



Police Service
of Northern Ireland

Domestic Abuse & Civil Proceedings (NI) Act 2021 – CJINI Action plan response

Background

The Criminal Justice Inspectorate for Northern Ireland (CJINI) have recently published their Inspection report into the preparation, commencement and delivery against the new domestic abuse legislation in Northern Ireland. This Inspection focused on the introduction of the Domestic Abuse & Civil Proceedings Act (NI) 2021 which came into force on 21st February 2022. It introduced a new offence (domestic abuse offence) which included coercive controlling behaviours, there also additional provisions including a domestic abuse aggravator that could be added to other criminal offences (theft, criminal damage, assault for example) and two bespoke child aggravators. A significant programme of work was undertaken internally to prepare officers and staff for recognising the signs of these behaviours but also to ensure our systems were connected throughout the criminal justice process and that they were fit for purpose.

In this review CJI uses the term 'domestic violence and abuse' as defined in *Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy* as

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

The key aspects of the new legislation are as follows

S1 – creates the new domestic abuse offence where a perpetrator engaged in a course of behaviour or psychological harm to a victim to whom they are personally connected (course of behaviour is a key aspect to understanding the offence and the behaviours within coercive controlling behaviour)

S5 – defines the new terminology of personally connected to, for better understanding for application of officers / others involved in the criminal justice process

S9 – defines the bespoke child aggravator of the domestic abuse offence either where the abuse is directed at an U18 or where they are used to facilitate the abusive behaviour

S15 – defines the domestic abuse aggravator this allows any other offence to be aggravated by the domestic abuse motivation

S23 – outlines the opportunities for special measures in court processes

S26 – outlines the provisions for Operation Encompass to information share with schools across NI

Roles and responsibilities

The Police Service of Northern Ireland in accepting the recommendations will deliver across the organisation through a number of accepted routes and reporting governance structures via the Head of Public Protection Branch who own the policy related matters for domestic abuse on behalf of the organisation

- Fostering collaboration including providing relevant support documents, policies and protocols across the teams within policing
- Removing obstacles preventing communication, successful delivery against the recommendations both strategically and operationally
- The recommendations and progress against each will be reported on through internal governance structures and to Service Executive Members as appropriate

Timelines

The timelines for delivery will be within the outlined periods within the CJINI Inspection report and information will be available for report and update at designated intervals.

Recommendation Number	Recommendation	Timeline	Signs of delivery
SR1	The Police Service of Northern Ireland should work with the Education Authority and education providers to develop an information sharing protocol within nine months of the publication of this report. They should hold discussions with the Safeguarding Board for Northern Ireland about how Operation Encompass can support, and be supported by, wider child safeguarding practices.	9 months from publication	Effective delivery of information sharing with EA and education providers on Operation Encompass Opportunities developed to streamline information sharing processes with Education Authority and education providers Formal Information sharing agreement, as designed by key partners, approved and available for relevant organisations to review Effective Communication with SBNI to understand the Information Sharing arrangements and how they support child safeguarding practices in Northern Ireland,

			particularly for those who are experiencing domestic abuse in the home
SR 2	The Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland should further develop and embed the Prosecution Team approach for cases involving domestic abuse, focusing on the issues highlighted in this review, within six months of the publication of this report. This should include re-visiting the concept of specialist domestic abuse Prosecutors.	6 months from publication	<p>Ongoing joint quality assurance with PPS partners across domestic abuse investigations and prosecutions</p> <p>Publication of the Service level agreement and associated awareness raising within each organisation on the principles of Prosecution Team approach</p> <p>Continued support between PSNI and PPS in respect of any joint training required</p> <p>Continued promotion of evidence led investigations throughout PSNI</p> <p>Continued awareness raising in respect of opportunities available for special measures including Achieving Best Evidence interviews for victims of domestic abuse</p>

			Awareness training focused on the victims voice and journey delivered to front line practitioners
OR3	<p>The Police Service of Northern Ireland should deliver further training to those working in contact management roles, within six months of the publication of this report, to improve:</p> <ul style="list-style-type: none"> • the quality of THRIVE assessments; • the focus on children in domestic abuse cases; and • the records of supervisory reviews of domestic abuse cases. 	6 months from publication	<p>Continued promotion of appropriate risk assessments including THRIVE and DASH for reports of domestic abuse</p> <p>Training and awareness opportunities explored with front line practitioners and supervisors on the application of child aggravators including dip samples and data quality checks</p> <p>Track and trend application of the child aggravator being applied in appropriate cases</p> <p>Training to focus on the impact of children in domestic settings – through victim testimony and voices of children supported by external partners</p>

			Revision of performance metrics to understand the quality of investigations alongside compliance
OR4	<p>Within six months of the publication of this report the Police Service of Northern Ireland should assess how effectively the Year Two training has improved the response to children in domestic abuse cases and take action to address any further learning needs identified. Quality assurance processes to reinforce the training should include a focus on the quality of information recorded by Police Staff, Officers and Supervisors</p>	6 months from publication	<p>Year 2 training has been delivered across first responders and supervisors which focused on child aggravators, application of the legislation, usage of ABE interviews and other special measures</p> <p>Assess the effectiveness through tracking and trending the application of child aggravators</p> <p>Revision of performance metrics to understand the quality of investigations alongside compliance</p>
OR5	<p>Action should be taken by the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland, within six months of the publication of this report, to ensure that the Section</p>	6 months from publication	<p>Opportunities to implement technical fixes for application of child aggravators will be explored across Police systems</p>

	<p>15 domestic abuse aggravator is applied to every relevant charge, with information technology and quality assurance systems that reinforce this approach.</p>		<p>A plan will be developed to understand the technical requirements and test this across the Criminal Justice systems</p> <p>Interim measures on raising awareness on circumstances to apply the aggravators will be implemented in advance of any technical solution for this area</p>
OR8	<p>As required by Section 24 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021, the Police Service of Northern Ireland should produce data on offences alleged to be aggravated by domestic abuse as referred to in Section 15. Within six months of the publication of this report plans should be developed as to how this data can be published at regular time intervals.</p>	<p>6 months from publication</p>	<p>Publications from NISRA will continue to report on the domestic abuse related crimes and trends and the relevant breakdowns</p>