



FREEDOM OF INFORMATION REQUEST



Request Number: F-2011-03668

Keyword: Crime

Subject: Domestic Violence

Request and Answer:

Question

To ask the Constabulary Lead/Coordinator/Policy Holder for Domestic Violence

What is the constabulary's policy and practice in regard to:

1. Ensuring all DV/DA reports are risk assessed on the front line by officers and how is this monitored?
2. Which of the following is the constabularies policy in regard to risk assessments:
 - a. That it risk assess only the alleged victim (ie the reporting party)
or
 - b. That it risk assess both alleged victim and alleged perpetrator no matter who reports (ie Dual Risk Assessment)

In either case before or after an arrest or other change in the proximity of one person to the other [ie either officers conduct as a matter of policy a single or dual risk assessment regarding each individual DV report.]

3. In the following how many risk assessments were done in the last year:
 - a. Single Risk Assessments
 - b. Dual Risk Assessment (a single count for both assessments)

The above is raised in light of in DV/DA Risk Assessments there are a number of scenario dynamics that need to be considered as possible, listed as follows ie who is the victim and who is the perpetrator, a report alone cannot evaluate the matter.

- Male Perp
- Female Perp
- Both Perps (common couple ie equal)
- Both perps but one is reactive victim

- Perp makes victim look like perp
- Perp Inciting other to go for victim (Other here can also include other family and officials like the police) Abuse by proxy.

Dual Risk Assessments are a vital tool to enable the above to be evaluated.

In some cases where dual risk assessments have been done previously thought of as perpetrators have been found to be a very high risk victims ie at risk of murder, this has resulted in MARAC, with out this not only adult victims would have been previously more at risk of being mis-categorised as perpetrators but this could also have put children at more high risk.

4. Does the constabulary have a policy that would include recording crime/prosecuting both parties if both were as above "Both Perps (common couple ie equal) or would it only prosecute or only one and how would it decide which one.

5. Given that false allegations of DV can be made to gain advantage for another purpose, say for control of a home or in civil proceedings say involving children, what is the forces policy in regard to crime recording and prosecutions in such matters.

6. In the event that the constabulary:

- a. Does have a dual risk assessment policy for front line officers:

How has it performed and what benefits have been seen.

- b. Does not have a dual risk assessment policy is it willing to introduce one as being consistent with its duty to ensure public protection and its gender equality duty (GED)

7. Does the constabulary have a gender inclusive DV policy and DV definition as a part of its GED.

8. In the event that:

- a. The constabulary has a dual risk assessment policy has it ensured that its partner agencies, via it's local area DV officers/coordinators, in local DV forums are aware and practice this as well as a part of their GED and as a part of MARAC's and where applicable to assist in their duties under the sex discrimination act.

- b. That the constabulary introduces as dual risk assessment policy will it ensure that its partner agencies, via it's local area DV officers/coordinators, in local DV forums are aware and practice this as well as a part of their GED and as a part of MARAC's and also where applicable to assist in their duties under their sex discrimination act.

Answer

Section 17(5) of the Freedom of Information Act 2000 requires the Police Service of Northern Ireland (PSNI), when refusing to provide such information (because the cost of compliance exceeds the appropriate limit) to provide you the applicant with a notice which states that fact.

It is estimated that the cost of complying with your request for information would exceed the "appropriate costs limit" under Section 12(1) of the Freedom of Information Act 2000, which is currently set by the Secretary of State at £450 (18hrs).

The PSNI Criminal Justice Department advised that to respond to the number of risk assessments asked in your request I should contact each Public Protection Unit (PPU) in the 8 PSNI Districts as this information is not held centrally.

The Police Service of Northern Ireland has adopted the 'DASH' (Domestic Abuse, Stalking and Harassment and Honour Based Violence) risk model for completion 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 in respect of adult victims regardless of the gender or relationship of the victim/alleged perpetrator.

The PPU's advised that they would need to check each report of Domestic Abuse and every reported breach of a Non Molestation/Occupation Order to ascertain if a DASH Form (DASH form - ACPO approved risk assessment for domestic incidents) had been completed. In one district alone last year there were in excess of 2,500 reports of Domestic Abuse and allowing 5 minutes to manually check each file to ascertain if a DASH form had been completed would equate to approximately 200 hours which is well in excess of the time permitted under legislation (18hrs). The fact that there are 7 other districts within the PSNI further increases this time estimate.

