

Response ID ANON-T55V-YBPC-2

Submitted to **Enhancing Legal Protections for Victims of Domestic Abuse**
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About you

I am responding as (please tick one option only)

Name:

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On behalf of an organisation

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Probation Board for NI

Sections 1 - 3

Section 4

Question 1: Do you agree that we should introduce Domestic Abuse Protection Notices and Domestic Abuse Protection Orders?

Yes

Please advise and give reasons for your response.:

These provide many added measures for the protection of victims and the ability for others to take action to protect victims if they are reluctant / scared to take action themselves. The potential to add in positive measures such as completion of a Domestic Abuse Programme is a further enhancement to the proposals.

Question 2: Do you agree that the proposed Domestic Abuse Protection Notices and Orders should apply to not only physical violence and threats of violence but also non-physical abusive behaviour?

Yes

Please advise and give reasons for your response.:

The impact of non-physical abusive behaviour can be minimised and this approach gives credence to the significant and long lasting impact of non-physical violence. It is congruent with the current focus on coercive control. Consideration should also be given to DAPNs and DAPOs applying to behaviours directed at other people/objects but which are intended to harm the victim.

Question 3: What length of time should a Domestic Abuse Protection Notice be valid for before the police have to apply to a magistrates' court for a Domestic Abuse Protection Order, the suggestion being up to four days?

Up to 4 days

Please advise and give reasons for your response.:

Agree with the suggestion that this is up to 4 days for the reasons outlined on page 12 and 13 of the consultation document.

Question 4: Do you agree that there should be multiple routes via which an application for a Domestic Abuse Protection Order can be made?

Yes

Please advise give reasons for your response.:

This increases the potential protection offered to victims and increases the options available to victims. The fact that relevant third parties can apply will be beneficial in certain circumstances.

Question 5: Do you agree that regulations should specify the 'relevant third parties' who potentially would be able to apply for a Domestic Abuse Protection Order?

Yes

Please advise and give reasons for your response.:

Victims of domestic abuse do not always take protective measures or fully realise that action needs to be taken. This is an integral part of the impact of domestic abuse and there are a variety of understandable reasons why victims do not take action so this allows protective action be taken by others. It needs to be carefully managed however.

Question 6: Which individuals/organisations should be identified as potential 'relevant third parties'?

Please advise and provide reasons for your response.:

The following should be considered as potential 'relevant third parties' for the reasons outlined in response to Q5: Social Workers, Probation Officers, Midwives, Health Visitors, District Nurses, Community Psychiatric Nurses, Women's Aid, Victim Support NI.

Question 7: Do you agree that courts should be able to make Domestic Abuse Protection Orders of their own volition during other proceedings, including in criminal trials?

Yes

Please advise and give reasons for your response.:

This allows further protection of the victim without them having to initiate separate proceedings which could potentially re-traumatise them or result in potential financial hardship.

Question 8: Following the introduction of Domestic Abuse Protection Orders across Northern Ireland more generally, and in the longer term, do you agree that courts should be able to impose positive requirements as well as prohibitions as part of the conditions attached to the proposed order?

Yes

Please advise and give reasons for your response.:

The evaluation of PBNI's Domestic Abuse Programme, 'Promoting Positive Relationships' for example, evidences that this has a positive impact in reducing abusive behaviour in a domestic context.

Question 9: Do you agree that courts should be able to require individuals subject to a Domestic Abuse Protection Order to notify personal details to the police?

Yes

Please advise and give reasons for your response.:

This puts the DAPO on the same footing as SOPO / VOPO (Sexual and violent Offences Prevention Orders).

Question 10: If so, what personal details should the courts be able to require individuals to provide to the police?

Please advise and give reasons for your response.:

As above, this should be similar to SOPO / VOPO, therefore:

- Home address and any other address in the UK where they may regularly stay
- Proposed travel outside of the UK
- Information relating to bank accounts
- Information relating to their passport or another form of ID.

Question 11: As well as enabling conditions to protect the victim, should it be open to the courts to impose conditions within the Domestic Abuse Protection Order requiring the alleged perpetrator not to approach or contact any associated children?

Yes

Please advise and give reasons for your response.:

Children can be used by perpetrators as a means of harming the victim. I would suggest a Family Court who are aware of all of the details of the case via ongoing proceedings and a Criminal Court who should have access to reports from relevant professionals.

Question 12: Should provision be made that would, in the longer term, enable courts to be given an express power to impose electronic monitoring as a condition of a Domestic Abuse Protection Order?

Yes

Please advise and give reasons for your response.:

If the risk posed by the perpetrator requires this measure, yes, as it will increase the protection offered to the victim as outlined on page 20 of the consultation document.

