

CL/PC

1 June 2020

Ms Christine Darrah
Clerk to the Committee for Justice
Room 242, Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Ms Darrah

DOMESTIC ABUSE AND FAMILY PROCEEDINGS BILL

I would like to thank the Justice Committee for the opportunity to comment on the Domestic Abuse and Family Proceedings Bill which was introduced into the Assembly on 31 March 2020.

Before I outline our comments, I would like to share with you the context in which we are responding.

The Probation Board take an 'entire system view' of individuals who come into contact with the criminal justice system. PBNI has developed projects to tackle domestic abuse and it facilitates a number of offending behaviour programmes to promote change in the behaviour and attitudes of people who perpetrate domestic abuse.

There are 3 main elements of our work with Domestic Abuse perpetrators:

1. Early intervention with individuals who are not involved in the criminal justice system, but are at risk of doing so.
2. Providing court mandated programmes for domestic abuse perpetrators.
3. Working with police, prisons, HSCTs and others under the Public Protection Arrangements for Northern Ireland to supervise the highest risk offenders.

Probation staff understand that domestic abuse has a devastating effect on individuals and families, and are committed to working with perpetrators to reduce the number of future victims. PBNI staff attend Multi Agency Risk Assessment Conferences (MARACs) held across Northern Ireland to discuss victims of domestic abuse, sharing information and agreeing a safety plan. PBNI also contributes to the Domestic Violence and Abuse Disclosure Scheme.

2.

When the Department established a cross-sector Task and Finish Group in late 2016 to progress the domestic abuse offence, PBNI were contributors to this group. In considering the Domestic Abuse and Family Proceedings Bill the Probation Board for Northern Ireland are pleased to have this further opportunity to provide feedback and comment on the following aspects of the proposed legislation:

- **How this new domestic abuse legislation enhances existing legislation and whether it fully addresses the gaps in existing law and will improve the ability of the justice agencies to prosecute domestic abuse cases?**

PBNI is of the view that the proposed new domestic abuse legislation represents an effective and necessary enhancement of current provisions under the law. We believe the new legislation once enacted will contribute significantly to a more effective approach to domestic abuse. PBNI is fully supportive of any strengthening of the legislation as defined in the Bill.

- **The definition of the offence and the definition of abusive behaviour.**

PBNI welcomes the widening of the definitions of both the offence, to include psychologically and emotionally abusive behaviour that is controlling and coercive and the behaviours associated with domestic abuse, to include behaviours directed at other people and/or objects but which are intended to harm the victim. We welcome the recognition that an offence can be committed regardless of whether harm was actually caused and that the provisions of the Bill will apply where the behaviour of the alleged perpetrator was intentional, or reckless as to its effect.

- **Any identified issues regarding the investigation and prosecution of the new offence.**

PBNI welcome the increased opportunity provided by the Bill for police to prosecute with limited victim involvement, by including that an offence could be committed where a reasonable person would consider that the behaviour would be likely to cause harm. PBNI also welcome the cross examination by alleged perpetrators in both family and criminal proceedings is to be prohibited. PBNI advocates that victims should be afforded more special measures when giving evidence.

- **Whether the 'reasonable' defence included in the legislation is framed appropriately and the intent of when it would apply is clear.**

PBNI is of the view that the Domestic Abuse and Family Proceedings Bill clarifies 'reasonable' defence sufficiently so that an appropriate response will be engendered through the judicial process as required. Clarification of what provides for aggravation of the domestic abuse offence is also welcomed.

3.

- **Whether the penalties provided for in the Bill are appropriate and adequate.**

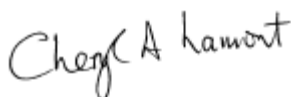
PBNI believes that the penalties provided for in the Bill of between 12 months and 14 years imprisonment, allow for sentencing to reflect the seriousness of the crime.

- **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.**

PBNI is currently facilitating an innovative programme of intervention (Promoting Positive Relationships Programme) with adult males who have demonstrated the propensity to be abusive in intimate relationships, and who may be at risk of entering the Criminal Justice System, and whose children are assessed as at risk by Social Services. The programme is delivered in each of the five Health and Social Care Trust areas. The effectiveness of the programme is currently being evaluated by the Department of Justice.

In conclusion, PBNI are of the view that the developments represented by the current proposed Bill will ensure a robust, system-wide approach to the effective investigation, prosecution and treatment of domestic abuse behaviours and offences. PBNI will continue to participate fully in the rehabilitation and supervision of domestic abuse perpetrators, and those identified as at risk, and in doing so, contribute to safer homes, safer families and safer communities.

Yours sincerely



Cheryl Lamont CBE
Chief Executive