In accordance with the Freedom of Information Act 2000, this letter should be considered as a Refusal Notice, and the request has therefore been closed.

You may wish to submit a refined request in order that the cost of complying with your request may be facilitated within the 'appropriate limit'. In compliance with Section 16 of the Act, I have considered how your request may be refined to bring it under the appropriate limit however the nature and structure of the information unfortunately makes this impossible.

Submission of a refined request would be treated as a new request, and considered in accordance with the Freedom of Information Act 2000, including consideration of relevant Part II exemptions.

Although excess cost removes the PSNI's obligations under the Freedom of Information Act, I have provided below the information which was retrieved from PSNI Criminal Justice Department before it was realised that the fees limits would be exceeded. I trust this is helpful but it does not affect our legal right to rely on fees regulations for the remainder of your request.

Answer 1

The Police Service of Northern Ireland has adopted the 'DASH' (Domestic Abuse, Stalking and Harassment and Honour Based Violence) risk model for completion 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 in respect of adult victims regardless of the gender or relationship of the victim/alleged perpetrator.

First response officers must complete the DASH Form for all domestic abuse incidents, unless the investigation is immediately passed to a specialist e.g. a Domestic Abuse Officer (DAO) in which case the specialist completes the DASH Form.

Following the assessment by the front line officer, the form is reviewed by the supervisor before submission to the Public Protection Unit for the attention of Domestic Abuse Officers. Thereafter, dependent upon the level of risk as assessed by the completing officer and any subsequent information held by the Domestic Abuse Officer, appropriate action is taken commensurate with the risk level.

Answer 2

The DASH risk model is completed in respect of all adult victims. As events and circumstances may undergo rapid and frequent change, the assessment is kept under review with each incident or change in circumstances.

Answer 4

In terms of crime recording for statistical purposes, Statistics Branch follows and applies the guidance provided in the Home Office Counting Rules. These rules are applied equally to all reports

or allegations of a crime having occurred, regardless of whether there may be a domestic motivation to the crime. These rules can be accessed through the following link

<http://homeoffice.gov.uk/science-research/research-statistics/crime/counting-rules/>

Statistics Branch does not apply any separate or additional policies to the recording of crimes with a domestic motivation.

Relevant sections of the Home Office Counting Rules:

General rules

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/count-general?view=Binary>

provide the background to when to record a crime (Section A) and also contains the full National Crime Recording Standard (Annex A) which provides details of the victim oriented approach to crime recording. Section C on "No Crimes" provides the circumstances in which a crime, once recorded, can be classified as a "no crime" (ie removed from the recorded crime figures).

Violence against the Person

<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/counting-rules/count-violence?view=Binary>

provides guidance on the recording practice when dealing with counter allegations of assault (see 105A Assault without Injury Classification 1 of 1).

In responding to counter allegations and the need for dual arrests, the Police Service of Northern Ireland's policy reflects that of the National Police Improvement Agency's Guidance on Investigating Domestic Abuse.

When attending domestic incidents, 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.

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.

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.

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.

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 guidance.

The Public Prosecution Service is the principal prosecuting authority in Northern Ireland and will take decisions as to prosecution in cases investigated by the Police Service of Northern Ireland.

Answer 5

In responding to counter allegations and the need for dual arrests, the Police Service of Northern Ireland's policy reflects that of the National Police Improvement Agency's (NPIA) Guidance on Investigating Domestic Abuse.

When attending domestic incidents, 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.

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Answer 6

The Police Service of Northern Ireland, as previously indicated, has adopted the DASH (Domestic Abuse, Stalking and Harassment and Honour Based Violence) risk model.

This model has been highlighted by the Association of Chief Police Officers (ACPO) as the appropriate model for police officers attending domestic abuse incidents. In adopting policy the Police Service of Northern Ireland will, as far as possible, reflect ACPO/NPIA guidance in this area.

Answer 7

The Police Service of Northern Ireland, as a member of The Northern Ireland Regional Strategy Group on Domestic Violence, has adopted its definition of 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”.

If you have any queries regarding your request or this decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.