

Ms Christine Darrah
The Committee Clerk
Room 242 Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

By email: Domesticabusebill@niassembly.gov.uk

28 May 2020

Dear Ms Darrah,

Domestic Abuse and Family Proceedings Bill

Thank you for the Committee for Justice's (the Committee's) letter dated 7 May 2020 requesting comments on the content of the Domestic Abuse and Family Proceedings Bill (the Bill).

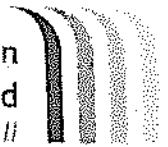
As members will be aware, Criminal Justice Inspection (CJI) has responsibility for independently and impartially inspecting all aspects of the criminal justice system in Northern Ireland apart from the judiciary. We also inspect a number of other agencies and organisations that link into the criminal justice system as provided for in the Justice (Northern Ireland) Act 2002 (as amended). The inspection programme for the financial year 2017-18 included a series of Public Protection Inspections. These examined the criminal justice system's approach to domestic violence and abuse; sexual violence and abuse; and the public protection arrangements in Northern Ireland.¹

CJI's most relevant report in this area, *No Excuse: A thematic inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI* (hereafter *No Excuse*)² was published in June 2019. This inspection comprised a detailed review of the way that the police, prosecution and courts dealt with cases of domestic violence and abuse as well as the strategy and co-ordination led by the Department of Justice. It included in-depth fieldwork in the justice agencies, including case reviews of police and prosecution files, as well as consultations with stakeholders and victims of these types of crimes. Given the intersection between domestic and sexual violence and abuse, the Committee may also wish to consider *Without Witness*³, published in

¹ Available on CJI's website: <http://cjini.org/>.

² CJI, *No Excuse: Public Protection II: A thematic inspection of the handling of domestic violence and abuse cases by the Criminal Justice System in NI*, June 2019. Available online at: <http://cjini.org/TheInspections/Inspection-Reports/2019/April-June/Domestic-Violence>

³ CJI, *Without Witness: Public Protection Inspection I: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland*, November 2018. Available online at: <http://cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence>



November 2018. It examined the system's handling of sexual violence and abuse cases and where relevant CJI completed fieldwork for both inspections concurrently.

These reports were published during the suspension of the NI Assembly and therefore CJI was unable to share its findings with the Committee. However, the then Chief Inspector of Criminal Justice, Brendan McGuigan, presented the findings of the *Without Witness* report to the All-Party Group on Domestic and Sexual Violence in November 2018.

As regards the specific Bill as is proposed, and given CJI's role in potential future inspection on these issues, I wish to comment on the following two issues, based on this body of work:

- **Any identified issues regarding the investigation and prosecution of the new offence;** and
- **Any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means.**

Any identified issues regarding the investigation and prosecution of the new offence:

Domestic Abuse Matters training

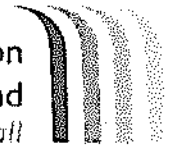
While CJI does not provide a view on the detail of the Bill's provisions, any legislative measures that can advance protections for victims of domestic abuse particularly in respect of a domestic abuse offence are welcome. At the time of its inspection, CJI acknowledged there had been a focus on legislative reform but progressing this had been impacted by the absence of a NI Assembly. During fieldwork Inspectors found that a domestic abuse offence was seen as a '*critical mechanism for officers in dealing with coercive and controlling behaviour which was not sufficiently accounted for in current offences*' and was also supported strongly by stakeholders (paragraph 2.14).

At the same time, it was crucial that officers were provided with training on coercive and controlling behaviour. Particularly in advance of legislation to address coercive control, Inspectors had urged the PSNI to consider the adoption of Domestic Abuse Matters⁴, a change programme developed by the College of Policing with SafeLives, which had been structured to implement long-term attitudinal and behavioural change in the police service (see Strategic Recommendation 1 and paragraph 3.22). As part of its deliberations, the Committee may wish to examine the extent to which the PSNI has prepared officers including the delivery of appropriate training to ensure there is clarity and consistency across all Districts in implementing the new legislative powers.

A prosecution team approach

In *No Excuse* CJI also recommended that **"The PSNI and PPS should develop an implementation plan to further develop the prosecution team approach for cases involving domestic abuse or with a domestic motivation within three months of this report"** (paragraph 5.19).

