rules of bad character evidence apply to prosecution victims and witnesses as well as to the defendant and any defence witnesses. All of the relevant information relating to bad character should be presented to the prosecutor who will make a decision about how the information can be used.

5. EVIDENCE FROM INTOXICATED VICTIMS AND WITNESSES

- (1) Frequently police officers are faced with parties to the domestic incident, or witnesses thereof, having consumed alcohol. This can be seen as a reason not to take statements, however, the absence of key evidence can obviously affect the subsequent police action and progress through the criminal justice system.
- (2) Officers in such circumstances should make a 'professional judgement' with regard to each witness as to how the level of intoxication will affect their ability to make a statement at the time of the incident. Where possible, an initial victim statement should be obtained, even if it amounts to an outline statement. Statements should not be taken from witnesses who are 'drunk'.

- (3) In making a professional judgement about whether or not a victim or witness is able to make a statement despite a level of intoxication, the officer should consider and record in their notebook and at the beginning of any statement:
 - (a) The amount of alcohol consumed;
 - (b) The effect of consuming that amount of alcohol on the witness;
 - (c) The witness's understanding of the terms of the declaration/certificate at the beginning of the statement; and
 - (d) Whether or not the witness is able to give a coherent account of the events.
- (4) Taking statements from witnesses at this early stage will be useful in conducting the initial investigation of the incident and assist with taking forward victim-reluctant prosecutions.
- (5) In all cases, officers should endeavour to obtain corroborating evidence to support the victim's evidence. This can be either from the officer's own observations at the scene or through the evidence of other witnesses who may be able to provide actual or hearsay accounts of the incident. It is the prosecutor's role to establish what is and what is not admissible or useful in court; officers should assist by gathering as much information as possible.

6. SIGNIFICANT STATEMENTS

- (1) A significant statement is one made by the alleged perpetrator that appears capable of being used in evidence.
- (2) To ensure compliance with PACE, officers should ensure that any significant statement made by the alleged perpetrator is:
 - (a) Recorded in the officer's notebook and include any unsolicited comments before or after caution, details of the place where they occurred, the time they began and ended and who was present;
 - (b) Timed and signed immediately in the officer's notebook;
 - (c) Offered to the alleged perpetrator to read from the notebook and for signature. This action should be recorded in the notebook with reasons given by the alleged perpetrator if refused;
 - (d) Recorded on the custody record, if made while the alleged perpetrator is in custody;
 - (e) Included as part of the interview plan.

RISK ASSESSMENT AND SAFETY PLANNING

1. Where a case has been risk assessed, it is necessary to have in place measures to protect the victim and children/vulnerable persons. IOs/DAOs should consider, as appropriate, the use of the following measures to reduce risk in identified cases:
 - (1) Implementing legal interventions (including the arrest of alleged perpetrator, use of restraining orders under Protection of Harassment legislation);
 - (2) Enforcing breaches of bail conditions, injunctions or family court orders;
 - (3) Implementing fast response systems in line with call management guidance;
 - (4) Ensuring the investigation of witness intimidation promptly and thoroughly;
 - (5) Assisting the victim to improve security at their home [via Crime Prevention Officer (CPO)];
 - (6) Where suitable, arranging for the victim to be taken to a place of safety;
 - (7) Assisting victims to develop their safety plans;
 - (8) Making appropriate referrals to support agencies;
 - (9) Ensuring that property exchange or recovery between alleged perpetrator and victim can occur safely and in compliance with any bail conditions.
2. Safety planning is a process by which victims may consult with an appropriate agency to discuss increasing their personal safety and the safety of any children/vulnerable persons. This usually includes an assessment of risk level, developing a crisis plan and a plan for the future to ensure safety, both in the short and longer term.
3. Safety planning should form part of a partnership approach between professionals, victims and children, and should take account of risk assessment and risk management process. DAOs should act as police advisers to victims developing safety plans, wherever possible in partnership with support groups.
4. The principles of safety planning are to:
 - (1) Assist in reducing the risk of further harm;
 - (2) Reflect and supply information to any risk identification and assessment process;
 - (3) Build on existing coping strategies;
 - (4) Reinforce the fact that violence may recur and increase knowledge of the levels of danger the victim and children/vulnerable persons may face;
 - (5) Assist victims to focus on their own needs as opposed to the needs of the alleged perpetrator or organisations providing services;
 - (6) Give victims and children a wider range of options, particularly, for example, staying in their own home;
 - (7) Encourage victims and children to increase their own safety;
 - (8) Be kept confidential from the alleged perpetrator;

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- (9) Be part of a safety and protection process rather than a single occurrence;
- (10) Be appropriate for all domestic abuse victims irrespective of their level of contact with the alleged perpetrator ie whether they are separated or living with the alleged perpetrator.

