



**Public
Prosecution
Service**

Independent
Fair
Effective

Policy for Prosecuting Cases of **Domestic Abuse**

Further Information

If you require any further information about the PPS, please contact:

**Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR**

Tel: (028) 90 897100

Deaf/Hard of hearing (SMS): 07795 675528

Fax: (028) 90 897030

Email: info@ppsni.gov.uk

Website: www.ppsni.gov.uk

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About the Public Prosecution Service

The PPS, which is headed by the Director of Public Prosecutions, is the principal prosecuting authority in Northern Ireland. In addition to taking decisions as to prosecution in cases investigated by the police, it also considers cases investigated by other statutory authorities, such as HM Revenue and Customs.

While the PPS works closely with the police and other agencies, it is wholly independent; its decisions are impartial, based on an independent and professional assessment of the available evidence and the public interest. The PPS vision is to be recognised as providing a first-class prosecution service for the people of Northern Ireland.

The PPS is a regionally based organisation (see map right). There are two regions, both headed by an Assistant Director. The Assistant Director has overall responsibility for decisions as to prosecution and for the conduct of all prosecutions in that region, apart from those cases which are considered by prosecutors at Headquarters in Belfast.



There are also a number of other sections within the Service, each headed by an Assistant Director, which deal with specialised areas of work. These include High Court and International, Fraud and Departmental, Central Casework and the Serious Crime Unit. Corporate Services is responsible for the organisation's support services, including the Policy and Information Unit, Finance, ICT, Communications, Strategic Improvement, Modernisation and the Victim and Witness Care Unit.

1. Introduction

1.1 Purpose of this policy

- 1.1.1 The purpose of this policy is to explain the approach of the Public Prosecution Service (PPS) in taking prosecutorial decisions in respect of offences arising from domestic abuse, as well as the assistance available to support victims and witnesses in these cases.
- 1.1.2 Tackling domestic abuse is a key priority for the PPS. Domestic abuse offences are regarded by the PPS as serious offences where the risk of re-offending by the perpetrator and the risk of harm to the victim is much higher than in other types of cases. The domestic nature of the offending behaviour is an aggravating factor because of the abuse of trust involved. Victims will know and often live with, or have lived with, the perpetrator. There may therefore be a continuing threat to the victim's safety, and in the worst cases a threat to their life or the lives of others around them.
- 1.1.3 Domestic abuse can inflict lasting trauma on victims and their extended families, especially children and young people who may not see the violence or abuse, but may be aware of it, or hear it occurring. Some individuals suffering domestic abuse, whether in intimate relationships or within familial situations, will not always be aware that what they are experiencing is abusive behaviour.
- 1.1.4 Domestic abuse is likely to become increasingly frequent and more serious the longer it continues, and result in death in some circumstances. Cases involving domestic abuse can be very difficult to prosecute, and require sensitive and careful handling. The PPS recognises that each victim's experience of domestic abuse is different and may be impacted by how it intersects with inequalities they may face in relation to aspects such as sex, age, disability, gender identity, race, ethnicity, religion / belief or class.

- 1.1.5 The PPS is committed to dealing with offences of domestic abuse in a fair, effective, sensitive and compassionate manner and without avoidable delay in order to minimise any adverse impact that the process may have on victims and witnesses.
- 1.1.6 The safety of victims and children is a paramount concern. In cases of intimate partner violence, the point of separation from the perpetrator, and engaging in criminal proceedings, can be associated with significant risk for the victim and their family. In many cases, separation does not decrease, but increases, risk.
- 1.1.7 The PPS recognises that domestic abuse is a gender-based crime where the majority of victims are female and violence and abuse against women and girls is predominantly, but not exclusively, perpetrated by men. We also recognise that men and boys can be victims of this type of abuse. The PPS fully supports the ongoing work of the Northern Ireland Executive Office on the 'Ending Violence Against Women and Girls Strategy'. PPS are also fully committed to supporting the Department of Justice and the Department of Health to deliver the 'Stopping Domestic and Sexual Violence and Abuse Strategy' in Northern Ireland.
- 1.1.8 The introduction of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 has changed the way the criminal justice system views and responds to domestic abuse. The domestic abuse offence, which became law on 21 February 2022, criminalises a course of abusive behaviour which includes controlling or coercive behaviour, psychological abuse, emotional abuse, financial and economic abuse. This means that prosecutors can ensure that the range of tactics (not limited to violence or threats of violence) an abuser uses to control the victim is prosecuted where the evidence allows. Further information on the 2021 Act, and how prosecutors will use the legislation, can be found in Chapter 2 below.

- 1.1.9 While each case of domestic abuse must be considered individually, there are general principles that apply in every case received by the PPS. Prosecutors must be fair, independent and impartial. They must not allow any personal views about gender, age, disability, religion or belief, ethnic or national origin, political views or sexual orientation of the suspect, victim or a witness to improperly influence their decision. They must not be influenced by improper or undue pressure from any source. Prosecutors must always act in the interests of justice and not solely for the purpose of obtaining a conviction.
- 1.1.10 The PPS, in exercising its functions, will ensure that it complies with the binding obligations of international law ratified by the UK. It will comply with the Convention rights incorporated into domestic law by the Human Rights Act 1998, the UN Declaration of Basic Principles of Justice for Victims of Crime (and Abuse of Power), the UN Convention on Elimination and Discrimination against Women, the UN Convention on the Rights of the Child, the UN Convention on the Rights of People with Disabilities, the UK ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) and other relevant EU Directives, Conventions and case law. These commitments apply not just to the rights of victims and witnesses, but to accused persons also.
- 1.1.11 Prosecutors will follow legal guidance provided by the Director of Public Prosecutions and by the Attorney General for Northern Ireland, including [Human Rights Guidance](#) issued under Section 8 of the Justice (Northern Ireland) Act 2004.

- 1.1.12 One of the most effective ways of combating domestic abuse is through the pursuit and disruption of perpetrators, which includes prosecution. The PPS is committed to reducing harm through the prosecution of perpetrators of domestic abuse where the Test for Prosecution is met (see 3.3 below). Prosecutors taking decisions in cases involving domestic abuse cases will have completed domestic abuse training and ensure they understand the dynamics of domestic abuse. PPS is committed to ensuring that domestic abuse training is delivered to prosecutors on an ongoing basis.
- 1.1.13 The PPS will review this policy regularly so that it reflects current law and practice. We welcome any comments and observations that help us to do this.

1.2 What is domestic abuse?

- 1.2.1 Domestic abuse is a term used to describe a range of behaviour often used by one person to control and dominate another with whom they have, or have had, an intimate or family relationship. It is often a series of abusive incidents that has a cumulative effect on the victim.
- 1.2.2 There is no statutory definition of domestic abuse in Northern Ireland. In order to identify and record cases of domestic abuse, the PPS adopts the following definition of domestic abuse:¹

“...threatening, controlling, coercive behaviour, violence or abuse (psychological, virtual, physical, verbal, sexual, financial or emotional) inflicted on anyone (irrespective of age, ethnicity, religion, gender, gender identity, sexual orientation or any form of disability) by a current or former intimate partner or family member.”

¹ This definition was set out in the [*Stopping Domestic and Sexual Violence and Abuse in Northern Ireland Strategy*](#), published by the Department of Health and the Department of Justice in March 2016.

- 1.2.3 Domestic abuse can take many forms and perpetrators can be imaginative in how they abuse an individual. The tactics perpetrators of domestic abuse employ are usually personalised, meaning something to the victim but not readily apparent to anyone else.
- 1.2.4 Domestic abuse can involve physical acts of violence, threatening behaviour, controlling or coercive behaviour, emotional, psychological, sexual and/or economic abuse. Domestic abuse can involve abuse facilitated and perpetrated online or offline. Many victims will experience a range of abusive behaviours simultaneously. Perpetrators may use a range of different tactics to gain power and control. Further information on the common forms of domestic abuse is included at **Annex A**.
- 1.2.5 Anyone can be a victim of domestic abuse regardless of gender, age, ethnicity, religion, socio-economic status, sexuality, disability or background. The PPS recognises the different impacts domestic abuse can have on people from a range of communities and groups, and the particular considerations that prosecutors will need to bear in mind. Further information on the range of issues the PPS considers to be relevant to particular groups of people experiencing domestic abuse can be found at **Annex B**.
- 1.2.6 Domestic abuse can occur in an intimate or family relationship. In the majority of cases the relationship will be between current or former partners including same sex relationships; the abuser will be male and the victim female. However male victims may also be abused by females and be victims of abusive family members. The victim and abuser do not have to be living together for domestic abuse to occur. Teenagers can experience domestic abuse in their relationships and familial abuse may be perpetrated by children (child to parent abuse), grandchildren, parents, siblings or extended family members. Further information on the different types of relationships impacted by domestic abuse is included at **Annex C**.

1.3 Our commitment to victims and witnesses

- 1.3.1 The PPS recognises that the provision of services and support for victims and witnesses, and ensuring their needs are met, is essential to the overall effectiveness of the criminal justice system. Being the subject of, or witnessing a crime, is often a traumatic experience. It is vital, therefore, that victims and witnesses are given the support, information and services they need to minimise the disruption and upset caused to them, while enabling them to give the best possible evidence.
- 1.3.2 The rights of victims and witnesses are set out in detail in two separate documents, the Victim Charter and the Witness Charter. The purpose of the Charters is to ensure that victims and witnesses receive appropriate information, support and protection and are able to participate in criminal proceedings. The Charters cover the services to be provided by a range of service providers across the criminal justice system in Northern Ireland, including the PPS and police. This policy reflects all of the PPS's requirements in respect of the Charters.²
- 1.3.3 The PPS [Victim and Witness Policy](#) explains in full the range and standards of service that victims and witnesses will receive. Further useful information, including an animation explaining 'A Victim's Journey', can be accessed [here](#).
- 1.3.4 If a victim is not satisfied with the service provided by the PPS, they are entitled to make a complaint. The PPS is committed to dealing with all complaints fairly and impartially, in a timely and consistent manner. Details of how to make a complaint are set out in the PPS Victim and Witness Policy.