⁴ College of Policing, *Updated training improves police understanding of coercive control*, September 2017. Available online at: http://www.college.police.uk/News/archive/september_2017/Pages/Updated_training_improves_police_understanding_of_coercive_control.aspx



Inspectors suggested the following elements form part of the implementation plan, based upon the issues identified in prosecution files reviewed:

- building the case from the outset, fully implementing the PSNI and PPS policies and guidance regarding cases of domestic abuse;
- a review of the existing PSNI and PPS policies, procedures and guidance to ensure compliance with the Attorney General's human right guidance on domestic abuse and stalking;
- a review of how risk assessment information is provided by the PSNI to the PPS and used to inform prosecution decision making;
- ensuring, where appropriate, that related cases are flagged and prosecuted together and patterns of behaviour are used to show the ongoing abusive nature of the relationship;
- early and ongoing consideration of evidence gathered from body-worn video, photographic imaging, social media and digital technology;
- fully applying the relevant policies and procedures of both organisations in respect of dealing with victim withdrawal; and
- ensuring there is a joint process for learning lessons from serious or complex cases, particularly those that result in a no-prosecution decision or an acquittal at court.

These suggested actions were based upon issues in relation to prosecuting current offences used in domestic situations, however, CJI believes these will also be relevant considerations in respect of the new legislation. The Committee may wish to consider whether such an implementation plan is in place and seek assurances that it will be applied to the investigation and prosecution of a new domestic abuse offence.

Any other legislative or non-legislative approaches to tackle domestic abuse not currently in place that should be taken forward either in this Bill or in another piece of legislation or by other means:

Legislation surrounding choking

In the *No Excuse* inspection issues in relation to legislation and sentencing options surrounding choking or strangulation also arose and had been raised publicly by District Judge (Magistrates' Court) Barney McElholm. These concerns are detailed within the report with a resulting recommendation that **'the DoJ should review, with input from relevant stakeholders, how potential inadequacies in current legislation regarding the act of choking or strangulation by defendants could be addressed'** (paragraph 2.17). CJI understands this does not form part of the Bill currently before the Committee, but nevertheless alerts members to the recommendation, as it is an important matter to be addressed.

Protection orders

CJI had previously recommended provision for Domestic Violence Protection Notices and Orders⁵ and these had been legislated for in the Justice Act (Northern Ireland) 2015. However, at the time of this inspection, CJI was advised that secondary affirmative legislation was required for the legal aid provision associated with the orders and notices before they could be introduced,

⁵ These notices and orders may be used following a domestic incident to provide short-term protection to the victim when arrest has not been made but positive action is required, or where an arrest has taken place but the investigation is in progress.



which required the Northern Ireland Assembly to be restored. Inspectors urged progress on the implementation of these as a priority once a legislature was in place and I respectfully draw this to the Committee's attention. The development of plans for and consultation on legislation to introduce protection orders for stalking and harassment were also recommended⁶. It is important that protection orders are appropriate and accessible to victims of a new domestic abuse offence.

Special measures

I am supportive of any statutory provision that enhances domestic abuse complainants' eligibility for special measures (as intended by Clause 22). During the inspection CJI had concerns about how the need for special measures in domestic abuse cases was considered and also their availability:

There was evidence from the file review and from discussions with prosecutors that greater consideration of the use of special measures as well as ensuring these are tailored to the needs of the victim should be made in these types of cases to encourage or support victims to attend court. There was evidence in the file of appropriate consideration of special measures in only two of the 16 relevant cases in the sample and appropriate use in only one of these cases. The only application made was not timely or of good quality.⁷

We recommended that **'the PPS, with support from criminal justice partners, should review the use of special measures in cases of domestic abuse to assess compliance with paragraph 48 of the Victim Charter and take action to address any issues arising'** (paragraph 6.24).

Of course quality victim and witness care is vital at all stages; from the earliest point when a crime is committed, when it is reported, whether or not it leads to a prosecution and conviction and beyond the conclusion of a case. The need to support and impact on family or other household members who are witnesses and may not qualify automatically for special measure provisions should also be carefully considered. The trauma experienced, support needed and risk of intimidation has to be considered at the earliest possible stage and throughout case progression and disposal so they too are supported to provide their evidence.