Caution should be exercised in imposing electronic monitoring as a condition if the perpetrator is currently living with the victim.

Question 13: What safeguards should be put in place relating to any use of electronic monitoring with Domestic Abuse Protection Orders?

Please advise and give reasons for your response.:

It should be time limited and imposed only if it will prevent the abusive behaviours. There are many situations where EM would have little impact i.e. if the abuse was taking place over telephone calls.

Question 14: Do you agree that breach of the proposed order should be a criminal offence?

Yes

Please advise and give reasons for your response.:

This is congruent with breaches of SOPO / VOPO and allows for immediate arrest by the PSNI.

Question 15: If you do agree that breach of the proposed order should be a criminal offence, should it be possible for breach to alternatively be punished as a contempt of court?

No answer

Please advise and give reasons for your response.:

Question 16: Do you agree that courts should have flexibility in determining how long to impose a Domestic Abuse Protection Order for?

Yes

Please advise and give reasons for your response.:

With a maximum period before the Order can be reviewed and with the potential for early review if certain criteria are met.

Question 17: Do you agree that courts should be able to vary or discharge Domestic Abuse Protection Orders either of their own volition or at the request of the victim, or alleged perpetrator, or the applicant?

Yes

Please advise and give reasons for your response.:

PBNI fundamentally believe in people's capacity to change but there needs to be safeguards put in place to ensure a victim is not being coerced by the perpetrator to apply to the Court for vary / discharge of the order.

Question 18: What safeguards should be put in place to ensure that the Domestic Abuse Protection Order is not varied or discharged because the victim is being pressurised by the alleged perpetrator?

Please advise and give reasons for your response.:

A report by a professional involved with the perpetrator who should liaise with the victim / victim representatives.

Question 19: Do you have any views about how the Domestic Abuse Protection Notice/Order process can contribute to better perpetrator management?

Yes

Please advise and give reasons for your response.:

Positive actions such as completion of Domestic Abuse Programmes are a potential asset to manage the risks posed by perpetrators. External controls are essential when perpetrators have demonstrated a lack of internal controls or an ability to overcome internal inhibitors. Perpetrators can be supported and risks reduced through the imposition of external controls to increase their internal controls.

Question 20: How can we ensure that the alleged perpetrator is not able to use the DAPN/DAPO process to further abuse a victim?

Please advise and give reasons for your response.:

This is difficult to ensure – notices / orders should not be imposed without careful consideration of all of the facts of the case.

Question 21: It is intended to pilot DAPNs and DAPOs in two geographical locations. Do you have any views on this?

Yes

Please advise and give reasons for your response.:

PBNI have been involved in successful pilots in recent years – the Enhanced Combination Order and Domestic Abuse Trust Programme, the establishment of MARAC and Domestic Violence and Abuse Disclosure Scheme. Pilots are a useful way of ascertaining the impact of a proposed change. In the case of DAPN and DAPOs, there are very clear and obvious disadvantages for victims who will not be resident in the pilot areas.

Question 22: Do you have any views as to the two locations that Domestic Abuse Protection Orders could be piloted in, possibly Belfast and one 'more rural' area (dependant on numbers)?

Yes

Please advise and give reasons for your response.:

The areas chosen should be of similar size as defined by the number of domestic abuse incidents and should all have the same support services in place.

Craigavon and Belfast Court areas are not currently involved in the ECO roll out and choosing these areas would allow these Courts be involved in new types of 'business' without stretching resources.

Question 23: Do you have any other comments you wish to make regarding the introduction of Domestic Abuse Protection Notices and Orders?

No

Please advise and give reasons for your response.:

Section 5

Question 24: Do you have any comments to make on the potential implications the introduction of Domestic Abuse Protection Notices and Orders may have on equality, in terms of the impact of the proposals for different groups?

Yes

Please advise and give reasons for your response.:

Piloting the orders in two geographical areas reduces the equality of access to the protective measures.

Question 25: Is there an opportunity to better promote equality of opportunity or good relations as part of the proposals?

No

Please advise and give reasons for response.:

Other than a full roll out which will have implications on resources.

Question 26: Do you have any comments on the potential implications the introduction of Domestic Abuse Protection Notices and Orders may have on human rights?

Yes

Please advise and give reasons for your response.:

Answer as Question 24

Question 27: Do you have any comments on the potential implications the introduction of Domestic Abuse Protection Notices and Orders may have in rural areas?

Yes

Please advise and give reasons for your response.:

Answer as Question 24

Question 28: Do you have any comments you wish to make regarding the financial impact of the introduction of Domestic Abuse Protection Notices and Orders?

No

Please advise and give reasons for your response.:

Sections 6 and 7