² The Victim and Witness Charters are available on the PPS website at www.ppsni.gov.uk

- 1.3.5 It is recognised that victims experience many hurdles which make them reluctant to tell police or authorities what has happened to them. They may be apprehensive or frightened about coming to court to give their evidence or find it difficult to understand the legal process. Some victims may have had previous poor experiences with the criminal justice system that discourages them from coming forward and reporting further abuse. Many victims are concerned about the consequences of giving evidence and may be reluctant to support criminal proceedings. They may, for example, fear risk of harm to themselves or their family members. Some victims may fear that exposing what has happened to them or to their family could lead to a breakdown of the family unit and social isolation.
- 1.3.6 The PPS recognises the need for a multi-agency response to the challenges of dealing with domestic abuse. The Service works collaboratively with the police and other agencies in the criminal justice system and the voluntary sector in identifying ways to enhance the prevention, investigation and prosecution of cases involving domestic abuse, as well as improving victim witness care and protection.
- 1.3.7 The PPS will consider the range of legal measures available to support and protect victims and will make appropriate applications to the court to enable victims to give their best evidence. When necessary, the PPS will also ensure that an appropriate interpreter, translator or registered intermediary is provided to enable victims to give evidence at court, to translate correspondence or to interpret for a victim at any meetings with the prosecutor. Further information on the measures and support available for victims of domestic abuse is provided at Chapter 5.

1.4 The Victim and Witness Care Unit

- 1.4.1 The Victim and Witness Care Unit (VWCU) was developed by the PPS in partnership with police and other agencies. The VWCU is a dedicated Unit, made up of specially trained staff from the PPS and the Police Service of Northern Ireland (PSNI). The Unit's staff are based in the PPS's Belfast and Foyle Offices.
- 1.4.2 The purpose of the VWCU is to improve the experience of victims and witnesses and it is central to the provision of services. It allows for a single point of contact (via a VWCU Case Officer) within the criminal justice system. Its primary role is to keep victims and witnesses informed of the progress of their case throughout the criminal justice process from when an investigation or charge file is submitted to PPS, through the decision stage and up to the outcome of any court proceedings.
- 1.4.3 The VWCU will contact a victim once their case is received by PPS and will keep them informed at key stages as the case progresses. These will include:
- where a defendant is granted bail or their bail conditions are substantially changed;
 - when a prosecutor takes a decision in their case;
 - notifying or updating a victim about key court hearings;
 - notifying the victim of the result of the case and any sentence imposed on the defendant;
 - notifying the victim if there is an appeal and the outcome of the appeal;
 - providing a victim with information about making a Victim Personal Statement.

- 1.4.4 The VWCU's Case Officers also conduct individual needs assessments which are aimed at trying to identify and address any needs that the victim or witness may have, and to assist them in giving their best evidence. An initial assessment is conducted in respect of the victim when a decision is taken to prosecute by the PPS. A further assessment is carried out where victims or witnesses have to attend court to give evidence. Additional assessments may be carried out as circumstances require.
- 1.4.5 The VWCU can also refer victims to specialist organisations for additional support. Referral can be made via Victim Support NI or NSPCC to ASSIST NI or to Sexual Offences Legal Advisors (SOLAs) as appropriate.
- 1.4.6 Further information on the VWCU and contact details can be accessed [here](#).

1.5 Trauma Informed Practice

- 1.5.1 'Trauma Informed Practice' (TIP) is about understanding how experiences of adversity and/or exposure to trauma affect the responses of victims of domestic abuse. People who have had traumatic experiences may find it difficult to feel safe within services and to develop trusting relationships with service providers. Consequently, services need to be structured and delivered in ways that promote safety and trust and reduce the risk of re-traumatisation. TIP applies across all parts of the public sector, and is an important consideration for agencies working in criminal justice.
- 1.5.2 The available evidence shows that the implementation of TIP has led to improved outcomes for victims who have experienced trauma in their lives, often as a direct result of the offences committed against them. The PPS is committed to implementing policy and practice developments which are informed by TIP, as well as providing appropriate training to staff, which will help in creating a more trauma informed justice system.

1.6 Domestic Abuse: Children and Young People

- 1.6.1 Being exposed to domestic abuse can have devastating consequences for children and young people. Domestic abuse is an example of Adverse Childhood Experiences (ACEs) that are known to have lifelong impacts on mental and physical health and behaviour into adulthood. Studies indicate that children and young people exposed to parental violence are almost three times more likely to experience abuse in their own adult relationships. They are at greater risk of substance abuse, juvenile pregnancy and criminal behaviour than those raised in homes without domestic abuse.
- 1.6.2 Children and young people are not just impacted by physical violence in the home but also non-physical abuse behaviour (including coercive control). They may try and respond to this by changing the way they interact in the family home to become less noticeable or more compliant. Children and young people may also be forced to participate in abusive behaviour towards the other parent or may be involved unwittingly.
- 1.6.3 Children and young people can also experience domestic abuse in their own relationships. Domestic abuse in teenage relationships is just as severe and life threatening as abuse in adult relationships.³
- 1.6.4 Although the main responsibility for children's welfare and safety will usually lie with other agencies such as the PSNI, the Health and Social Care Board and the Education Authority, there is, nevertheless, a role for prosecutors and other members of PPS staff in terms of safeguarding children.

³ See Annex B for further information on teenage relationship abuse.

- 1.6.5 Where a child is involved in a case of domestic abuse, prosecutors should consider the position of the child and what can be done, having regard to the role and the powers of the prosecutor, to safeguard the child. Delay should be kept to a minimum to reduce the levels of stress and worry about the process that the child may feel. This means identifying cases involving children as early as possible, prioritising review and preparation of cases and observing court time limits (especially in relation to special measures applications).
- 1.6.6 Police should always provide prosecutors with information regarding the presence of children in the household, the extent to which they have been exposed to the domestic abuse and whether the children are subject to any orders, for example, the child protection register or non-molestation orders. This will allow prosecutors to make appropriate charging decisions.

2. The Domestic Abuse and Civil Proceedings Act

2.1 Overview of the Act

- 2.1.1 [The Domestic Abuse and Civil Proceedings Act \(Northern Ireland\) 2021](#) (referred to as the ‘Act’) came into force on 21 February 2022. The Act creates a statutory offence of domestic abuse in Northern Ireland. The domestic abuse offence recognises the repetitive nature of domestic abuse and is intended to better reflect the lived experience of victims and survivors of domestic abuse.
- 2.1.2 The Act recognises the impact of domestic abuse on children by creating two child aggravators that can be applied to the domestic abuse offence. These aggravators can be applied where the child is the direct victim of the domestic abuse and/or where a child is involved in the domestic abuse.⁴ Where perpetrators are convicted of the domestic abuse offence and the child aggravator(s) apply, the court may sentence the perpetrator to an increased sentence compared to what they would have received for the domestic abuse offence only.
- 2.1.3 The Act also creates a statutory aggravator that may be attached to any criminal offence (other than the domestic abuse offence) where domestic abuse is involved. The most common types of offences that this aggravator could be attached to include criminal damage, common assault, threats to damage property or threats to kill. As with the child aggravators, where both the offence and the aggravator are proven, the court may sentence the perpetrator to an increased sentence compared to what they would have received for the criminal offence only.

⁴ A child is a person under 18 years at the time of any of the abusive behaviour.

- 2.1.4 Further information on the Act is set out below, including a more detailed account of the domestic abuse offence, the aggravators and the statutory safeguards provided for victims.

2.2 The domestic abuse offence

- 2.2.1 Section 1 of the Act creates the domestic abuse offence in Northern Ireland. This offence came into force on 21 February 2022. It does not apply to any abusive behaviour that occurred before that date.
- 2.2.2 The domestic abuse offence is intended to capture abuse that typically occurs over a period of time in order for an individual to exert control over another.
- 2.2.3 Section 1 of the Act provides that an offence is committed by the person (“A”) against the victim (“B”) if:
- A engages in a course of behaviour that is abusive of B;
 - A and B are personally connected to each other at the time;
 - a reasonable person would consider the course of behaviour to be likely to cause B to suffer physical or psychological harm; **and**
 - A intends the course of behaviour to cause B to suffer physical or psychological harm; **or**
 - A is reckless as to whether the course of behaviour causes B to suffer physical or psychological harm.
- 2.2.4 ‘Psychological harm’ includes fear, alarm or distress for the purposes of this offence. Fear, alarm or distress are not defined in the Act and they should be given their ordinary meaning.
- 2.2.5 The ‘reasonable person’ test is a legal concept in UK law. It is a test applied by judges and juries to determine whether the perpetrator has acted in the same way a reasonable person would depending on the particular circumstances of the case. For example, a court will consider that a ‘reasonable person’ would not threaten or assault the victim.

- 2.2.6 A perpetrator is said to have acted recklessly where they foresee a risk that harm might be caused to the victim as a result of the abusive behaviour but nevertheless go ahead with the behaviour and take the risk that harm may be caused. The reckless element of this offence could be satisfied where an abuser is repeatedly verbally abusive or demeaning to a partner but claims they did not intend to cause harm.
- 2.2.7 A 'course of behaviour' involves behaviour on at least two occasions. This is to capture abuse that occurs over a period of time. There is no set time between the incidents of behaviour and the occurrences do not necessarily have to occur in quick succession. However two incidents taking place a year apart (for example) may not be sufficient as it is unlikely that this will be considered a course of behaviour.
- 2.2.8 The domestic abuse offence applies to all victims of domestic abuse in Northern Ireland, except where the perpetrator has responsibility for the victim and the victim is under 16 years of age (see 2.2.28 below).
- 2.2.9 The domestic abuse offence can be committed by anyone over the age of criminal responsibility in Northern Ireland (10 years). Where the perpetrator of the domestic abuse is under 18 years of age, prosecutors will also take prosecutorial decisions in accordance with the [PPS Guidelines for the Prosecution of Young People](#).

Abusive behaviour

- 2.2.10 Abusive behaviour includes psychological or controlling or coercive behaviour that could not previously be prosecuted under existing offences. Behaviour that is violent or threatening (including sexual and physical violence) also constitutes abusive behaviour.
- 2.2.11 The Act defines abusive behaviour as:
- behaviour directed at the victim that is violent (this includes both sexual violence and physical violence);
 - behaviour directed at the victim that is threatening;

- behaviour directed at the victim, the victim's child (person under 18), or at someone else that has as its purpose (or among its purposes) one or more of the relevant effects on the victim **or** would be considered by a reasonable person to be likely to have one or more of the relevant effects.

2.2.12 The Act defines 'relevant effects' as:

- making the victim dependent on, or subordinate to the perpetrator;
- isolating the victim from friends, family members or other sources of social interaction or support;
- controlling, regulating or monitoring the victim's day-to-day activities;
- depriving the victim of, or restricting the victim's, freedom of action;
- making the victim feel humiliated, degraded, punished or intimidated.