I believe if our community is confident all victims and witnesses can access effective services at all stages it will encourage more victims to report crime and bring more offenders to justice. I plan to publish a report before NI Assembly summer recess on Victim and Witness Care, including findings relating to the Victim Charter and Witness Charter, which will no doubt also be of interest to the Committee. The evidence and recommendations in this report are applicable to all victims, particularly those most vulnerable in the criminal justice system.

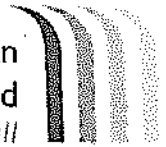
Independent Domestic Violence Advocacy (IDVAs) and court listing arrangements

Finally, it is a source of frustration that *No Excuse* includes recommendations on matters previously raised by CJI in its first report, published in 2010, on the system's response to domestic violence⁸. These related to provision for special listing arrangements in courts and an IDVA

⁶ *No Excuse*, Operational Recommendation 2, Para. 2.19.

⁷ *No Excuse*, Para. 6.20

⁸ CJI, *Domestic Violence and Abuse: A thematic inspection of the handling of domestic violence and abuse cases by the criminal justice system in Northern Ireland*, December 2010. Available online at: <http://www.cjini.org/getattachment/1b651b43-657b-471b-b320-101fca7c6930/Domestic-Violence-and-Abuse.aspx>



service for victims, further detail of which is contained within paragraph 7.12 of the report. CJI would urge the Committee to do whatever it can to help highlight and progress this. CJI recommended in *No Excuse* that: **The Criminal Justice Board, in conjunction with its partners, should, in the nine months following the publication of this report, ensure the delivery and roll out of Northern Ireland-wide schemes to enhance the criminal justice system's approach to domestic violence and abuse, in relation to:**

- where volume is assessed to be sufficient, providing services to enable the clustering of domestic abuse cases to a designated court in each Administrative Court Division; and
- a properly costed contract for an IDVA service to address the safety of victims at high risk of harm. (paragraph 7.12).

Delay

CJI has previously reported on the issue of delay in the criminal justice system, most recently on file quality and disclosure⁹. This called for greater collaboration between the PSNI and the PPS to enhance file preparation and standards applied around disclosure. The review of a sample of police and prosecution case files for *No Excuse* highlighted that file quality is an issue in cases of domestic abuse¹⁰. I consider the Committee's consultation an important opportunity to stress the need for further action in this area particularly given the likelihood in domestic abuse cases that the victim will withdraw support at some stage, and the risk that avoidable delays in the case will exacerbate this.

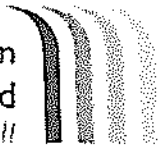
I have referenced specific issues from within *No Excuses* but there are many aspects of the report the Committee may find helpful during its consideration of mechanisms to tackle domestic abuse. I have attached an Executive Summary of the report, which includes all the recommendations. It may also be of interest to the Committee to note that CJI intends to commence Follow-up Reviews on both the *No Excuse* and *Without Witness* inspections in the 2020/21 Inspection Programme to assess progress against the inspection recommendations.

In closing, may I also say that I particularly welcome the clauses recognising the aggravating factor relating to children being present when domestic abuse occurs. As members will be well aware, home should be the safest place for a child to be with parents the primary protectors of their physical and emotional health but unfortunately all too often this is not or is unable to be the case. The lasting and often lifelong impact on children who witness and experience domestic abuse cannot be under-estimated and has serious implications for their emotional health and well-being, behaviour, educational attainment and life chances.

I understand Committee members are already aware of the Operation Encompass initiative in England that securely shares information between police and schools to facilitate a better safeguarding response for children who are experiencing domestic abuse in their homes. The implementation of such an initiative in Northern Ireland may merit consideration alongside and is complimentary to the intentions of this Bill.

⁹ CJI, *An inspection of the quality and timeliness of police files (incorporating disclosure) submitted to the PPS, November 2015*. Available online at: <http://www.cjini.org/TheInspections/Inspection-Reports/2015/October---December/File-Quality-and-Disclosure>

¹⁰ *No Excuse*, p.51.



As mentioned above, the impact on and trauma experienced by other adults living in the same household but not the complainant should not be underestimated too.

I hope this response is helpful, if I can provide any further assistance please do not hesitate to contact me or the lead Inspector, Rachel Lindsay [REDACTED]

Yours sincerely

[REDACTED]

Jacqui Durkin
Chief Inspector of Criminal Justice

Enc: Executive Summary of No Excuse: An inspection of the handling of Domestic Violent and Abuse Cases by the Criminal Justice System in Northern Ireland.