5. DAOs advising victims and maintaining safety provisions in plans should:

- (1) Establish how the victim can be contacted safely and ensure that all police officers in contact with the victim are aware of this information;
- (2) Establish the location of the alleged perpetrator, if separated from the victim;
- (3) Obtain the victim's views about the level of risk;
- (4) Determine methods of facilitating any existing child contact arrangements safely;
- (5) Ensure that the victim has the means to summon help in an emergency (this may include plans to summon help on their behalf when the alleged perpetrator is present);
- (6) Ascertain where a victim might go if they have to leave quickly and what they will take with them;
- (7) Encourage victims to report all incidents to the police or other organisation that will record the incident and maintain accurate and detailed records, including photographic evidence of injuries, body maps, and details of the psychological effect of the violence;
- (8) Refer the victim to organisations that provide longer term support and advice;
- (9) Encourage the victim to seek professional advice about legal and financial matters and child contact;
- (10) Inform victims of criminal or civil law provisions such as occupation orders, non-molestation orders and restraining orders under the Protection from Harassment legislation. (Police officers should not provide the victim with civil legal advice, but should inform them that civil sanctions are available);
- (11) Consider that victims with insecure immigration status or from ethnic minority communities, or victims with disabilities or from socially isolated communities may fear contact with the police. Such individuals or groups might have additional barriers that need to be addressed in safety plans.

6. Where victims have children, they should be encouraged to:

- (1) Include children in the safety planning process, the primary aim of any safety plan for children is to escape from any dangerous situation and avoid injury;
- (2) Rehearse escape plans with children;
- (3) Identify a safe plan or person for children to go if their parent is being attacked, preferably somewhere it would be possible for them to contact the police;
- (4) Ensure that children know how to contact the police and provide details of useful telephone numbers if it is safe to do so;
- (5) Check that any children are not the subject of abuse themselves.

7. In conjunction with safety planning, police officers should consider referrals to local Crime Prevention Officers (CPOs) for advice on home security, as well as introducing such neighbourhood and police safety schemes like Cocoon Watch and Police Watch, measures, where possible, with the intent to support victims remaining within their home.

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8. Cocoon Watch

- (1) A cocoon watch is only implemented with the informed consent of the victim and uses the support and help of neighbours, family and relevant agencies in further protecting the victim by contacting the police immediately if further incidents occur. In some cases, in consultation with the victim, it might be appropriate to make the alleged perpetrator aware of the action.
- (2) However, it should not be implemented where there is any reason to anticipate that neighbours and/or family may be included in the violence, or if the victim would feel further endangered by others being informed, ie where the sexuality of a victim being revealed could place them at risk of homophobic abuse.

9. Police Watch

This provides a visible police presence to both the victim and the alleged perpetrator and involves regular police patrols within the vicinity of the incident following reported incidents. In some situations, police officers might visit homes to check on the safety of the victim.

SAMPLE SAFETY PLAN

1. If you are staying with your abuser:

- (a) Seek professional advice and support from local support and outreach organisations, domestic abuse services and helplines;
- (b) Consider how agencies can make contact safely ie through a work number or at a friend's address;
- (c) Consider where you can quickly and easily use a telephone and who are safe people to contact – memorise a list of numbers for use in an emergency, like friends, police, support organisations;
- (d) Consider a signal (such as a codeword or phrase) with children, family, neighbours, friends or colleagues, which will alert them to call the police when help is needed;
- (e) Think through escape routes in advance, if possible avoid rooms with no exit or with weapons ie bathroom or kitchen;
- (f) Try to save some money for fares and other expenses;
- (g) Receive medical help for any injuries ensuring that they are recorded and if possible photographed. These may be used at a later date to support court cases or re-housing applications.