2.2.13 Some examples of relevant effects are:⁵

- forcing the victim to leave their job so they have no money of their own;
- not allowing the victim to spend any money unless 'permitted';
- preventing a victim from claiming welfare benefits or preventing split payments of Universal Credit;
- not allowing visits from friends or family;
- controlling or monitoring the victim's phone, email, social media or online activity;
- controlling what clothes the victim can or cannot wear, when they sleep, what they eat and other aspects of everyday life;
- preventing the victim from leaving the house alone;
- mocking the victim about a disability, sexual orientation or physical appearance.

This is not an exhaustive list. Other examples of abusive behaviour can be found at **Annex D**.

⁵ See *Abusive Behaviour in an Intimate or Family Relationship - Statutory Guidance* (Department of Justice NI, March 2022) for further information.

- 2.2.14 In many relationships, there are occasions when one person makes a decision on behalf of another, or when one partner takes control of a situation and the other party has to compromise. The difference in an abusive relationship is that decisions by a dominant partner can become rules that, when broken, lead to consequences for the victim. Abusers can be imaginative in the ways in which they control their partners and also in the consequences that result from disobeying. Abusive behaviour can be viewed as a form of bullying with the victim experiencing a generalised sense of fear, alarm or distress.
- 2.2.15 A key element of abusive behaviour is that it may progress or develop over time and can be repetitive in nature. Abuse may often appear low-level or routine but over time it can cause the build-up of constant fear and anxiety. It can also create an environment where harmful conduct is perceived as normal by the victim, often as a result of isolation from family and friends. Individual characteristics such as a disability, membership of a closed or marginalised community, or being a non-English speaker can increase the risk of isolation for a victim and make it easier for a perpetrator to establish control.

Impact of behaviour

- 2.2.16 Section 3 of the Act provides that the domestic abuse offence can be committed whether or not the abusive behaviour causes the victim to suffer harm.
- 2.2.17 There is no requirement for prosecutors to prove that the victim suffered actual physical or psychological harm for the domestic abuse offence to be committed. Instead the court must be satisfied that the behaviour would be *likely* to cause harm. What is important is that there is abusive behaviour, it would be considered to cause harm and the perpetrator intended to cause harm or was reckless as to this.

2.2.18 This ensures that perpetrators do not escape criminal liability in cases where the victim has become so ‘normalised’ to coercive control or physical abuse that they do not report physical or psychological harm or even fail to realise that they are a victim. Courts can also take account of any particular vulnerabilities of victims without requiring prosecutors to prove that the victim did actually suffer physical or psychological harm. However, in cases where there is evidence of harm prosecutors will present this to the court.

Meaning of behaviour

2.2.19 Section 4 of the Act provides that behaviour includes saying, communicating or otherwise doing something. It also includes intentionally failing to do, say or communicate something, for example by not passing on important messages about childcare or important medical appointments.

2.2.20 Behaviour is directed at a person if it is directed in any way including:

- affecting a person’s ability to acquire, use or maintain money or other property or the person’s ability to obtain goods or services; or
- any conduct concerning or towards property; or
- by making use of a third party.

2.2.21 Therefore abusive behaviour can either be directed personally at the victim or indirectly. Examples of indirect behaviour could include:

- running up bills and debts in the victim’s name;
- persuading a victim to leave education in order to limit their prospects;
- damaging the family car to restrict the victim’s ability to go out;
- removing the victim’s mobile to prevent them from contacting family and friends;
- using a family friend to spy on the victim and report back on their day-to-day movements;

- encouraging a child to form negative opinions about the victim.

This is not an exhaustive list.

Personal connection

2.2.22 The domestic abuse offence covers not only what may typically be considered domestic abuse (that is, in the context of an intimate relationship), but also covers familial abuse, such as abuse of parents or grandparents, as well as abuse of close family members more generally.

2.2.23 Section 5 of the Act sets out that the victim and perpetrator are personally connected if they:

- are, or have been, married;
- are, or have been, in a civil partnership;
- live together (or have lived together) as if they were married or in a civil partnership;
- are or have been in an intimate relationship - this is intended to cover relationships between two individuals (including young/teenage and same-sex relationships), although the relationship need not be sexual, nor long term; or
- are family members.⁶

Child Aggravators

2.2.24 Children may often be unaware that they are victims of domestic abuse or that they are being used as part of abuse on someone else or where the abuse has an impact on their wellbeing.

⁶ A family member includes a person's parent, grandparent, child or stepchild, grandchild or sibling (including half siblings). It also includes a person's 'in-laws' (the parent, grandparent, child, grandchild or sibling of the person that they are in a relationship with, i.e. their spouse, civil partner, or someone they live with as if they are married or in a civil partnership). Half-blood and step-relationships are also covered. Adoptive relationships are covered under family members and parties are personally connected. Where a kinship carer is a grandparent or older sibling, they already meet the definition of personally connected. Wider kinship carer arrangements involving, for example, aunts, uncles or family friends are not covered. Aunts, uncles and cousins are not personally connected.

- 2.2.25 In order to recognise the long-lasting impact of domestic abuse on children, the Act creates two child aggravators which can be applied to the domestic abuse offence where the child is the direct victim of the domestic abuse and/or where a child is involved in the domestic abuse.
- 2.2.26 Where both the domestic abuse offence and the child aggravator(s) are proven, the court may sentence the perpetrator to an increased sentence compared to what they would have received for the domestic abuse offence only.
- 2.2.27 The first child aggravator at section 8 of the Act, can be attached to the domestic abuse offence if the victim was under 18 at the time of any the abusive behaviour.
- 2.2.28 Where a perpetrator has responsibility for a child under 16 years of age, the domestic abuse offence and this aggravator will not apply. Abusive behaviour in these relationships will be covered by child protection measures and the child cruelty offence under section 20 of the [Children and Young Person Act \(Northern Ireland\) 1968](#) which includes non-physical ill-treatment of a child by someone who has parental responsibility for them.
- 2.2.29 The section 8 child aggravator is applied to the domestic abuse offence at the discretion of the prosecutor. When dealing with teenage relationships, prosecutors may use their discretion not to apply a child aggravator where the victim and the perpetrator are peers and the perpetrator is also a child.
- 2.2.30 The second child aggravator at section 9 of the Act can be attached to the domestic abuse offence if:
- (i) A child saw, heard or was present during an incident of abuse - for example, a verbal argument or physical assault. It is not necessary for the child to be in the same room as the perpetrator and the victim; or

- (ii) A child is used to abuse another person - for example, the child is encouraged to spy or report back to the perpetrator about the victim's day-to-day activities. The child may not know or be aware that they are being used for this purpose; or
- (iii) Abusive behaviour is directed, or threatened to be directed, at the child - for example, the perpetrator threatens to harm a child or is abusive to the child, to control or frighten the victim; or
- (iv) A reasonable person would consider the course of behaviour, or the incident which the perpetrator directed at the victim as part of the course of behaviour, would be likely to adversely affect the child.

2.2.31 This aggravator can be applied if any or all of the above conditions are met. It can be applied regardless of whether the perpetrator has responsibility for the child involved. It can also be applied where any child is involved, for example the accused or victim's child, another child living in or visiting the house, or a niece or nephew.

2.2.32 The section 9 child aggravator is also applied to the domestic abuse offence at the discretion of the prosecutor. Where any of the conditions set out at 2.2.30 above are met, prosecutors should apply the aggravator.

Behaviour outside the UK

2.2.33 Section 10 of the Act gives the courts in Northern Ireland the power to deal with abusive behaviour occurring outside the UK (for example on a family holiday) provided that the behaviour would constitute the domestic abuse offence if it occurred in Northern Ireland and the perpetrator is a UK national or habitually resident in Northern Ireland.

Defence on the grounds of reasonableness

- 2.2.34 Section 12 of the Act creates a defence to the domestic abuse offence, namely it is a defence to show that the course of behaviour was reasonable in the particular circumstances of the case. This defence is a safeguard to ensure that individuals acting in the best interests of others are not criminalised.
- 2.2.35 Examples of where this defence could arise include a concerned son or daughter restricting the movements of a parent with a medical condition, for both the safety of the parent and others. It could also arise where an individual prevents a partner with a gambling or alcohol addiction from going to certain places or having control of the household finances.
- 2.2.36 It is intended that this defence may only be used in a very limited range of circumstances. For example, this defence cannot be relied upon where the perpetrator, has used violent or threatening behaviour. In cases where the defence is raised, prosecutors will consider whether a reasonable person with access to the same information as the perpetrator, would consider the behaviour to be reasonable and apply the Test for Prosecution.

Alternatives available for conviction

- 2.2.37 Section 13 of the Act provides that where the court cannot be satisfied that the domestic abuse offence has been made out, the court may convict of an alternative offence provided the evidence presented to the court amounts to an alternative offence. The alternative offences available to the court are:
- Harassment under Article 4 of the [Protection from Harassment \(Northern Ireland\) Order 1997](#). This alternative could be used by the court where the court is not satisfied that the parties are personally connected.
 - Putting people in fear of violence under [Article 6 of the Protection from Harassment \(Northern Ireland\) Order 1997](#).

- The stalking offence under [the Protection from Stalking Act \(Northern Ireland\) 2022](#).
- The offence of 'threatening or abusive behaviour' under [the Protection from Stalking Act \(Northern Ireland\) 2022](#).

Penalty for the domestic abuse offence

2.2.38 The domestic abuse offence can be prosecuted in both the Magistrates' and Crown Courts. The maximum sentence for the domestic abuse offence is 12 months' imprisonment in the Magistrates' Court and 14 years' imprisonment in the Crown Court.

2.3 Section 15: Aggravation as to domestic abuse

2.3.1 Section 15 of the Act creates an aggravation as to domestic abuse which allows any offence, other than the domestic abuse offence, to be aggravated where it involves domestic abuse. A domestic abuse aggravator can be applied to the offence that is being prosecuted provided three conditions are met:

- A reasonable person would consider the offence likely to cause physical or psychological harm (including fear, alarm or distress) to the victim; and
- The individuals are personally connected (see 2.2.23); and
- The perpetrator intended to cause harm or was reckless as to whether harm would be caused (see 2.2.6 for more information on recklessness).

2.3.2 Where a perpetrator has responsibility for a child under 16 years of age this aggravator will not apply. Abusive behaviour in these relationships may be covered by child protection measures and the child cruelty offence under [section 20 of the Children and Young Person Act \(Northern Ireland\) 1968](#).

