



Federation Northern Ireland

RESPONSE TO

NIO Consultation on Proposals in Response to a Review of the Police and Criminal Evidence (Northern Ireland) Order 1989 (PACE)

April 2009

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24 Hour Domestic Violence Helpline - 0800 917 1414

Core work of Women's Aid: Background information & statistics

1. Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic violence and providing services for women and children. We recognise domestic violence as one form of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic violence and, through our work, promote healthy and non-abusive relationships.

2. Core Work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and the 10 local Women's Aid groups is:

- To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- To run the 24 Hour Domestic Violence Helpline.
- To provide a range of support services to enable women who are leaving a violent situation to rebuild their lives and the lives of their children.
- To provide a range of support services to children and young people who have experienced domestic violence.
- To run preventative education programmes in schools and other settings.
- To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic violence.
- To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- To work in partnership with all relevant agencies to ensure a joined up response to domestic violence.

3. Women's Aid Statistics (2007 - 2008)

- 12 refuges with 300 bed spaces, playrooms and facilities.
- 1102 women and 896 children sought refuge.
- 15 resource centres for women seeking information and support; group work and training.
- 24 Hour Domestic Violence Helpline managed 24,153 calls.
- 2,205 women and 1,831 children accessed the Floating Support service supporting women in their own home.
- 2,767 children and young people accessed protection and support services.
- Move-on houses for women and children leaving refuges.

4. Statistics: Domestic Violence & Violence Against Women

- Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”;
- Domestic Violence is a crime. PSNI statistics for 2007/08 indicate that there were more recorded crimes with a domestic motivation (9,283) than the combined total of all the following crimes (9,254). These include all recorded sexual offences (1,822), robbery (607), armed robbery (444), hijacking (92), theft or unauthorised taking of a motor vehicle (3,336), arson (2,244) dangerous driving (513), handling stolen goods (191) and offences under anti-terrorism legislation (5).
- PSNI Statistics for 07/08 indicate that they responded to a domestic incident every 23 minutes of every day of the year.
- The number of all recorded offences of murder in Northern Ireland in 07/08 total 25. Those classed as having a domestic motivation total 11. Therefore, 44% of all murders in Northern Ireland in 07/08 had a domestic motivation.
- There were 382 rapes in Northern Ireland in the period 2007/08, 38 attempted rapes and 317 indecent assaults on a female.

(Source: PSNI Statistics 2007/08)

- Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.
- The joint NIO, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.
- Where the gender of the victim was known, 76% of adult victims of domestic crimes recorded by the PSNI in 2007/08 were female.*
- Over 30% of all domestic violence starts during pregnancy.**
- Violence Against Women is not limited to domestic violence, it includes amongst other crimes murder, rape, sexual assault, sexual exploitation, trafficking, sexual stalking and sexual harassment.

(*NIO Statistics & Research Branch Bulletin 16/2008 “Experience of Domestic Violence: Findings from the 2007/08 Northern Ireland Crime Survey, 2008, pg.2. N.B. “Adult” defined as aged 17 and over)

(** Women’s Aid Federation NI)

Women’s Aid Federation NI welcomes the publication of this consultation on Government proposals in response to a review of Police and Criminal Evidence (PACE) in Northern Ireland and the opportunity to comment upon it.

5. Comments

Arrest:

- In respect of points 5.0 – 5.14, Women’s Aid is broadly supportive of the proposals outlined.
- We would however seek greater clarification on the specific operational protocols in respect of Immediate Pursuit, as outlined on page 9 of the consultation document.
- Women’s Aid welcomes the clarification in points 5.10 and 5.11 on the procedures and practices surrounding voluntary interview at the police station. (Pg.10)
- In addition, the organisation supports the proposal to clarify the application of the necessity criteria as outlined in point 5.14, specifically, “providing a more straightforward connection between the effect of a suspect’s behaviour on others and the need to arrest to prevent that effect.” (Pg.11) We believe that this clarification will be beneficial in the context of crimes with a domestic motivation.

Search Warrants:

- We welcome the proposals outlined in point 7.4 (Pg.14) regarding the necessity criteria in respect of search warrants and in particular the stipulation that the criteria could include, “the need to secure specific (i.e. defined) evidence that is likely to be of substantial value to an investigation and/or prosecution; and immediate entry to premises is necessary to prevent an investigation from being hindered by evidence being moved or concealed or to prevent evidence of an offence from being tampered with, altered, damaged or destroyed.”

- In the context of domestic violence and “victimless” prosecutions, the integrity of the evidence gathering process and the timely manner of evidence collection, recording and collation, are essential.
- We are therefore generally of the opinion that improvements in the bureaucratic process for police and courts in respect of search warrants, are to be welcomed if the proposed outcome leads to a more swift and effective expediting of the overall investigative process. However, we would seek assurances that the proposals outlined in points 7.15 – 7.17 (Pg.16) will be conducted in accordance with, and with respect for, existing legal safeguards and human rights statutes.