2. If you are planning to leave:

- (a) Take care over whom to trust with any plans that you are making to leave;
- (b) Consider whether or not a civil order is a viable option – seek legal advice;
- (c) Make an extra set of keys for home and/or car and store them somewhere safe;
- (d) Make up a bag with spare clothes, phone numbers, keys, money and keep it safe so you can take it quickly or keep it with a trusted friend;
- (e) Have the following available in case you have to flee:
 - (i) Important papers such as birth certificates, social security cards, driver's licence, divorce papers, lease or mortgage papers, passports, insurance information, school and medical records, welfare and immigration documents, court documents;
 - (ii) Credit cards, bank account number;
 - (iii) Some money;
 - (iv) Extra set of keys – for car, house and work;
 - (v) Medications and prescriptions, including those for children;
 - (vi) Phone numbers and addresses for family, friends, doctors, lawyers and community agencies;
 - (vii) Clothing and comfort items for you and the children;

(viii) Photographs and other items of sentimental value such as jewellery;

- (f) Take identification that might help others to protect you from the abuser, such as a recent photo of the abuser and their car details;
- (g) Talk to children about the possibility of leaving and try to take all children, whatever long term arrangements might be.

3. If you are living without your abuser after separation (in your own home or after moving):

- (a) Seek expert legal advice on child contact and options for civil injunctions;
- (b) Change phone numbers to ex-directory and screen calls; pre-programme emergency numbers into the phone;
- (c) Change the locks and install a security system, smoke alarms and an outside lighting system;
- (d) Notify neighbours, employers and schools about any injunctions, asking them to call the police immediately if they see the abuser nearby;
- (e) Make sure that schools and those who care for any children know who has authorisation to collect them;
- (f) Employ safety measures before, during and after contact visits, if appropriate;
- (g) Consider changing children's school, work patterns – hours and route taken – and the route taken to transport children to school;
- (h) Avoid banks, shops and other places frequented when living with the abuser;
- (i) Make up a code word for the family, colleagues, teachers or friends, so they know when to call the police for help;
- (j) Keep copies of all relevant paperwork (including civil injunctions) and make written records of any further incidents.

DOMESTIC ABUSE FLAGS

1. In light of the development of the MARAC process, person flags have been added to Niche which may be of assistance in monitoring victims engaged in this process, or those with whom police would have significant concerns.

2. Three flags are relevant:

(a) **MARAC – DASH High Risk: (VICTIM)**

- (i) Where a victim has been identified and assessed by a police officer as being 'high risk', the MARAC Administrator should attach a 'MARAC - DASH High Risk' flag to the person nominal on Niche.
- (ii) Where a referral has come in from an external organisation, having assessed an individual as high risk and referring that person to a MARAC, a skeleton occurrence should be created. If the person referred to is not already on Niche a person nominal should be created for that individual and the MARAC referral form (attached above) should be scanned to the 'g' drive or if already in soft copy (attachment to email etc) attached as an external report by the MARAC Administrator. The 'MARAC DASH High Risk' flag should be linked to that person (with reference made to it being an external referral in the flag remarks' box).
- (iii) The flag should remain in place until all actions that have been allocated at a MARAC meeting have been complied with and the agencies sitting around the table at the meeting agree that no further action can be taken in relation to that person, pending further information/incidents coming to light. The actions referred to here include those of other agencies and not just the PSNI.

(b) **Notify if: (VICTIM and/or ALLEGED PERPETRATOR)**

- (i) In addition to the above, for each victim being assessed as 'high risk', a 'notify if' flag may be used to alert the PPU Administration and PPU Domestic Abuse Sergeant (by adding the respective units when setting the flag the task to that unit is automatic) that the victim (whether currently high risk or previously high risk) is involved in another incident. At the present time the most suitable "condition" would be 'if involved in occurrence/street check'. This will raise a notification that the individual has come to police attention and may necessitate early attention.
- (ii) The 'notify if' flag should also be used in relation to alleged perpetrators of 'high risk' victims as a means of identifying opportunities for the police to elicit further information about new addresses, partners, etc which may be of assistance in developing a safety plan. It is recommended that this notification remains in place until the decision is taken at a MARAC to have a victim removed from the 'high risk' status, unless the alleged perpetrator is linked to another victim with whom there are (growing) concerns.

(c) **Involved in Domestic Abuse: (ALLEGED PERPETRATOR)**

- (i) Where an alleged perpetrator has been identified by a police officer (even if not convicted) the Domestic Abuse Officer should attach an 'Involved in Domestic Abuse' flag to the person nominal on Niche.
- (ii) The intention behind this flag is to be able to identify and monitor alleged perpetrators for which there may be concerns, ie serial perpetrator.
- (iii) ACPO defines a serial perpetrator as 'an individual who it is alleged to have used or threatened violence against two or more victims who are unconnected to each other and who are or have been intimate partners of the alleged perpetrator (as opposed to repeat offending against the same victim or persons in the same household) over a rolling 3 year period.'