- 2.3.3 In cases where a single incident of abusive behaviour is reported to police rather than ongoing abusive behaviour, or where there is insufficient evidence of a course of abusive behaviour, prosecutors will not be able to use the domestic abuse offence. In these cases prosecutors will consider other available criminal offences and apply a domestic abuse aggravator provided the conditions set out above are met.
- 2.3.4 Other criminal offences available to prosecutors might include common assault; threats to damage property; criminal damage; threats to kill; stalking or harassment. A more detailed list of other criminal offences that can occur in a domestic abuse context has been included at Annex E.
- 2.3.5 Where both the offence and the aggravation are proved, the sentence imposed by the court may be increased.
- 2.3.6 An offence can be aggravated whether or not the offence was committed directly against the victim. For example, where a vehicle belonging to the victim's new partner is damaged, an aggravator may be applied where the perpetrator intended that the damage would cause harm to the victim or was reckless as to whether harm would be caused to the victim.
- 2.3.7 It is not necessary for harm (either physical or psychological) to be caused. However where this evidence exists, prosecutors may present it to the court.

2.4 Safeguards for victims of domestic abuse

- 2.4.1 The Act provides for a number of amendments to criminal procedure to give victims of domestic abuse additional legal safeguards in the criminal court:
- Section 22 of the Act removes the defendant's right to claim trial by jury for a charge of the domestic abuse offence.
 - Section 23 of the Act gives automatic eligibility for special measures to victims of an offence involving domestic abuse, i.e. the domestic abuse offence or an offence with the



domestic abuse aggravator. A special measures direction may also provide for the exclusion of persons from court when the victim is giving evidence. Further information on special measures is included at Chapter 5.

- Section 24 of the Act prevents the defendant from cross-examining the victim in person in charges involving domestic abuse and any other offences connected to the same proceedings.

3. How we take prosecution decisions in domestic abuse cases

3.1 Role of the investigator

- 3.1.1 Investigation is not the responsibility of the PPS. It is the responsibility of the police to investigate an allegation that a criminal offence involving domestic abuse has been committed, to gather evidence in relation to that allegation and to present that evidence to the prosecutor.
- 3.1.2 Investigators may submit files to PPS in one of two ways:
 - (i) by charging a person; or
 - (ii) by submitting a report on a person.
- 3.1.3 Though the PPS does not direct the police as to how they should investigate, PPS may provide prosecutorial advice to police upon request, at any stage of an investigation, in order to help build the strongest case. The PPS assumes full responsibility for tracking the progress of the case from the point of charge or receipt of a report from the investigator.

3.2 Role of the prosecutor

- 3.2.1 Prosecutors are required to act independently and take decisions strictly in accordance with the [Code for Prosecutors](#). Prosecutors must also adhere to internal PPS policies and guidance which support prosecutors in their decision-making.
- 3.2.2 When an investigation file is received from police, the prosecutor must analyse and evaluate all the evidence and information that has been submitted in a thorough and critical manner to decide whether a prosecution should proceed.

- 3.2.3 In the vast majority of cases, prosecutors should only decide whether to prosecute after the investigation has been completed and after all the available evidence has been reviewed. If prosecutors do not have sufficient information to take a decision, they should identify evidential weaknesses and request that the investigator, where possible, provide additional evidence to enable a fully informed decision as to prosecution to be taken.
- 3.2.4 Prosecutors also have a general duty to keep prosecution decisions under consideration and take account of any change in circumstances that occurs as the case proceeds. Where new evidence or information becomes available it should be considered along with the existing information and the Test for Prosecution applied (see below). Where this occurs and the Test for Prosecution is no longer met, the particular charge or charges, or indeed the whole case, should not proceed.

3.3 The Test for Prosecution

- 3.3.1 Prosecutions are initiated or continued by the PPS only where it is satisfied that the Test for Prosecution is met. This Test is met if:
- the evidence which can be presented in court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; and
 - prosecution is required in the public interest – the Public Interest Test.
- 3.3.2 This is a two-stage test and each stage of the test must be considered separately and passed before a decision to prosecute can be taken. The Evidential Test must be passed before the Public Interest Test is considered. If the Public Interest Test is passed, the Test for Prosecution is met.

3.4 The Evidential Test

- 3.4.1 Prosecutors determine whether there is sufficient evidence to provide a reasonable prospect of conviction against each defendant on each charge.
- 3.4.2 A reasonable prospect of conviction exists if, in relation to an identifiable suspect, there is credible evidence which the prosecution can present to a court and upon which an impartial jury, properly directed in accordance with the law, could reasonably be expected to find beyond reasonable doubt that the suspect had committed a criminal offence.⁷
- 3.4.3 This is different to the test which the court will apply, which is deciding whether the offence is proved beyond reasonable doubt; that is, it must be sure that the defendant is guilty before it can convict. It is necessary that each element of this definition is fully examined when considering the Evidential Test for each particular offence.

Applying the Evidential Test to cases of domestic abuse

- 3.4.4 Cases of domestic abuse require a careful and balanced assessment of all relevant evidence. Prosecutors will look at accounts given of the event, any digital material, CCTV and the results of any medical or forensic examinations. Prosecutors will advise police on actions that can be taken to address weaknesses in the case. This approach is aimed at building the strongest cases possible whilst ensuring that the investigation is fair.
- 3.4.5 Prosecutors must not allow misconceptions or assumptions about domestic abuse to influence their evaluation of the evidence. Victims may not realise they are in a relationship with a perpetrator of domestic abuse as some of the abusive behaviours may not be violent or immediately obvious; prosecutors must therefore handle these cases without any preconceptions.

⁷ See [Code for Prosecutors](#), pages 15 - 18 for further information.

- 3.4.6 Victims will often adjust their behaviour to try and prevent any further abuse, especially where child victims or other dependents are present, or to have an 'easier time'. Abusive behaviour may be 'normalised' by the victim who may show no obvious stereotypical behaviours. Prosecutors will understand that this does not mean that the victim has not been subject to abusive behaviour.
- 3.4.7 Prosecutors must have no preconceptions of how a victim should present. A number of factors have previously been identified as working against some victims. These include delays in reporting abusive behaviour; inconsistencies in accounts; the victim carrying on with their everyday life; the victim voluntarily returning to their abuser; or the victim's reliance on alcohol or other substances. Rather than undermining the credibility and reliability of the victim's account, these factors may provide evidence that the victim has been and/or continues to be abused. Victims of domestic abuse typically experience a number of abusive incidents before they feel able to report the matter to police. Further information on this issue is provided at 3.6 below.
- 3.4.8 In some cases of domestic abuse it may not be straightforward to identify the primary aggressor and true victim. It is possible in some cases that a primary 'victim' of abuse or violence may have acted in a manner in which they are then seen as the perpetrator, for example where there is retaliation against the primary aggressor after years of abuse. Prosecutors must ensure that they consider the full facts of the offending behaviour, relevant background and any previous domestic history before taking a decision.
- 3.4.9 Prosecutors must consider any defence and whether there is any material that could undermine the prosecution case. Prosecutors must assess each undermining feature objectively and then assess the cumulative effect in the overall context of the strengths of the case. Prosecutors must decide if the *combined* effect of such factors after an objective analysis is such that the Evidential Test is not met.

- 3.4.10 Prosecutors must not introduce a requirement for corroboration in these cases. One person's word can be enough, but the quality of the evidence must be assessed in the manner set out above.
- 3.4.11 Domestic abuse often involves a series of incidents or behaviours. Prosecutors must ensure that they have all the available information before deciding on the appropriate charge.
- 3.4.12 Prosecutors must consider whether there is any material that might affect the assessment of the sufficiency of the evidence, including examined and unexamined material in the possession of police, and advise on any further reasonable lines of enquiry.
- 3.4.13 Where it becomes clear that the Evidential Test is not met, the case cannot proceed no matter how serious or sensitive it may be. These decisions should be taken as quickly as possible so that those impacted can be informed promptly.

3.5 The Public Interest Test

- 3.5.1 Once a prosecutor is satisfied that there is sufficient evidence to provide a reasonable prospect of conviction, the next consideration is whether the public interest requires prosecution through the courts. It does not automatically follow that if there is sufficient evidence, there will always be a prosecution.
- 3.5.2 Broadly, the presumption is that the public interest requires prosecution where there has been a contravention of the criminal law. A prosecution will usually take place unless there are public interest factors tending against prosecution that outweigh those tending in favour.

Applying the Public Interest Test to cases of domestic abuse

- 3.5.3 Given the seriousness of offences involving domestic abuse, a prosecution will normally be required when the Evidential Test is met. There are, however, many factors which may influence consideration of the public interest test, especially in relation to offending by children and youths.
- 3.5.4 Where the Evidential Test is met, but in circumstances where the victim does not support a prosecution, prosecutors will need to carefully consider the interests and safety of the adult and child victim, other family members and other dependants when assessing whether a prosecution is in the public interest, whether to seek a witness summons and whether to pursue a prosecution without the support of the victim (see also 3.12 and 3.13 below).
- 3.5.5 When domestic abuse crimes are alleged to have been committed by young people, prosecutors are required to balance the strong public interest factors in favour of prosecution of such crimes with our obligations to consider the best interests of the child who has been accused of this type of offending. The Code for Prosecutors upholds the ‘best interests’ principle when considering cases involving children and young people and considers a range of factors when determining whether a prosecution is likely to have an adverse impact on their future prospects that is disproportionate to the seriousness of the offending.⁸

3.6 Myths, stereotypes and avoiding assumptions

- 3.6.1 Offences involving domestic abuse are some of the most complex offences the PPS and the wider criminal justice system deals with. Despite many positive changes in society regarding attitudes to domestic abuse, we recognise that some misconceptions, myths and stereotypes surrounding domestic abuse remain. Prosecutors are trained to ensure there is no discrimination or unconscious bias in decision-making and the conduct of criminal proceedings.

⁸ Further information can be found in the [PPS Guidelines for the Prosecution of Young People](#).

3.6.2 Examples of such myths include:

- Domestic abuse is always physical;
- Domestic abuse is a crime of passion;
- Domestic abuse is a momentary loss of control;
- Domestic abuse is a one-off incident;
- Domestic abuse is a private matter;
- Domestic abuse is only perpetrated by men on women;
- Domestic abuse only occurs between couples that live together;
- Older / independent / stronger people are not subject to domestic abuse;
- Where the victim has a learning disability or mental health condition, they lack credibility as a witness;
- The cultural / religious background or belief of the victim is responsible for domestic abuse;
- Where the victim has previously withdrawn a complaint, they lack credibility;
- Children are not affected by domestic abuse;
- If the situation was really that bad, the victim would just leave the relationship.