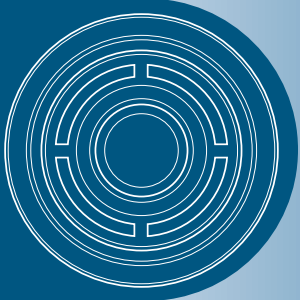


NO EXCUSE

PUBLIC PROTECTION INSPECTION II:
A THEMATIC INSPECTION OF THE HANDLING OF
DOMESTIC VIOLENCE AND ABUSE CASES BY THE
CRIMINAL JUSTICE SYSTEM IN NORTHERN IRELAND

June 2019





Executive Summary

The issue of domestic violence and abuse in Northern Ireland (NI)

Domestic abuse covers a range of behaviours which range from persistent and unwanted contact via telephone calls, text messages and harassing behaviour through to physical assaults and ultimately, in the worst cases, death by homicide. Domestic abuse occurs between partners, ex-partners, (step-) parents and (step-) children, siblings and grandparents and grandchildren. It affects people from every background with particular issues faced by women, men, children, older people, people with disabilities, lesbian, gay, bisexual and transsexual people (LGBT) and people from ethnic minorities.

In 2017-18 the Police Service of Northern Ireland (PSNI) recorded the highest level of domestic abuse incidents¹ and crimes since the data series began in 2004-05². The 29,913 domestic abuse incidents equated to one reported domestic abuse incident approximately every 17 minutes. Of these incidents, 14,560 were crimes with just under three quarters recorded as violence against the person. In 2017-18 there were 23

murders in total in Northern Ireland, of which 11 occurred in a domestic context (four of which related to one family). Over the last 10 years there have been an average of six domestic homicides per year. The Northern Ireland Crime Survey suggests at least one in 25 adults experienced domestic abuse in the last three years³.

In terms of outcomes recorded by the police, three in five offences committed in a domestic context did not progress to prosecution due to evidential difficulties and in more than two fifths, the victim did not wish to engage with/support or continue to support the criminal justice process. Data collected for this inspection suggests that around a third of cases did not meet the evidential or public interest tests required to proceed to a prosecution and just under a third resulted in a conviction at court. This inspection considered the approach of the criminal justice system in handling cases of domestic violence and abuse.

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- 1 All incidents reported to the police are recorded in accordance with the National Standard for Incident Recording, which sets out a common approach to be followed in classifying the broad range of calls for service the police receive from the general public. In many cases these incidents may be crimes in law, such as disorderly behaviour or many road traffic offences, but they are not of a level of severity that would result in the recording of a notifiable crime. Thus, they are not included in the main police recorded crime dataset.
 - 2 PSNI, *Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004-05 to 2017-18: Annual Bulletin published 31 October 2018*. Available online at: <https://www.psni.police.uk/globalassets/inside-the-psni/our-statistics/domestic-abuse-statistics/documents/domestic-abuse-incidents-and-crimes-in-northern-ireland-2004-05-to-2017-18.pdf>
 - 3 Campbell, P and Rice, A., Department of Justice Analytical Services Group, *Experience of Domestic Violence: Findings from the 2011-12 to the 2015-16 Northern Ireland Crime Surveys, Research and Statistical Bulletin 17/2017, June 2017*, Available online at: <https://www.justice-ni.gov.uk/publications/r-s-bulletin-172017-experience-domestic-violence-findings-201112-201516-northern-ireland-crime>



Strategy, governance and prevention

The Departments of Justice (DoJ) and Health (DoH) had published '*Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A seven year strategy*' in March 2016⁴. Several other governmental strategies and criminal justice agency organisational and business plans had specific objectives which referenced domestic abuse. There had been a focus on domestic abuse by the Minister and Committee for Justice prior to the dissolution of the Northern Ireland Assembly (in early 2017), with legislation and guidance being discussed or developed for a domestic abuse offence, stalking, domestic violence protection orders, domestic violence and abuse disclosure scheme and domestic homicide reviews. The PSNI had welcomed these developments and worked with the DoJ to move forward with this legislative reform programme and the implementation of initiatives, even in the absence of an Assembly. Legislation for dealing with reports of choking was problematic and would benefit from a review. With further legislation required, the implementation of domestic violence protection orders had been delayed but Inspectors recommend that the DoJ should also develop legislation for protection orders for stalking and harassment. The PSNI, DoJ and Policing and Community Safety Partnerships (PCSPs) were also involved in preventative and awareness raising around domestic violence and abuse, particularly using seasonal campaigns.