NOT PROTECTIVELY MARKED

- (iv) The addition and removal of 'MARAC-DASH High risk' or 'involved in domestic abuse' or 'notify if' flags (as outlined above) may be included in the MARAC discussion as part of the police's response to the particular victim. All the flags can be set for a minimum period and end dated when all agencies including police are satisfied that neither the victim nor alleged perpetrator are at or pose a risk.
- (v) Management of flags (relating to the MARAC process) is the responsibility of District MARAC Administrators; whilst the 'Involved in Domestic Abuse' flag should be the responsibility of a Public Protection Unit (as the individual may not be connected to a MARAC process), however, these roles necessitate a minimum Niche role "Enhanced Officer" to manage the flags (create occurrences).
- (vi) Use should also be made of the remarks' field as the first few words in this field will be viewable on the person screen, flags and warnings tab. The first view words should be impact words ie 'High Risk', 'Serious Concerns', etc, and by opening the flag this will show all the comments in the remarks field.

NOT PROTECTIVELY MARKED

INTERVIEW OF THE ALLEGED PERPETRATOR

The following are the seven principles of investigative interviewing, along with special considerations for domestic abuse related cases and details of the stance an interviewer should adopt:

1. The role of investigative interviewing is to obtain accurate and reliable information from alleged perpetrators, witnesses and victims in order to discover the truth about matters under police investigation

- (a) In addition to obtaining a first account from a domestic abuse alleged perpetrator, the following areas should be considered when planning lines of questioning:
 - (i) Status of the relationship between the alleged perpetrator and the victim ie divorced, planning to separate, separated or other. (Note: the perception of alleged perpetrator and victim might be different. The alleged perpetrator's knowledge of a victim planning to separate might increase the risk to the victim);
 - (ii) Previous violence and abuse within the relationship;
 - (iii) Nature of other relationships, past and present, including history of violence and controlling behaviour on the part of the alleged perpetrator;
 - (iv) Relationship with other family members;
 - (v) Character of the alleged perpetrator;
 - (vi) Violence towards strangers and acquaintances;
 - (vii) Future intention with regard to the victim ie is the alleged perpetrator intending to re-establish the relationship;
 - (viii) Motive when committing the alleged offence;
 - (ix) Circumstances leading up to the alleged offence;
 - (x) Future residence;
 - (xi) Relationship with children and child contact arrangements if applicable.

2. Investigative interviewing should be approached with an investigative mindset. Information obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what can be reasonably established

- (a) Interviewers should adopt an ethical and impartial approach to the alleged perpetrator interview;
- (b) Interviewers should establish what happened in a non-judgemental way;
- (c) If the alleged perpetrator attempts to minimise their involvement, then any contradictory facts known by the interviewers should be put during the interview;
- (d) Counter allegations should be explored;

3. When questioning anyone, a police officer should act fairly in the circumstances of each individual case

- (a) Each interview should be considered on its merits;
- (b) Explanations as to why incidents occurred should be sought and probed;
- (c) Interviewers should not allow their own value judgements to influence a set of circumstances or explanation given but should explore the thought processes of the alleged perpetrator.

4. The police interviewer is not bound to accept the first answer given. Questioning is not unfair because it is merely persistent

- (a) If an alleged perpetrator gives an account as to why the offence happened but this does not equate with the investigation findings, it is right and proper that this account should be challenged;
- (b) Relevant questioning around areas needed to prove the offence should be conducted for as long as necessary, taking into account all of the circumstances;
- (c) Tone and delivery of questions should be in a format that avoids criticism or collusion.

5. Even when the right to silence is exercised by an alleged perpetrator, the police still have the right to put questions

- (a) Interviewers have a responsibility to question the alleged perpetrator thoroughly in order to afford them the opportunity to give their account.
- (b) A particular area of questioning might result in the alleged perpetrator deciding to waive their right to silence;
- (c) In order to achieve the full impact of a potential adverse inference, in the event of a prosecution, questions should have been put to the alleged perpetrator.

6. When conducting an alleged perpetrator interview, police officers are free to ask questions in order to establish the truth

- (a) In domestic abuse cases there may be a history of assaults and abuse and this should be introduced into the interview process;
- (b) Questions should always be relevant to the offence being investigated;
- (c) Admissibility is for the courts to decide.