3.6.3 Prosecutors must be careful not to make assumptions with regard to a victim's age, the nature of the relationship with the abuser and the physical stature / appearance or gender stereotypes of the parties.

3.6.4 Where prosecutors consider that they require further understanding of religious, cultural or other issues in a particular case, they should discuss the most appropriate means of seeking advice with police.

3.6.5 Prosecutors should always be sensitive to the needs of diverse communities; however, cultural sensitivity should not be used as a basis to avoid taking appropriate action in domestic abuse cases.

- 3.6.6 Police and prosecutors should understand the vulnerability of victims and the particular impact that control, coercion and psychological abuse may have on the individual. There may be some circumstances in which the perpetrator will accuse the victim of having mental health difficulties, and that the allegation reported did not occur. Each case should be considered on its own facts and merits. Victims should not be subjected to any preconceptions of how a stereotypical victim may present.

3.7 No prosecution

- 3.7.1 If the prosecutor decides that in any case being considered there is insufficient evidence or it is not in the public interest to prosecute, a decision for no prosecution will be taken.
- 3.7.2 A decision of no prosecution does not preclude any further consideration of the case by the PPS, if new or additional evidence becomes available or a review of the original decision is required.

3.8 Alternatives to prosecution

- 3.8.1 If the Evidential Test is met, the prosecutor may decide that it is in the public interest to dispose of the case by an alternative to prosecution at court, known as a diversionary disposal.
- 3.8.2 It will rarely be appropriate to deal with a domestic abuse offence by an adult offender by way of a diversionary disposal. This is because the fact that the offending involves domestic abuse will generally be a factor that increases its seriousness and weighs in favour of a prosecution. However, there will be certain cases, particularly those involving young defendants, where a diversionary disposal may be the appropriate in light of all the relevant circumstances.

- 3.8.3 Where a prosecutor is considering a diversionary disposal, the views of the victim should be sought. Prosecutors should take into account the views expressed by the victim and the impact of the offence on them and, in appropriate cases (such as where the victim is a youth) their family, where such views are available. However, the decision whether to offer a diversionary disposal remains one for the prosecutor.
- 3.8.4 The main diversionary disposals available to the prosecutor are:
- Adult caution.
 - Youth restorative caution.
 - Informed warning.
 - Diversionary youth conference.
- 3.8.5 Further information on diversionary disposals is available in the PPS Guidelines [for the Use of Diversionary Disposals](#).

3.9 Offences available to prosecutors

- 3.9.1 Prosecutors must consider each case based on the facts presented to them and determine the appropriate offence(s) to charge on a case by case basis. Prosecutors must ensure that they consider the wider context of any incidents reported by victims and ensure that any other potential charge(s) or ongoing investigations are considered.
- 3.9.2 Prosecutors should always consider if a pattern of behaviour supports a charge for the domestic abuse offence. Prosecutors may need to seek further information or evidence from police to ensure that the appropriate charges are brought. Most incidents reported to police are not isolated and it is well documented that domestic abuse usually escalates over time.
- 3.9.3 Where there is sufficient evidence of a course of abusive behaviour, prosecutors will charge the domestic abuse offence. This offence captures abuse that typically occurs over a period of time in order for an individual to exert control.

- 3.9.4 When considering violent offending (for example, assaults or sexual assaults), prosecutors may be satisfied that two single episodes could be construed as a course of conduct. In this instance prosecutors may direct prosecution for the domestic abuse offence.
- 3.9.5 Non-violent and coercive forms of abuse will require proof of a more repetitive pattern of the perpetrator exerting control in a manner that is likely to cause psychological harm. For the more subtle types of domestic abuse such as financial control, social isolation of the victim or controlling the victim's daily habits, prosecutors will need to evidence repetition of this behaviour in order to prove that psychological harm is likely. Two incidents of, for example, telling a partner what they cannot eat or what they cannot buy, is unlikely to amount to the domestic abuse offence. Episodes of such control taking place daily over a matter of weeks, months or years however will more readily satisfy the court that the perpetrator has exercised power and control over the victim.
- 3.9.6 Where the prosecutor decides that the Evidential Test is not met for the domestic abuse offence (as there is insufficient evidence of a course of conduct), it is still open to the prosecutor to prosecute the abusive behaviour using other existing criminal offences. Examples of other offences that will be considered are included at **Annex E**. Prosecutors will also apply the domestic abuse aggravator (section 15) to these offences where the conditions set out in the Act are satisfied (see 2.3.1 above).
- 3.9.7 Where a specific incident of alleged behaviour represents a particular aggravating aspect of the defendant's conduct (for example, serious sexual assault, serious physical injury or using a weapon) or gives the court jurisdiction to consider additional orders such as a Sexual Offences Prevention Order (SOPO) or a Violent Offences Prevention Orders (VOPO), then prosecutors should carefully consider prosecuting that particular offence in its own right.

- 3.9.8 As a general rule prosecutors should prosecute sexual assaults and violent assaults (assault occasioning actual bodily harm and more serious assaults) as standalone charges. These offences may attract SOPOs and VOPOs. Further information on ancillary orders available to prosecutors is provided at Chapter 4.
- 3.9.9 Prosecutors should ensure at all times that the selection of charges facilitates the clear presentation of the case at court and accurately reflects the extent of the accused's involvement and responsibility. The selected charges should also allow the court appropriate sentencing powers.

3.10 Case building

- 3.10.1 As domestic abuse incidents often take place in private, the victim may be the only witness. Giving evidence may be very difficult for them, leading to uncertainty about the course of action they should take. The police and PPS understanding of the nature of the offending, and the relationship between the victim and perpetrator, is central to the delivery of the best response.
- 3.10.2 Where the initial background information is inadequate, prosecutors should proactively request further information from the police. Early consultation with the police is strongly recommended and should take place in any case where the early involvement of a prosecutor would assist in the gathering of relevant evidence, the questions to be asked of suspects, any pre-charge court procedures and any strategy for a likely prosecution.
- 3.10.3 Police officers reporting or attending domestic abuse incidents have a duty to pursue all reasonable lines of enquiry whether they lead towards or away from the alleged perpetrator. They are required to gather and preserve the widest range of evidence and not focus solely on the willingness of the victim to give evidence.

3.10.4 Prosecutors will seek to obtain the following evidence (where available) in order to apply the Test for Prosecution:

- Statements from the victim and key witnesses;
- Police body worn video recordings of the scene and the victim's first complaint;
- The 999 recording (if applicable);
- Photographs of injuries / damage etc.;
- Enquiries with neighbours and any other potential witnesses, obtaining statements as necessary;
- Interviews with children in the household who may have witnessed the incident;
- Details of interviews with the suspect;
- Any CCTV footage;
- A Domestic History Report;
- Details of the risk assessment conducted by police (see 3.11 below).

This list is not exhaustive and additional evidence and information may be required depending on the circumstances of the individual case.

3.10.5 The prosecutor must consider the needs of the victim when taking a decision on a file. This should include the need to apply for special measures (for example, use of screens at court or the possibility of giving evidence remotely via live link). Further information on special measures is included at Chapter 5.

3.11 Risk assessments

3.11.1 Risk assessments are usually conducted by the police upon notification of an incident, and can provide invaluable background information to understand the circumstances the victim may be experiencing. The risk assessment should also address any risks around children.

- 3.11.2 The current risk assessment tool used by police in Northern Ireland is the 'DASH' (Domestic Abuse Stalking and Honour based violence) risk assessment. Police are required to provide prosecutors with relevant information from the DASH risk assessment to enable prosecutors to make informed decisions.
- 3.11.3 The safety of adult and child victims, and other dependants or family members must be considered throughout a prosecution case and updated risk assessments requested by prosecutors where appropriate.
- 3.11.4 Multi-Agency Risk Assessment Conferences (MARAC) may also take place. These are meetings held for victims of domestic abuse who have been identified by local partner agencies as high risk. The MARAC is an opportunity for partners to share information which might identify further risk to the victim and develop a multi-agency plan to address those risks. The PPS is not involved directly in the MARAC process but police are required to notify prosecutors in cases where a victim is subject to MARAC.

3.12 Retractions and withdrawals by victims

- 3.12.1 Sometimes a victim will ask police not to proceed any further with an investigation or will ask to withdraw their complaint; or where the victim has made a statement, they may indicate that they no longer wish to give evidence.
- 3.12.2 There may be a number of reasons why a victim will withdraw their support for a prosecution. This can occur at any stage of the proceedings. Possible reasons why a victim may no longer support a case include:
- Fear of other offences being committed, or risk of further harm (both in person, but also through online technologies);
 - Fear of coming face to face with the perpetrator in court;
 - Pressure from the perpetrator, the perpetrator's family or associates;
 - Pressure from other family members, other members of the community or community 'elders';

- Fear of being publicly shamed, disowned or cast out from the community;
- A wish to be reconciled with the perpetrator, if not already reconciled, or a wish to return to the family, if estranged;
- The victim is no longer in a relationship with the perpetrator or does not want to re-live the incident;
- A fear that children will be removed and placed into care, or not wanting to be perceived as 'being difficult' if children or other dependants are involved;
- A fear of the impact on children, or other dependants, or financial repercussions (such as the receipt of certain child maintenance, tax allowances or financial support through benefits);
- The perpetrator may agree to drop other proceedings such as custody applications for children, if the victim withdraws the complaint;
- Feelings of isolation or vulnerability, and fears they may not be believed as a result of those vulnerabilities;
- Fears that showing support for a prosecution may place them at further risk of harm;
- Fear of immigration status being made known to law enforcement authorities, or fear that a victim may reveal the perpetrator's immigration status which may not be secure;
- Fear of being 'outed' about their sexual orientation, or gender identity if not already known about;
- Previous negative experiences of the Criminal Justice System.

This is not an exhaustive list.

- 3.12.3 Domestic abuse can have a very significant impact on a victim and the PPS is committed to ensuring that the interests of victims are considered at every stage of the criminal process. This commitment and details of the support available, are set out in our [Victim and Witness Policy](#) which includes information on how the law treats victims who are vulnerable.