First response, risk assessment and multi-agency safeguarding

The creation of C7 Public Protection Branch by the PSNI in 2015 had brought together officers in public protection roles and the new role of Domestic Abuse and Adult Safeguarding

(DAAS) officer had been created. The work of domestic abuse policing had been determined to be a specialist detective role and officers had undergone the appropriate development programme to deal with serious and complex investigations. All officers received several inputs on domestic offences via the Foundation Training programme and a selection of officers from Local Policing Teams had also received enhanced domestic abuse training, although feedback to Inspectors suggested its impact was limited⁵. Harassment and stalking were also covered in Foundation Training. Inspectors found some evidence of issues in the approach to dealing with lower level offences and coercive and controlling behaviours, albeit that, given the lack of a domestic abuse offence and a stalking offence at the time of the inspection, these could only form evidence of the offence of harassment or as the background to a domestic history. In England and Wales and Scotland the *Domestic Abuse Matters* programme was being rolled out and had shown positive results in addressing these issues.

The response to calls for service appeared from discussions with victims, police officers and staff and case files reviewed by CJI to be timely and effective, although the volume of cases required the allocation of a significant proportion of local police resources. The results of the case file review indicated that the initial and ongoing risk assessment in domestic cases could be improved. A key issue in this risk assessment was the use of the DASH⁶ risk checklist; the PSNI had a high completion rate of these checklists but the quality of the completed forms had been noted as a cause for concern with inconsistent supervision of the content of the form. Issues raised with the DASH checklist itself are not unique to Northern Ireland and the College of

4 Available online: <https://www.justice-ni.gov.uk/sites/default/files/publications/DoJ/stopping-domestic-sexual-violence-ni.pdf>

5 A further two-hour training package had been provided to all Local Policing Team officers subsequent to the conclusion of the fieldwork of this inspection.

6 DASH stands for Domestic Abuse, Stalking and Honour-based violence.

Policing was piloting a revised risk assessment tool. The PSNI should follow the progress of this new form and implement it at an appropriate time. Information from DASH forms was shared with the Public Prosecution Service for Northern Ireland (PPS) when requested, but there appeared to be some inconsistencies in the application of policy⁷. Criminal Justice Inspection Northern Ireland (CJI) recommend that the PSNI produce an implementation plan to further develop its approach to dealing with cases of domestic violence and abuse. This should address the issues highlighted in this report in relation to both the training and development of new recruits and first responders in the areas of harassment, stalking and coercive and controlling behaviour and in the risk assessment of cases of domestic violence and abuse. The PSNI was an active partner in the Multi-Agency Risk Assessment Conference (MARAC) process, both chairing the meetings and providing administrative and co-ordination support. Some issues had been raised in reviews of MARAC against SafeLives⁸ principles and recommendations made to all multi-agency partners for improvement. These issues did not appear to have been addressed by the MARAC Operational Group or via any other governance arrangements. It is recommended that the PSNI and new MARAC Operational Board develop an implementation plan to further develop the management of safeguarding arrangements.

Police investigation and case building

There was evidence that investigations were carried out in a timely fashion in three-quarters of cases, although overall the findings from the file review suggest that improvements could be made in the PSNI's approach to the investigation

of domestic abuse cases in between a quarter and a third of cases. Body-worn video had been rolled out and had provided valuable evidence in some cases, although there were technical issues which could cause delays in the prosecution.

With the need for further legislation to fully implement Domestic Violence Protection Orders and Notices, there continued to be a reliance on non-molestation orders, applied for by victims, to deal with harassment and lower level coercive behaviour. There was a positive duty of arrest within the PSNI in relation to cases of domestic abuse but in some cases, the use of voluntary interviews where an arrest was not carried out had the potential to delay the progress of the case.