7. Vulnerable people, whether victims, witnesses or alleged perpetrators, should be treated with particular consideration at all times

- (a) Questioning of alleged perpetrators should not be unfair or oppressive;
- (b) An appropriate style should be adopted when dealing with a vulnerable person;
- (c) Where possible, different interpreters should be used for the alleged perpetrator, victim and witnesses;
- (d) Arrangements should be made for people with hearing impairments. Such interviews should be video recorded.
- (e) Details of how to access an interpreter or signer are contained on PoliceNet.

CHILD CONTACT CENTRES

1. 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.
2. 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.
3. Frequently the break down in relationships has been as a result of domestic violence or abuse and there may be a Non-Molestation in force.
4. 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.
5. The NI 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.
6. 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.
7. Child Contact Centres are currently located at:

CHILD CONTACT CENTRE	CO-ORDINATOR	PHONE NO
Armagh CCC Crozier Hall, Armagh	Nuala Judge	
Ballymena Child Contact Service High Kirk Presbyterian Church Ballymena (Also provides contact sessions in Antrim & Larne)	Christine Bell	
Carrickfergus CCC Joymount Presbyterian Church Hall, Joymount, Carrickfergus	Gemma Bird	
Central Belfast CCC St Stephens Halls, Millfield	Melanie Phillips	
Cloona Child Contact Services Kilwee House, 182 Stewartstown Road, Belfast	Anne O'Kelly	

NOT PROTECTIVELY MARKED

CHILD CONTACT CENTRE	CO-ORDINATOR	PHONE NO
Coleraine Area CCC 1 st Coleraine Presbyterian Church Abbey Street, Coleraine (Also provides session in Ballycastle)	Shirley McPhillimy	
Craigavon CCC, Legahory Centre, Brownlow, Craigavon.	Linda Lyness	
Foyle CCC Salvation Army Community Centre, John Street, Londonderry (Also provides contact session in Limavady)	Elizabeth Fielding	
Knock CCC Knock Presbyterian Church 53 Kings Road, Belfast (Also provides contact session in Bangor)	Muriel Orr	
Mid Ulster CCC Gortallowry House, 94 Church Street Cookstown (Also provides contact session in Magherafelt)	Frances McKenna	
Omagh CCC Early Years Centre, Old General Hospital, Woodside Avenue, Omagh	Rosin McElholm	
Newry CCC Newry Family Resource Centre Lisdrum House, Chequer Hill, Newry	Jeanette Keenan	
Newtownards CCC Regent Street Presbyterian Church, 48a Regent Street, Newtownards.	Kerry Hichens	

**HOME OFFICE GUIDANCE:
AREAS FOR CONSIDERATION IN PREPARING NIM PROBLEM PROFILES FOR DOMESTIC ABUSE**

1. The problem profile should adhere as far as possible to the guidelines set out by ACPO. Using a standard format where available may help this, making sure all relevant information can be incorporated.
2. Including an executive summary, brief contents list, aims and objectives of the profile and list of abbreviations will make the report easier to navigate and understand.
3. The most appropriate police data sources relating to domestic abuse should be identified and utilised fully, in particular recorded crime or incident data, and additional supporting information held by DAOs.
4. It should be clear throughout the profile where the analysis is referring to crime or incident data.
5. The use of non-police data should be considered in providing a more complete picture of the problem, where time constraints permit. This is particularly pertinent for domestic abuse where there may be a reluctance to report incidents to the police. Other statutory agencies, such as the Probation Service, and health service providers may have data relating to this problem, and the individuals involved. In addition to this, several voluntary and private sector organisations may also have data that can help to provide a more detailed picture, particularly in relation to repeat victimisation.
6. Using rates in addition to counts can identify areas that require specific targeting. Information around population or number of households in a sector area is generally readily available and should be used to provide overall rates for different areas within a district.
7. Other socio-demographic data for sectors may also be easily accessed, and can be used to ascertain whether victim and alleged perpetrator profiles are typical of the local population, or if issues of underreporting for particular population groups are apparent.
8. Mapping data is a useful way of pinpointing areas and streets where there are high incidences of offences, and identifying changing patterns over time. Maps can be used in conjunction with other local data to determine why problems are concentrated in certain areas. To obtain the most value from GIS, appropriate and, where possible, more sophisticated techniques such as cluster analysis should be employed.
9. The analysis should draw, and then test, inferences from the data about why problems are happening in particular places, at certain times, and identify potential pinch points where problems can be effectively addressed.
10. One key aspect of the problem profile is to indicate how the planned interventions are likely to have an effect on the problem being analysed and to give an indication of the expected (measurable) outcomes.
11. Look at longer term trends, preferably looking at how the situation has changed over the past 2 or 3 years. This gives ample data to identify seasonal changes, and distinguish real changes from random fluctuations. Using a moving average can help remove the effects of random variations.
12. Comparable time periods over previous years should be used when analysing the changes over time. This is particularly relevant in this situation where the problem profiles are linked to some form of assessment of action taken place during a campaign targeting domestic abuse.