- 3.12.4 Where the evidential stage has been met, but the complainant is not willing to support the prosecution, prosecutors should carefully consider the public interest given the domestic nature and serious impacts of such offending.
- 3.12.5 The PPS prosecutes cases on behalf of the public at large and not just in the interests of any particular individual. Whilst the prosecutor will always give careful consideration to the views and interests of the victim when deciding where the public interest lies, these views and interests must be considered along with the interests of wider society, including the risk the perpetrator presents to other individuals. Therefore, the views of the victim are not the deciding factor as to whether or not a case proceeds; that decision is taken by the prosecutor having regard to all the facts and circumstances of the case.
- 3.12.6 Where a victim retracts an allegation, police must provide information to the prosecutor explaining the reasons a retraction of the allegation / withdrawal of support has been made. Police should also provide prosecutors with an up-to-date risk assessment so that an informed decision about next steps can be taken.
- 3.12.7 Depending on the nature of this information, it may still be possible to continue with proceedings without the victim's active support. Careful consideration must be given to public interest factors, including the interests and safety of the victim, other family members and any children or other dependants. To properly assess the public interest, prosecutors must be made aware of any children living in an abusive household. The impact on children must always be taken into consideration, as it may increase the seriousness of the offence, and influence the final prosecution decision.
- 3.12.8 Factors which are useful when considering the public interest may include:
- The seriousness of the offence - the more serious the offence, the more likely it is that a prosecution is required;

- Whether the offence is likely to be repeated;
- The culpability of the defendant;
- The extent to which the offending was pre-meditated;
- Whether any threats were made before or after the attack;
- Whether the defendant has any previous convictions or out of court disposals, or record of any other offending whilst on bail or whilst subject to a court order;
- Whether the offending was or is likely to be continued, repeated or escalated;
- The age or level of maturity of the defendant;
- Whether the defendant was suffering from any mental or physical ill health before, or at the time of the offence taking place;
- The victim's injuries - whether physical or psychological;
- Whether a weapon was used;
- Whether the offence was motivated by any form of discrimination against the victim's ethnicity, gender identity or sexual orientation, mental or physical capacity, age, religion, immigration status, employment status, social background etc.;
- If there were any children or other vulnerable dependants living in the household;
- Whether the offence took place in the presence of, or near a child;
- Whether the victim is/was pregnant at the time of the offence;
- Any continuing threat to the health and safety of the victim (irrespective of the relationship status), or anyone else who is, or may become involved;
- The history of the relationship, particularly if there has been any violence in the past.

3.12.9 If it is suspected that the victim has been pressured or frightened into withdrawing the complaint, the prosecutor will ask the police to investigate further. The investigation may reveal new offences, for example, stalking or witness intimidation. If necessary, the prosecutor will ask the court to delay any hearings so that a thorough investigation can take place before a decision is made in respect of the case.

- 3.12.10 The fact that a victim withdraws their support does not mean they can no longer engage with police. The victim is still entitled to have future complaints believed and taken seriously.

3.13 Proceeding in cases where a victim has withdrawn

- 3.13.1 When a victim withdraws their support for a prosecution, this does not mean the case will automatically stop. Prosecutors will carefully consider the evidence to determine whether the case can proceed without the victim's live evidence in court.
- 3.13.2 Prosecutors may be able to use other evidence (for example, admissions by the suspect in interview, CCTV, police body-worn video footage, 999 recordings etc.) to proceed. Prosecutors will consider making use of hearsay and res gestae provisions to present this evidence to the court.⁹
- 3.13.3 Where the prosecutor considers that the victim is required to give evidence, consideration will be given as to whether it is appropriate to summons the victim to court. If so, an application is made to the court for a witness summons and the court will decide whether a summons is appropriate. The prosecutor will also take into account the distress that could be caused to a victim giving evidence. Applying for a witness summons should be regarded as a last resort.
- 3.13.4 Before the decision to apply for a witness summons is taken, the prosecutor must ensure that they have up-to-date risk information from police. Prosecutors must also ensure that the safety of the victim, any children and/or other dependants will not be endangered.

⁹ *Hearsay* is defined in the Criminal Justice (Evidence) (Northern Ireland Order) 2004. 'Hearsay' means a "statement not made in oral evidence that is evidence of any matter stated". Hearsay is admissible if there is a statutory provision that renders it admissible, a common law rule makes it admissible, where all parties agree to admit the evidence or where the court is satisfied that it is in the interests of justice for it to be admissible. 'Res gestae' is a common gateway used to admit hearsay statements. Under Article 22(4) of the 2004 Order, a statement is admissible as evidence of any matter stated if: The statement was made by a person so emotionally overpowered by an event that the possibility of concoction or distortion can be disregarded; or the statement accompanied an act which can only be properly evaluated as evidence if considered in conjunction with the statement; or the statement relates to a physical sensation or mental state (such as intention or emotion). By way of examples, prosecutors may seek to use a victim's account recorded on police body-worn cameras or in a 999 call to support the victim's evidence at court and also where the victim does not attend court to give oral evidence. Hearsay applications to admit this evidence will be required.

- 3.13.5 Witness summoning a child or young person should be considered only in very limited and exceptional cases. Prosecutors should discuss whether this is an appropriate course of action with their Assistant Director before making an application.
- 3.13.6 If the reason for the victim's withdrawal is based on fear or intimidation, police will provide this information to the prosecutor. This will allow decisions to be taken about other applications that may be available to the prosecutor, such as admitting the evidence as hearsay.
- 3.13.7 If the victim does not attend court following the issue of a witness summons, prosecutors should consider whether a warrant application to the court is appropriate. The intention of obtaining a warrant is to assist attendance at court and not to penalise or criminalise the victim. Prosecutors should use this only where absolutely necessary.
- 3.13.8 It is possible that after considering a victim's reasons for retracting their allegation or withdrawal of support, a prosecutor may discontinue the case as the victim's evidence was the only admissible evidence available, and a summons would not be appropriate.

3.14 What happens if there is a decision not to prosecute?

- 3.14.1 Where a victim supports a prosecution, we understand how disappointing it can be for them to be told that, after careful consideration, a decision has been taken not to prosecute. Every effort is made to ensure that communication with victims in cases of domestic abuse is timely, sensitive and clear.

- 3.14.2 Where there is insufficient evidence, or it is not in the public interest to prosecute an individual, a no prosecution decision will be issued. This is often very difficult for victims to hear. It does not mean that the prosecutor does not believe the victim. It is simply that there is not enough evidence to meet the very high standard of proof that the law requires for the offence to be proved, or it is not in the public interest to prosecute this particular case. The victim will be informed of this decision by a letter from their VWCU Case Officer.
- 3.14.3 The giving of reasons for not prosecuting is an important and sometimes complex issue. Following a decision not to prosecute, a victim is entitled to be notified in writing of the reasons why this decision was taken, how further information about the decision can be accessed and how a review of this decision can be requested. The PPS gives reasons in all cases where a decision not to prosecute is taken.
- 3.14.4 A two tier approach applies: In a wide range of cases which might be classed as more serious due to the nature of the offence or where the victim may be regarded as vulnerable, detailed written reasons will automatically be given for the decision not to prosecute. The PPS will consider what information about the decision may be provided to the victim, balancing the interests of all parties together with any other considerations which are material to the particular facts and circumstances of the case. Where detailed reasons are given, the victim will also be provided with contact details to request a telephone call or a meeting for a further explanation of the reasons, if required.¹⁰

¹⁰ Whilst the PPS will try to accommodate a request for a meeting, this may not always be possible. Where a victim is invited to attend a meeting, they are permitted to have someone accompany them. This can be a family member, a friend or other supporter. This is particularly important where there are difficult conversations or messages of significance to be relayed to the victim, or where the victim has particular vulnerabilities such as communication difficulties.

- 3.14.5 In all other cases general reasons are given. For example, where the available evidence does not allow the prosecution to establish an essential element of the offence, the PPS will indicate that there was insufficient evidence to afford a reasonable prospect of a conviction. Another example would be a case in which the evidence was sufficient but the decision was taken not to prosecute given particular medical circumstances of the prospective defendant. Here the reason given would be that it was not in the public interest to prosecute.
- 3.14.6 All victims are entitled to receive more detailed reasons for the decision taken and will be advised of that entitlement when general reasons are provided. All victims will also be informed of their right to seek a review when notified of the decision not to prosecute whether they receive detailed or general reasons (see 3.15, below). It may be that the provision of detailed reasons will assist a victim to decide whether they wish to pursue a review.

3.15 Review of decisions not to prosecute

- 3.15.1 The public should be able to rely on decisions as to prosecution taken by the PPS. Generally, if the PPS tells a suspect or a defendant that there will not be a prosecution, or that the prosecution has stopped, that is the end of the matter and the case will not start again. However, there may be reasons why the PPS will review a decision not to prosecute, for example, where we are asked to do so by a victim or where new evidence or information becomes available.

- 3.15.2 Where a request for a review is made by or on behalf of a victim the request will normally only be considered if it is made in writing within one month of the victim having been informed of the decision. Only in exceptional circumstances will the PPS undertake a review if the request is received outside this time limit. Victims will be notified of the one month time limit for requesting a review when they are provided with notification of, and reasons for, the decision not to prosecute. If there are any difficulties with this, the VWCU Case Officer should be contacted. The PPS will, wherever possible, complete the review and communicate the decision to the victim in writing within eight weeks. In cases where it is not possible to provide a decision within this timeframe, for example in more complex cases, the victim will be notified accordingly.
- 3.15.3 If there is additional evidence or information, the original prosecutor will reconsider the case. If there is no new evidence or information, a different prosecutor will conduct the review. When conducting any review it is open to the prosecutor to take additional steps to assist with the review such as requiring further enquiries to be made by the investigator, consulting with witnesses, or obtaining the advice of counsel. Further details of this process are set out in the Code for Prosecutors.

4. Dealing with the case at court

4.1 Cases where a suspect is charged

- 4.1.1 If a suspect has been charged by police with an offence involving domestic abuse, the police will take the decision as to whether it is appropriate to release the suspect on police bail to attend a court hearing within a short period of time. However, police may also decide to keep the defendant in custody so that he/she may appear at the next available Magistrates' Court (usually the next day) for a remand hearing. At the hearing, the defendant is entitled to make an application to be released from custody on bail.
- 4.1.2 The District Judge (Magistrates' Court) will decide whether bail is appropriate after hearing representations from both the prosecution and the defence. In order to enable the prosecutor to make representations to the court, police will have provided relevant evidence and information to the prosecutor. The prosecutor's primary concern should be the safety of the victim and any children or other dependants.
- 4.1.3 The VWCU Case Officer has a role in informing the victim if a defendant in custody is granted bail (including any relevant bail conditions imposed by the court) or, if the defendant is already on bail, whether there are any significant changes to the relevant bail conditions.¹¹
- 4.1.4 Where an application is made to vary bail, prosecutors should insist that the defence give proper notice so that enquiries can be made of the victim to seek their views and check whether any other court orders exist or are pending.

