

Police Service of Northern Ireland



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
BRANCH**

**Criminal Justice
Community Safety**

POLICY APPROVED BY:

**CCF REF/OTHER
DATE OF APPROVAL**

Chief Constable's Forum – Ref 68/03

IMPLEMENTATION DATE: 31 July 2008

DATE OF ISSUE: 31 July 2008

REVIEW DATE: 1 August 2009

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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 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 previously.

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 2005/06, 71% of victims were female, however, there are also male victims of female abuse and victims within the lesbian, gay, bisexual and transgender communities. The impact of abuse extends beyond the immediate victim, 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, 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 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) 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) (paragraph 7(16) refers) will require 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 will create 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.

- (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 2009.
- (2) The review will be undertaken by Inspector, Community Safety Branch. Any feedback in relation to this Policy should be addressed to Inspector, Community Safety Branch.