13. While longer-term trends are strategically important, care should be taken to ensure the identified problem remains current as hotspots can, and do, 'desist' without having been targeted.
14. Understanding what happens during events, such as earlier World Cups, European Championships or other sporting events can help to plan specific interventions for forthcoming events.
15. The definitions used to identify incidents from non-police sources may vary from the ACPO definition. Where alternative definitions have been used, these should be clarified.
16. Where a more in-depth analysis is required, it may be useful to check the accuracy of the DV statistics for a sample of violence (and other) offences, to gauge the proportion that is being incorrectly included or omitted (if any).
17. The offences included within the analysis should be in line with current definitions and recorded crime and incident counting rules. Any variation from this within the problem profile needs to be explained clearly. Providing a breakdown of domestic abuse by offence type is useful in understanding more about the nature of the problem.
18. Within the limits set by the agreed definition, the analysis should consider all crimes that result from domestic incidents, including non-violent crimes. This may be particularly relevant when looking at repeat incidents, as incidents that are non-violent may escalate later to more serious violent offences. Strategies and tactics for dealing with domestic incidents that follow on from the analysis should be inclusive of all types of offences.
19. Analysis of the main victim groups can help ensure that resources are targeted at the right people. The victim profile should be analysed in conjunction with the population profile, to ascertain whether the victim profile reflects the population, or whether certain age groups or ethnic groups are disproportionately represented.
20. The analysis should explain what proportion of data is missing (such as sexual orientation or ethnicity) and how this may affect the interpretation of results. This also applies if the victim profile only reflects a small proportion of the victims in the district. Assumptions should not be drawn about the victim or alleged perpetrator profiles where there is no data to support this.
21. The victim profile should concentrate on factors that have been shown to be risk factors for domestic abuse.
22. The profile should clarify whether the victim data, such as ethnicity, is based on self-classification by the victim, or assessed by the officer attending the scene.
23. Where possible, links should be made between domestic abuse and other crimes when presenting profiles of prolific alleged perpetrators, through the use of intelligence and other information sources.
24. Given the high rates of repeat victimisation and offending for domestic abuse, data on repeat offences should be included in the problem profile where possible. It should be made clear whether this refers to all incidents, or those that have been recorded as a crime. Clarification is also needed on whether the person or an address is being used to determine levels of repeat victimisation.
25. Data from partner agencies such as health providers may provide additional information on repeat victimisation and should be used where possible in conjunction with police data.
26. More detailed analysis on repeat victimisation should be beneficial to ensure this is being recorded accurately, and that resources are therefore being targeted most effectively.
27. The geographical area being targeted (beats, housing estates, roads) should be clearly defined so that rates can be calculated, resources can be tracked and results analysis carried out. Identifying hot areas can help in targeting publicity material and advice on support.

- 28.** Further analysis on hypotheses about the risks associated with different locations would be interesting to ensure that areas with potentially high rates of offending are being identified and targeted. This may help to establish possible links with other factors such as night-time economy related violence.
- 29.** Analysing trends for days of the week and times of the day will identify hot days and times, and emerging changes in temporal patterns, such as an increase in offences occurring later at night. Understanding this will help to ensure that sufficient resources are made available at high-risk times.
- 30.** To get a more accurate picture of the proportion of offences involving alcohol consumption or drug use, more consistent recording practices are needed on crime or incident records. Ensure that the alcohol flag is used when incidents do involve alcohol. Drug use appears to be less strongly linked to domestic abuse, although again the data for this is generally thought to be unreliable. Better data collection is needed if the extent of the problem is to be determined with any useful degree of accuracy.
- 31.** Specify how the involvement of drugs or alcohol (or other aggravating factors that may be identified locally) is defined, and whether it refers to the victim, alleged perpetrator or both. It should also be made clear how this is assessed and whether this is based on the account from the victim or the judgement of the attending officer.
- 32.** The risk assessment tools used should be evidence based, and it should be made clear how this has been applied.
- 33.** The recommendations for further work may focus on prevention, intelligence gathering or enforcement activity, as suggested in the NIM guidance on problem profiles. Any recommendations provided in the problem profile should clearly follow from the evidence provided in the problem analysis, and be specific in nature.
- 34.** Referring to other initiatives and research demonstrates that recommendations within the report arising from the analysis are based on evidence or previous experience.
- 35.** Limitations of the data and the analysis, and the implications this has on the subsequent conclusions and recommendations should be included clearly within the report. In the case of missing data, the analysis should specify what proportion of data is missing, and consequently how representative the data presented actually is in describing the problem.