¹¹ Relevant bail conditions are those conditions which are likely to impact on the victim. Subject to the individual circumstances of the case, information in respect of bail may be provided to the victim by another party, for example by the Investigating Officer.

- 4.1.5 Where a prosecutor considers that bail should not have been granted, perhaps because of a high risk of the perpetrator reoffending or contacting witnesses, the PPS can appeal the decision of the District Judge. Victims will be kept informed.

4.2 What happens when a case is listed for trial

- 4.2.1 When a case is listed for trial it can be a particularly anxious period for a victim, especially with the prospect of giving evidence. For many victims, attending court to give evidence is the most daunting part of the criminal justice process. The PPS is committed to trying to alleviate any concerns and making court as stress-free as possible. The PPS is also committed to ensuring prosecutors have the right skills to prosecute domestic abuse cases effectively, including the ability to deal sensitively with victims and witnesses.
- 4.2.2 Information on the support that victims can expect to be put in place to make attendance at court less stressful can be found at Chapter 5 of this policy.
- 4.2.3 When a victim attends court, the prosecutor will make every effort to make themselves or another representative available to answer any questions and provide updates on the progress of the contest or trial. Victims are entitled to ask for clarification from the prosecutor of any matter that is discussed. The prosecutor may also indicate how long the victim may have to wait before giving evidence. Where there is a delay, or if the case cannot proceed, the prosecutor will provide this information as soon as possible, together with an explanation. They will also try to speak to victims and witnesses before they give evidence and try to put those who may be nervous at ease.
- 4.2.4 When giving evidence, the prosecutor will treat victims respectfully and, where appropriate, will seek the court's intervention where they consider that the questioning by the defence is inappropriate or aggressive.

- 4.2.5 In most contests / trials (i.e. where the defendant pleads not guilty), the defendant's legal team will challenge the victim's account of the allegations. This is normal and is allowed in law. The defence have a duty to act in the best interests of their client and to challenge the victim about his or her account.
- 4.2.6 While the prosecutor will do everything possible to make the process of giving evidence as easy as possible, ultimately it is a matter for the Judge to make sure that the trial is conducted in a fair and just manner.

4.3 Acceptability of pleas

- 4.3.1 The defence may on occasion approach the PPS with an offer for the defendant to plead guilty to only some of the charges that they are facing, or to a lesser charge or charges, with the remaining charges not to be proceeded with. Whilst 'plea bargaining' has no place in the practice or procedures of the PPS, in some cases the prosecutor may consider accepting a guilty plea from the defendant to a different charge. This might arise, for example, because the victim no longer wishes to proceed, or because new evidence has come to light. However, the general principle is that the decision to prosecute, and the offences to be prosecuted, should not be altered unless there is proper reason to do so which is consistent with the evidence and the information available at the time and meets the requirements of justice.
- 4.3.2 When considering whether to accept a plea to alternative charges, where possible the prosecutor should discuss the situation with the victim. The victim's views should be taken into account to ensure that the prosecutor is informed of all information before making a decision. Unless there are exceptional circumstances, the acceptance of alternative pleas should be transparent with the prosecution able to explain their reasons for accepting the pleas in open court.

- 4.3.3 When considering whether to accept a plea of guilty to a different, and possibly less serious charge, the PPS will take the proper interests of victims into account as required under the Victim Charter.

4.4 Sentencing

- 4.4.1 If the defendant is convicted of an offence involving domestic abuse or pleads guilty, the judge will decide the sentence. In some cases, the sentence handed down by the judge may not always be what the victim had hoped for.
- 4.4.2 The PPS will make sure that the court has all the information it needs to sentence appropriately, including any relevant information contained in a Victim Personal Statement or in a Victim Impact Report which may have been requested by the court. A Victim Personal Statement is a statement made by a victim, setting out in their own words the effect that the crime has had upon them (see also 4.5 below), while a Victim Impact Report is a report prepared by a professional, such as psychiatrist or psychologist, at the request of the court.
- 4.4.3 The prosecution has a duty to assist the judge with the law and guidelines on sentencing, including any ancillary orders that may be available to the court.
- 4.4.4 Upon conviction or following a guilty plea, the defendant is entitled to enter a plea in mitigation of sentence. This may include information about previous good character or other factors the defendant wishes to be considered before a sentence is imposed. Ultimately these issues are for the judge to consider as part of his/her decision on sentencing. However, the prosecutor will be alert to mitigation that attempts to detract from the character of a prosecution witness, and will challenge anything misleading, untrue or unfair.

4.4.5 In addition to imposing a sentence, where the court is satisfied that it is necessary for the purpose of protecting the public or any particular members of the public from serious harm by the perpetrator, the judge may also impose an order or orders on the defendant. These are referred to as ‘ancillary orders’.

4.4.6 Examples of ancillary orders include:

- A Sexual Offences Prevention Order (SOPO) is an order which the court may make for the purpose of protecting the public or any particular members of the public from serious sexual harm from the defendant.
- A Violent Offences Protection Order (VOPO) is an order which the court may make for the purpose of protecting the public or any particular members of the public from violence from the defendant.
- A Restraining Order is a civil order which may contain such restrictions or prohibitions as the court considers appropriate to protect a person from harassment by the defendant.

4.5 Victim Personal Statements

4.5.1 A victim personal statement is a written statement by the victim to the court about how a crime has affected or continues to affect them. Victims are entitled to provide a victim personal statement where the case is to go to court. The VWCU will provide an information leaflet about this, where a decision has been taken to prosecute.

- 4.5.2 Making a victim personal statement allows the views of the victim to be heard during criminal proceedings. However, it is entirely their choice. The victim personal statement provides an opportunity for the victim to explain in their own words how a crime has affected or continues to affect them, for example, physically, emotionally, financially or in any other way. If the person completing the statement is not the actual victim or bereaved family member, for example a parent or representative, they can set out how the crime has affected both them and/or the victim. Views on the defendant or any punishment to be given should not be included in the statement.
- 4.5.3 The victim personal statement will be used in court if the defendant is found guilty or pleads guilty. It will be seen by the prosecution, the defendant, their legal representative and the judge.
- 4.5.4 Further information on making a Victim Personal Statement can be accessed [here](#).

4.6 Appeals

- 4.6.1 All defendants convicted of a criminal offence have a right to lodge an appeal. If this occurs, the VWCU Case Officer will make contact with the victim to explain this and whether the appeal is against conviction and / or the sentence.
- 4.6.2 Victims will be informed of the dates, times and locations for any appeals. If it is an appeal against conviction, the victim may have to attend court again to give evidence. A further needs assessment may be conducted to ensure that up to date information is obtained regarding specific needs and to ensure that adequate support services and other measures are put in place at court.

- 4.6.3 The VWCU Case Officer will inform the victim of the outcome of any appeal, including any changes to the original sentence following the completion of the appeal. If the victim is present at court for the appeal, the prosecutor will also explain the outcome and the effect of the sentence.

4.7 Tackling avoidable delay

- 4.7.1 The PPS is aware of the impact that unnecessary delay can have on victims and witnesses and is committed to working with partners to improve the progress of cases through the criminal justice system.
- 4.7.2 Cases involving domestic abuse offences will generally be prosecuted in the Magistrates' Court, however repeat perpetrators and serious domestic abuse offences may be prosecuted in the Crown Court. They will begin in the Magistrates' Court and then be transferred to the Crown Court by a process referred to as committal. Where a defendant pleads not guilty, the case will need to be listed for trial and witnesses invited to attend.
- 4.7.3 Where possible, the PPS will make sure that cases of domestic abuse are not delayed without good reason and every effort will be made to ensure that the victim is kept informed of the reason for any significant delay in the proceedings. All cases involving a young person will be prioritised and dealt with as quickly as possible, in order to minimise avoidable delay throughout the process.
- 4.7.4 Often decisions about the progress of a case may be taken at court. Victims will be informed about those decisions by the prosecutor when they are at court. If they are not at court, they will be informed as soon as possible afterwards either by the PPS or by the police.

- 4.7.5 A case proceeding to contested hearing / trial may be adjourned for a variety of reasons, including the unavailability of a prosecution witness. Even where there has been a guilty plea the court may require reports to help them sentence and there may be further adjournments required.
- 4.7.6 Adjournments may also be sought by the defence for a variety of reasons including the unavailability of their witnesses and / or for further time to prepare their case. Obtaining expert reports can be particularly time-consuming. Whilst prosecutors may raise objections to adjournment requests, the decision on any adjournment is ultimately a matter for the judge who will seek to be fair to all parties when making decisions about adjournments.
- 4.7.7 Delay in decisions as to prosecution or in cases proceeding at court can add to the distress of a victim. We want to ensure that all victims understand the reasons for any delay and are fully informed and supported to participate in the trial process. We would encourage any victim with concerns about the progress in their case to make this known, either directly to PPS, to the investigating officer or via your advocate or any support organisation with which you may be engaging.

5. Helping victims and witnesses to give evidence

5.1 Special measures

- 5.1.1 Giving evidence can be a particularly traumatic experience for victims of domestic abuse. Some victims, quite understandably, find it difficult to give evidence in the view of the defendant. The PPS can apply for special measures to make the experience more comfortable and to support the victim to give their best evidence.
- 5.1.2 Examples of special measures include:
- A live link television link ('live link') allowing the victim to give evidence away from the courtroom. In some courts, this facility may be provided in a Remote Evidence Centre so that the victim is not required to enter the court building (see 5.2 below). The victim may also have a supporter (whose role it is to provide emotional support) with them when they give evidence from the live link room. This is normally a member of the NI Witness Service or NSPCC's Young Witness Service;
 - Screens or curtains which can be used in the courtroom so that the victim does not have to see the defendant, and in some cases, the public gallery;
 - Giving evidence in private – the public gallery can be cleared in cases involving domestic abuse where the court is satisfied that someone other than the defendant may seek to intimidate the victim;
 - Removal of wigs and gowns by Judges and by the defence and prosecution teams;
 - Video recorded statements - these allow the use of a pre-recorded video statement as the victim's main evidence;
 - Assistance from a Registered Intermediary to assist those persons with significant communication difficulties (see 5.4 below); and

- Using communication aids - these are devices, such as alphabet boards, which help victims to understand questions and give their answers.