In the police case file sample in nearly two-thirds of cases the victim did not support the investigation and prosecution, with over a third of these not supporting it from the outset. Police took a victim statement in a timely manner in the majority of cases. In nearly half the cases there was evidence the victim was a repeat victim. The submission of the prosecution file to the PPS was in accordance with the PSNI's time limits in four-fifths of cases. Overall the file review indicated that just under a third of cases resulted in a charge or summons but in a third evidential difficulties prevented further action where the victim did not support the police action (in gathering evidence for a prosecution file).

There was evidence of governance and management oversight in district policing in relation to domestic abuse cases, particularly in relation to morning meetings. However in some cases in the police file review, Inspectors found there to be issues with the supervision

7 PSNI and PPS advised that they were reviewing the Service Level Agreement relating to domestic violence and abuse cases including processes regarding DASH form information at the time of drafting this report.

8 *SafeLives* are a national charity working to end domestic abuse which among other activities they provide resources and training for MARACs and IDVAs. They have produced a report detailing the 10 principles of an effective MARAC which they have identified. It can be viewed online at <http://www.safelives.org.uk/sites/default/files/resources/The%20principles%20of%20an%20effective%20MARAC%20FINAL.pdf>



of the work of individual officers in relation to some aspects of the case. These findings were in keeping with CJl's other work in this area and shows that there is still work to be done to address inconsistencies in supervision.

PPS decision making and case-building

Decision-making and prosecution in domestic abuse cases was split across the two PPS regions and the Serious Crime Unit. The PPS Policy for Prosecuting Cases of Domestic Violence had not been updated since 2006 although a guidance document was issued during the fieldwork for this inspection. Training had also been delivered in relation to this guidance. Just over a third of cases in which a decision was made in relation to suspects which were flagged by the PPS as having a 'domestic violence motivation' resulted in a prosecution decision in 2016-17, although this was a fall from two-fifths of cases in 2015-16. Predominantly the reason for this decision was a lack of evidence to support the prosecution. The Code for Prosecutors was assessed to be applied correctly in most cases but Inspectors found there were improvements needed in the application of the Public Interest Test and the Policy for Prosecuting Cases of Domestic Violence. The contents of the DASH form should be a valuable source of risk information for the prosecutor but there were inconsistencies in the sharing of information with the prosecutor by the police. Inspectors recommend that the PSNI and the PPS further develop the prosecution team approach for cases of domestic abuse.

In common with previous reports and CJl's inspection of sexual violence and abuse⁹ record-keeping by prosecutors required improvement. Similarly victim communication, particularly in written format, requires further attention.

In general most of these types of cases were dealt with in a timely fashion and progressed effectively.

Trial and court process

The specialist domestic violence listing in Londonderry Magistrates' Court had been in operation for a number of years, but no such similar arrangement had been rolled out in other courts in Northern Ireland. A court mandated perpetrator programme was being developed at the time of the fieldwork to be piloted in the Londonderry Magistrates' Court. The lack of roll-out of the listing arrangement is considered to be a missed opportunity when the benefits of domestic cases being clustered to a specialist court have been seen elsewhere in the United Kingdom (UK). In the prosecution file sample the time of the case from receipt of the file by the PPS to the eventual outcome was under 51 days in three-quarters of cases. Medical reports were cited as a cause of delay and, in response to a previous CJl recommendation, the PSNI and the PPS were working with Health and Social Care Trusts to address this.

Figures indicated that guilty pleas for domestic cases were low compared to overall figures. Delays in the criminal justice process increases the likelihood that the victim will withdraw support for the prosecution case. In common with other CJl reports disclosure was not handled well in most cases. Issues were also apparent for victims and witnesses at court including the facilities available and likelihood of being in close proximity to the defendant or their supporters. The need to ensure victims are able to give their best evidence at court is critical to successful outcomes. There needs to be a further review of the use of special measures for victims of

⁹ CJl, *Without Witness, Public Protection Inspection I: A thematic inspection of the handling of sexual violence and abuse cases by the criminal justice system in Northern Ireland, November 2018*. Available online at: <http://www.cjini.org/TheInspections/Inspection-Reports/2018/October-December/Sexual-Violence>

domestic abuse to ensure the Victim Charter¹⁰ is complied with.