VICTIMS WITH PARTICULAR NEEDS

1. It was acknowledged at the Introduction of this Policy Directive that in the majority of cases the violence is perpetrated by men against women and that there are victims within the lesbian, gay, bisexual and transgender communities. Care must be taken to recognise, record and deal with incidents/crimes as domestic abuse and not misjudged for example “as a brawl between two men or two women”. The impact of abuse extends beyond the immediate victim, alleged perpetrator and children to include consequences for their extended families and wider community.
2. Victims experiencing domestic abuse, with complex fears and concerns, will all have their own circumstances to relate. It is important for every officer to approach each case professionally, positively without assumptions and prejudice and with sensitivity to and awareness of particular needs that affect some victims. Culture and lifestyle are important influencing factors in how a victim relates to their abuse – and to how it is seen by the wider community. There is a need to explain to all victims that domestic abuse is a crime and unacceptable and that intervention services can assist victims.
3. It may be appropriate to consider the role for independent advocacy and support in these circumstances as it may enable the victim with particular needs to fully communicate their circumstances and wishes.
4. The prompts in this section are not exhaustive. It would be impossible to provide a comprehensive list to cater for the varying needs of the whole community.
5. Issues for any victim
 - (1) Afraid to tell anyone about the abuse;
 - (2) Worried that it was their fault, have low self-confidence and self-esteem;
 - (3) Worried about the effect on their children/have reservations about taking the father of their children to court;
 - (4) Concerned about coping on their own if they leave/not being able to afford to engage a solicitor;
 - (5) Scared that the violence will get worse if they leave/report and the police intervene;
 - (6) Scared for their and the children’s safety, both if they stay or leave;
 - (7) Concerned about friends and family – may pass on information/put pressure on the victim not to co-operate with police, to avoid shaming the family and stigmatising the accused;
 - (8) Worried about what others will think if the abuse is made public;
 - (9) Afraid no one will believe them if they speak about the abuse and the report will not be taken seriously;
 - (10) Frightened and daunted by the process of pursuing a legal remedy.
6. Issues for minority ethnic or migrant victim
 - (1) Some don’t speak English as their first language. This is a barrier when they try to access services. All should have access to professional interpreters.

- (2) Minority ethnic victims might feel that they have too much to lose by leaving an abusive partner. For example, religious or cultural beliefs might forbid divorce. Some victims may come from patriarchal, traditional cultures where the woman is seen as being under the control, first of her own family, and then of her husband and his extended family. There can be a fear of being stigmatised or ostracised from their community if they leave and/or seek refuge. If an Asian marriage fails it is often seen as being the woman's fault as it is usually regarded as the woman's duty in the family to maintain the family's "izzat" (honour). Culture should never be accepted as an excuse for abuse.
- (3) They might be wary of involving the police or other services, because of actual or perceived racism.
- (4) Migrant women might fear losing the right to stay in this country if they separate from an abusive partner. Their partner might use this threat as part of the abuse. They might also fear that their partner's immigration status might be threatened.
- (5) Some victims fear threats to take children away/out of the country.
- (6) Some women have 'no recourse to public funds' because of their immigration status. They will be unable to support themselves and their children if they leave their husbands.

7. Issues for older victims

- (1) May be in shock and not accustomed to having contact with police officers.
- (2) Some older victims might be embarrassed that they have put up with the abuse for so long, and they might 'talk down' the extent of their experiences.
- (3) Older victims might experience abuse from a partner who is also their carer. Like victims with disabilities, they might be afraid of losing their home, support, independence – especially if institutional care is the only option.
- (4) Older people with memory problems may be assumed to be lacking mental capacity when this is not the case.
- (5) Older victims may find it particularly difficult to stigmatise family carers as abusers. If they are grandparents they may choose to put up with the abuse rather than lose contact with their grandchildren.

8. Issues for heterosexual male victims

- (1) May fear that they will not be believed/taken seriously because of assumptions that men usually have greater physical strength/enhanced standing within the local community.
- (2) Stereotypes and perceptions add to the sense of humiliation and isolation of a male victim when reporting that he is a victim of his female partner.