Entry to Search for Information in Relation to Missing Persons

- In respect of points 7.18 -7.22 (Pg.17), Women’s Aid acknowledges the duty police have, to investigate reports of missing persons and similarly recognises the existing difficulty arising in the event of the police having no grounds to suspect an offence has been, or is being committed but where they have concerns about the safety or welfare of an individual. The current lack of statutory power to enter and search premises to find a missing person or to obtain information in this context is undoubtedly problematic.
- In seeking the power for police to enter premises to search for missing persons or any material that could assist in locating the person in question, we would seek assurances that existing protocols in respect of domestic violence will be adhered to by the authorising Superintendent and the investigating officers. (7.21, Pg.17)
- Women’s Aid is concerned that there are adult victims of domestic violence who will seek to “disappear” intentionally to ensure their own protection and we are anxious that the safety and well being of these women and the security and integrity of their specific location will be considered and safeguarded as a matter of paramount importance.

Detention – Stopping and Starting the Detention Clock:

- Regarding points 8.1 – 8.16, (Pgs. 18-20) Women’s Aid would suggest that when women are arrested, childcare provision should be considered as a matter of course.
- In addition, we are of the strong opinion that it is essential that a woman, who has experienced domestic violence, is notified when the perpetrator is being released from custody.
- In attempting to enact proposals designed to, “speed up the process in the police station” (8.5) we would seek assurances that the safety and well being of the victim will not be compromised.

Bail:

- In respect of points, 9.2 and 9.3 (Pg.22), Women’s Aid would seek clarification that “Street Bail” will not be used in cases of domestic violence, regardless of the possible attachment of conditions.
- We note the statement contained in point 9.4 (Pg.22) that, “It is important that the need for bail conditions is relevant and proportionate to the offence, the circumstances of the offender and the needs of the victim. Attaching conditions is about minimising the potential for any further offending or harm or ability to influence or interfere with witnesses or victims.” It is our view that in the context of domestic violence this is best achieved by the removal of the perpetrator from the scene of the crime and for any bail to be issued and conditions imposed, either at the police station or in court.
- We are concerned that point 9.8 (Pg.23) sends mixed messages. The statement that, “It does not serve the criminal justice system nor support building public confidence if effective enforcement action cannot be taken against a person who chooses to breach bail conditions,” is extremely positive.
- However, this appears to be somewhat contradicted by the following qualification, that, “Some may argue that this approach is unacceptable as a person who commits a breach may be convicted for the breach but acquitted for the original offence. It will be a matter for the police and the PPS in the first instance to determine whether they wish to prosecute for

the breach and a matter for the court to determine whether a conviction should be applied.”

- Public confidence and the welfare of victims are likely to suffer if there is a consistent failure to pro-actively prosecute breaches of bail conditions.
- In the context of domestic violence, Women’s Aid is of the opinion that failure to prosecute dilutes the seriousness of the offence and could serve to place the safety and well being of women and children who have experienced domestic violence, in jeopardy.
- We welcome the proposed new power to arrest when failure to answer police bail to attend a police station is anticipated. (9.12 – 9.13, Pg.24)
- We would suggest however that the phrase, “potential risk to the public” should be altered to include a “potential risk to the public, and/or family members.” (9.13, Pg.24)

Healthcare:

- Women’s Aid is generally supportive of the proposals contained in points 10.1 – 10.6 (Pg.26)

Appropriate Adults:

- We believe that the proposed introduction of a structured appropriate adult scheme as stated in point 11.3 (Pg.27) is a positive step and would welcome further information on the detail of this proposal.
- In addition Women’s Aid welcomes the proposal to change the definition of juvenile from anyone under the age of 17 years to anyone under the age of 18 years. (11.4, Pg.27)

Workforce Modernisation - Designated Identification Officer and Crime Scene Investigators:

- Women’s Aid has no fundamental objections to the proposal to enable the Chief Constable to employ Designated Identification Officers to undertake the Identification Officer role. (14.1 – 14.10, Pgs. 32-33)

- However, we would wish to stress the importance of specific, comprehensive domestic violence training for these new members of staff, particularly given the potentially sensitive nature of their role and function.
- Similarly, we are of the opinion that Crime Scene Investigators should also receive specific training in domestic violence and the gathering of evidence that could aid in “victimless” prosecutions. This training should be a key component of continuing professional development.

UK Cross Border Provisions and UK Cross Border Powers:

- Women’s Aid welcomes the proposals outlined in points 16.1 -16.4 (Pgs. 38-39) in respect of improvements to cross border powers.
- We believe that similar proposals in respect of the Republic of Ireland would prove potentially beneficial.

For further information about this response contact:

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