



MARK McEWAN
HEAD OF COMMUNITY SAFETY DEPARTMENT

Our Ref: 6518-20

Please quote our reference number on all correspondence

23 September 2020

Dear Christine

RE: Immigration Offending Impact to Domestic Abuse

Thank you for the letter dated 9th September, to which I write back on behalf of the Chief Constable. Firstly let me assure you the PSNI take all incidents of Domestic Abuse (DA) seriously, and indeed it is an organisational priority for us. We also recognise it is an under reported crime, and we therefore work closely with all partners to ensure we encourage reporting from victims from any background, and take necessary steps to safeguard those who do come forward.

In respect of your question *"The Committee agreed to request clarification from the PSNI on the rationale for following the National Police Chiefs' Council guidance on the approach to sharing information with the Home Office where a victim or witness of crime is also a suspected immigration offender in the context of domestic abuse"*.

Our rationale for following such guidance is that the PSNI ordinarily adopts NPCC guidance in order to ensure where possible, we apply the same policing operating principles as GB colleagues. Further and in respect of this particular query, were the PSNI to take an alternative position, such has a reasonable prospect of leading to a situation where persons may come to this part of the United Kingdom with a view to making a spurious allegation of Domestic Violence or abuse for potential gain or favour in immigration matters.

More substantively however and irrespective of point 1 regarding your question *"the criteria used when considering whether to share such information in individual cases, given it could potentially impact on domestic abuse crimes being reported and prevent victims of domestic abuse coming forward"*, whilst we are mindful of this, the PSNI have legal obligations to share such information when it comes to light.

These are;

Section 32(1)(d) of the Police Act (2000)

General functions of the police.

(1) It shall be the general duty of police officers—

(a) to protect life and property;

(b) to preserve order;

(c) to prevent the commission of offences;

(d) where an offence has been committed, to take measures to bring the offender to justice.

Further, we have a responsibility to provide information (on this particular subject potentially to the Home Office) under Section 5 Criminal Law (NI) Act 1967 which states;

Subject to the succeeding provisions of this section, where a person has committed a relevant offence, it shall be the duty of every other person, who knows or believes—

(a) that the offence or some other relevant offence has been committed; and

(b) that he has information which is likely to secure, or to be of material assistance in securing, the apprehension, prosecution or conviction of any person for that offence;

to give that information, within a reasonable time, to a constable and if, without reasonable excuse, he fails to do so he shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment according to the gravity of the offence about which he does not give that information.

We do of course acknowledge that a person's cultural background or immigration status may make them more vulnerable to domestic abuse and create barriers to leaving an abusive partner, so would also like to draw your attention to a supportive measure as referenced in the NPCC guidance which states "Immigration rules do, however, allow for a victim of domestic violence to apply independently of their spouse for indefinite leave to remain before the end of the minimum period if they can produce evidence that the relationship broke down as a result of domestic violence".

In closing we would again like to reassure you that we encourage all victims of Domestic Abuse to report it to police, and that our primary concern will be to safeguard them and where the evidence exists, bring offenders to justice.

Yours sincerely

MARK McEWAN
Assistant Chief Constable
Community Safety Department

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