The perpetrator programme for those who were willing to plead guilty was being piloted at Londonderry Magistrates' Court but, at the time of the inspection, there was limited provision for non-adjudicated perpetrators. Restraining orders appeared to be considered and applied for in some cases in the police file review. In cases in the prosecution file review, there was no evidence of restraining orders being considered.

The experiences of victims and their supporters

Victims highlighted the support received from support organisations, such as Women's Aid and Victim Support, as vital to them before and during the criminal justice process. Positive relationships had been developed between the police and victim supporters but lack of funding meant the availability and success of these was inconsistent. The lack of funding for, and implementation of, an Independent Domestic Violence Advisor (IDVA) scheme continued to be a significant issue for both victims and their supporters as well as criminal justice organisations and their partners. This was concerning particularly given the clear evidence reported in other parts of the UK of their impact for victims in terms of risk reduction and increase in safety, as well as the economic benefits. The processes and procedures of the criminal justice system impacted on victims both emotionally and practically, particularly where they were also involved in the civil justice system regarding non-molestation orders or over child contact. In addition the perceived and real need for victims to engage a solicitor to assist them (either to help them understand the criminal justice process or

to apply for a non-molestation order) placed a financial burden on some victims, thus enabling the perpetrator to continue to financially abuse them.

Victim supporters advised that the police response had improved since CJJ's last inspection although the reduction in police resources was noted in some areas. The response of individual officers, whilst having improved overall, could still be inconsistent, particularly where victims reported harassment, controlling behaviour or perceived breaches of non-molestation orders. This was also borne out in the views about the approach to the investigation of cases viewed by police as lower risk. The approach to the taking of statements and video interviews however was mostly positive.

Victims and their supporters generally viewed the prosecution and court stages as requiring improvement. Issues were raised in relation to delays in the process, late adjournments at court, and lengthy waits at court and inadequate court facilities. Whilst the views of supporters about the Londonderry Magistrates' Court domestic violence pilot listing arrangement were positive, concerns were raised that this had not been rolled out to other areas. Limited or inaccessible communication from the PPS during the decision-making process and at court, was also raised as a concern for victims.

Additional difficulties and the need for extra support during the criminal justice process were also identified for victims from particular groups, for example older victims, children, male victims, LGBT victims, Black and Ethnic Minority victims and victims with disabilities. The need for tailored support for individuals from particular groups to ensure barriers to reporting are reduced is clear.

10 The Victim Charter published in 2015, set out how victims of crime should be treated and what advice, support and practical information they could expect to receive. This listed the support and information standards a victim could expect from the justice system. The document is available online at: <https://www.justice-ni.gov.uk/sites/default/files/publications/doj/victim-charter-summary-oct-2015.pdf>

Delivery

- Terms of reference will be prepared and shared with the DoJ, PSNI, PPS, NICTS and PBNI prior to the initiation of the inspection. Liaison officers from the CJAs should be nominated for the purposes of this inspection.
- Relevant documentation and management information deemed relevant will be requested and reviewed.
- Interviews and focus groups will be conducted with relevant stakeholders (e.g. victims organisations, advocacy services, NGOs etc.) to give an insight into the issues affecting domestic and sexual violence and abuse. Where possible, the views of victims will also be sought directly.
- Case file reviews of PSNI and PPS domestic abuse and rape files will be conducted by Her Majesty's Inspectorates of Constabulary and Fire & Rescue Services (HMICFRS) and Her Majesty's Crown Prosecution Inspectorate (HMCPPI) files respectively. HMICFRS will also undertake a review of calls for service and crime recording of reported rapes by PSNI.
- Interviews and focus groups will be conducted with PSNI, PPS, NICTS and PBNI staff and representatives of other criminal justice organisations (for example DoJ, the Judiciary etc.) to obtain evidence of the approach to domestic and sexual violence and abuse.
- Where appropriate benchmarking and identification of best practice and alternative approaches to traditional criminal justice processes within and outside Northern Ireland.

Publication and Closure

Following completion of the fieldwork and analysis of data a draft report will be shared with inspected organisations for factual accuracy check. The Chief Inspector will invite the relevant CJAs to complete an action plan within six weeks to address any recommendations. If the plan has been agreed and is available it will be published as part of the final inspection report.

Permission to publish the report will be sought from the Minister of Justice. Once this is received the inspection report will be shared, under embargo, in advance of the publication date with the DoJ and relevant CJAs along with a press release.