9. Issues for disabled victims

- (1) Victims with disabilities might feel dependent upon the person abusing them and their home, which might have been adapted to meet their care needs. This makes leaving an abuser a very difficult option.
- (2) They might be afraid of being left alone at home or being put in institutional accommodation. It is important to acknowledge that there are few alternative sources of support.

10. Issues for lesbians, gay, bisexual and transgendered victims

- (1) Many members of LGBT communities are quite often not open about their sexuality, and may not have disclosed this to family, associates and friends. Confidentiality is therefore an important concern for victims to ensure that they are not “outed” by divulging their sexuality to others.
- (2) Some victims are often reluctant to report that they have been experiencing abuse at the hands of a partner because of heterosexual-centred assumptions about domestic abuse, a perception that the police are prejudiced and that their sexuality will become the issue rather than the incident.

11. Issues for young victims

- (1) Young victims have special needs if fleeing abuse from their relatives. Evidence on child sexual abuse suggests that as the age of the child increases, so does the likelihood of the abused child being a girl. If the victim is under 18, safeguarding children measures should be followed.
- (2) In some cases, young victims will have several professionals supporting them at the same time. The various agencies involved should work together to ensure that the multi-agency approach isn't disempowering the victim. The best interests of the child/the child's welfare must be paramount
- (3) Conceptualising children and young people as victims of domestic abuse may assist police officers to acknowledge and engage with their needs more clearly. Action taken to protect a child, including investigation, should not in themselves be abusive, effort should be made to avoid causing the child unnecessary distress or adding to any damage already suffered.

12. Issues for traveller victims

- (1) Traveller victims may worry about attitudes and reactions outside their communities. They might also worry about how an alleged perpetrator will be treated by the police and courts, if charged. Or they might be concerned about how their community will respond to them if they contact the police.
- (2) Traveller women sometimes find it hard to stay in refuges – perhaps due to prejudice from other residents.
- (3) Within the travelling community, marriage is seen as being for life. If a woman leaves her husband, she often has to leave the whole community, having lost the status of a married woman. Leaving the community means losing contact with her culture and way of life and facing the prejudice of the settled population.

13. Issues for middle-class victims

- (1) Middle-class women might be less familiar with services available to assist them.
- (2) They might be uncertain about coping financially, especially if they are dependent on their partner's income.
- (3) Victims might be afraid that no-one will believe that their outwardly successful partner could also be an abuser.
- (4) Research shows that middle class women are far less likely to involve the police.

14. Issues for victims who misuse drugs and alcohol

- (1) Victims who misuse drugs or alcohol might fear that they will not be taken seriously or that they will be treated in terms of their drug or alcohol use.

- (2) They might think that agencies won't take victims who misuse drugs or alcohol or they might think agencies don't have services that meet their needs.
- (3) Their abuser might also be their supplier, or they might be scared of losing their supply and having to face withdrawal.
- (4) The abuser might be controlling them through their drug or alcohol misuse. The abuser might have threatened to tell other people about their misuse.
- (5) They might be afraid that they will lose their children if their drug or alcohol misuse is revealed.
- (6) Victims sometimes misuse drugs and alcohol to cope with domestic abuse.

15. Issues for sex workers and victims who are trafficked

- (1) Sex workers might not want to approach agencies for help because of perceived or actual disrespect from authorities.
- (2) The financial pressures they face might stop them leaving an abuser, who might have immense power over a number of victims.
- (3) They might fear facing the attitude that victims who work in the sex industry should expect assault and rape.
- (4) Sex workers often have difficulty in finding employment, due to a lack of references, qualifications and training.
- (5) Victims who have been trafficked might have additional fears about their status as an illegal immigrant. They might also have language difficulties and not know where to turn for help.
- (6) Trafficked victims might feel a sense of helplessness or shame at their situation. Being forced into sex work might transgress their own cultural values and make it difficult for them to reveal their situation.
- (7) Sex workers who have experienced domestic abuse have multiple needs.

16. Issues for victims with learning disabilities

- (1) Victims with learning disabilities might find it difficult to understand information you give them about domestic abuse. You might have to produce a simplified and/or recorded version of materials or explain the contents clearly face to face.
- (2) Victims with learning disabilities might find it difficult to describe their experiences or might express their feelings differently to other victims.
- (3) An alleged perpetrator might exploit a victim's learning disability to make them feel responsible for the abuse or to normalise it.
- (4) Victims with learning disabilities might fear that they won't be believed if they disclose their abuse. Or they might fear not being able to cope with or understand the consequences of disclosure.