- 5.1.3 Victims of offences involving domestic abuse are automatically eligible to apply for special measures. However the judge will make the final decision about whether special measures will be allowed. The court will only allow a special measure where it considers that the measure would be likely to improve the quality of evidence given by the victim or witness.
- 5.1.4 The prosecutor will consider what special measures might assist the victim or witness to give their evidence, and then make an application to the court. The views of the victim and witness are taken into account. Ideally, early decisions should be taken about special measures to assist victims and witnesses. However, circumstances may change and it is always possible to apply at any stage of the proceedings.
- 5.1.5 A victim or witness who is under 18 on the proposed date of trial is automatically eligible for special measures without further qualification, as per Article 4(1) of the Criminal Evidence (Northern Ireland) Order 1999.
- 5.1.6 The PPS will ensure that victims and witnesses are made aware that they can change their minds about special measures. In some cases, victims may initially state that they do not require special measures, but when the contest/trial approaches, they may decide that they do. In these circumstances it will be for the court to decide if special measures should be granted. Further information about special measures, and services for vulnerable or intimidated witnesses, is available on the PPS website.
- 5.1.7 Prosecutors may apply to the court for the exclusion of specified persons from the court while the victim is giving evidence.

- 5.1.8 The defendant has no right to cross-examine a victim of an offence of domestic abuse in person. If the defendant has not appointed an advocate, the court will be required to consider satisfactory alternatives and can appoint an advocate for the purpose of cross-examining the victim.

5.2 Remote Evidence Centres

- 5.2.1 Remote Evidence Centres (RECs) are currently available at two locations (in Belfast and Craigavon), to allow victims and witnesses to give their evidence away from the court building to avoid the risk of meeting the defendant or their supporters and reduce the anxiety of giving evidence.
- 5.2.2 Where a victim has expressed concerns about attending at the courthouse, prosecutors will consider whether giving evidence at the REC would benefit the victim and make the necessary application.

5.3 Interpreter provision

- 5.3.1 We recognise there will be victims and witnesses for whom English is not their first language. In these cases, the PPS will seek advice from police as to the victim's or witness's ability to give and understand oral evidence in English or whether the witness requires the use of an interpreter. The PPS will try to ensure that the interpreter engaged is familiar with the particular dialect or regional variation of the foreign language which the witness uses.
- 5.3.2 The PPS will arrange for the provision of sign-language interpreters for witnesses who are deaf or hard of hearing.

5.4 Registered intermediaries

- 5.4.1 Registered Intermediaries (RIs) are recruited, trained and accredited by the Department of Justice. They have specialist skills in communication and come from backgrounds such as speech and language therapy, clinical psychology and social work. They assist vulnerable victims / witnesses with significant communication difficulties to give their answers more coherently and effectively during the police investigation and/or any subsequent criminal trial. RIs currently operate in respect of criminal cases being heard in all Crown, Magistrates' and Youth Courts.
- 5.4.2 Police will generally identify whether a victim requires an RI during their investigation. Prosecutors may also identify whether the services of an RI are required upon receipt of the police file. Further information in respect of RIs is available [here](#).

5.5 Witness Service and Young Witness Service

- 5.5.1 There are two witness support schemes available in courthouses in Northern Ireland: one for adult witnesses (the Witness Service) provided by Victim Support Northern Ireland; and one for younger witnesses under the age of 18 (the Young Witness Service), provided by NSPCC. Victim Support Northern Ireland and the NSPCC aim to support victims and prosecution witnesses before, during and after the experience of attending court to give evidence.
- 5.5.2 The aim of the Witness Service and Young Witness Service is to support victims and prosecution witnesses, along with their families and friends, to deal with attending court and giving evidence. The Witness Service and Young Witness Service will normally contact the victim or witness before the court hearing to offer its services. Trained volunteers offer confidential services free of charge.

- 5.5.3 Further information about the witness service available for adults can be accessed [here](#). Information about witness services for children and young people under 18 can be accessed [here](#).

5.6 ASSIST NI

- 5.6.1 ASSIST NI is an independent advocacy service, launched in Northern Ireland on 1 September 2021. This service is accessible to victims of both domestic and sexual abuse, regardless of the level of risk posed to them, their gender, age, or where they live within Northern Ireland. Advocates will identify the victim's individual risks and needs and ensure clients are referred to specialist services as appropriate.
- 5.6.2 ASSIST NI support clients within the criminal justice system throughout the process and will liaise with criminal justice partners on behalf of the client as needed. This will include liaison with PPS and PSNI in order to track progress of particular cases through the criminal justice system. Advocates are skilled in dealing with both adults and young persons who are victims of domestic and sexual abuse.
- 5.6.3 Further information on ASSIST NI and the services it provides can be accessed [here](#).

5.7 Other support services

- 5.7.1 A range of specialist agencies can provide advice and support to victims of domestic abuse at any stage. Contact details for some of these support services can be found in **Annex F**.

Annex A: **Recognising domestic abuse**

Domestic abuse takes many forms. These are some of the different types of domestic abuse:

Physical abuse, violent or threatening behaviour

This is any physically aggressive behaviour and/or indirect physically harmful behaviour. This may include, but is not limited to being, or being threatened to be, kicked, punched, slapped, pushed, dragged, burned, spat on or bitten; use, or threats of use, of weapons including knives; objects being thrown at or in the direction of the victim; violence, or threats of physical abuse or violence, against family members; harming someone while performing caring duties such as force feeding, over-medication or withdrawing medication or medical care for a disabled or older person.

Sexual abuse

Victims of domestic abuse may experience behaviour that is sexually abusive. This may involve rape and sexual assaults; being pressured into sex, or sexual acts, including with other people; being forced to take part in sexual acts because of threats to others, including children; unwanted sexual contact or demands; being pressurised or tricked into having unsafe sex, forced involvement in making or watching pornography; grooming or sharing sexual images; and hurting a victim during sex. Further information can be found in the PPS [Policy for Prosecuting Sexual Offences](#).

Controlling or coercive behaviour

Controlling or coercive behaviour can take the form of an act or number of acts of assault, threats, humiliation and intimidation, or other abuse that is used to harm, punish or frighten the victim. This behaviour is designed to make a person dependent on their abuser by isolating them from support, exploiting them, depriving them of freedom of action and/or regulating their everyday behaviour. Examples of this can include, but is not limited to, making the victim account for their time, dictating what they can wear, what and when they can eat, when and where they may sleep; monitoring the victim's bank accounts; isolating the victim from family, friends or professionals who may be trying to help them; refusing to interpret or hindering access to information; using substances to control a victim through dependency, or controlling their access to substances; using the victim's health status to induce fear or restrict their freedom of movement; threats of institutionalisation; denying access to medical aids or equipment such as hearing aids or walking aids; intimidation and threats of disclosure of sexual orientation and/or gender identity; threatening immigration status against the victim, withholding documents and giving false information to a victim about their visa or visa application.

Emotional abuse or psychological abuse

This may include verbal abuse (yelling, insulting or swearing at the victim); hostile behaviours or silent treatment to make the victim feel fearful; rejection and 'gaslighting' (making the victim doubt themselves, including their sanity, by manipulation of the truth); putdowns, belittling and insulting the victim; publicly embarrassing the victim or blaming them for everything. The aim of emotional abuse is to chip away at the person's feelings of self-worth and independence, leaving them feeling that there is no way out of the relationship, or that without the abuser, they have nothing.

Economic and financial abuse

This is where one person deprives their partner or family member of financial resources or the ability to make money. This creates a financial dependency, controlling them or preventing them from leaving the relationship. Examples of this type of abuse might include, but is not limited to, controlling the family income; not allowing a victim to spend money unless 'permitted'; running up bills and debts such as credit or store cards in the victim's name; refusing to contribute to household bills; preventing the victim from claiming welfare benefits or refusing to make agreed or required payments, for example mortgage payments or child maintenance payments.

Online and technological abuse

This is where abusers exploit the use of technology, social media or other online means to control or coerce victims. This can happen during or after the relationship. Some examples of this type of abuse include, but are not limited to, placing malicious information about the victim on social media; setting up false accounts in the name of the victim; 'trolling' the victim; hacking into, monitoring or controlling email and/or social media accounts; using spyware or GPS trackers to track the victim's movements or using hidden cameras.

Other forms of abuse may also amount to domestic abuse where the abuse is by a current or former intimate partner or family member:

Stalking

Stalking may be described as fixated, obsessive, unwanted and repetitive behaviour. It can cause fear of violence or serious alarm or distress to the victim. Some examples of conduct that might amount to stalking include following a person; contacting a person; monitoring the victim's emails, internet or other electronic communications; entering any premises or loitering in any place. Stalking became a criminal offence in Northern Ireland in April 2022 under section 1 of the [Protection from Stalking Act \(Northern Ireland\) 2022](#). Stalking typically affects more women and girls however men and boys may also be victims. Stalking can affect people of all ages and backgrounds. Stalking can occur during a relationship but most frequently occurs once a relationship has ended.

Non-fatal strangulation (NFS)

NFS or asphyxiation occurs when pressure is applied to the throat or neck of the victim, or force is used to any other part of the victim's body, through which the perpetrator intends to affect the victim's ability to breathe or affect the flow of blood to the brain or is reckless as to whether the victim's ability to breathe or affect the flow of blood to the brain would be affected, and which does not result in death. NFS can often leave little or no marks on the victim and can be used to exert power, control and instil fear in the victim. It is a 'high-risk' indicator in domestic abuse cases and can lead to homicide. It is usually carried out by men against women although men can also be victims, particularly in same sex relationships. Non-fatal strangulation became a criminal offence in Northern Ireland in June 2023, following the introduction of Section 28 of the [Justice \(Sexual Offences and Trafficking Victims\) Act \(Northern Ireland\) 2022](#).

'Honour-based' abuse

This type of abuse is typically committed to protect or defend the perceived honour of the family or when individuals try to break from the 'norms' that their community is trying to impose. It can include physical, emotional or psychological abuse and is typically, but not always, carried out by a member or members of the family. Perpetrators may use a range of tactics against the victim, this can include restrictions on their freedom, isolation, physical abuse, and threats to kill. This type of abuse can happen to anyone and is commonly experienced by victims from close-knit or closed communities with a strong culture of 'honour' such as immigrant, travelling or closed ethnic/religious communities as well as other isolated social groups.

In Northern Ireland, domestic abuse can often be perpetuated due to links with paramilitarism and their values, community attitudes and traditional religious beliefs. This type of abuse can happen to both men and women.

Forced marriage

Forced marriage is where one or both people do not (or in some cases of people with learning disabilities or reduced capacity, cannot) consent to the marriage as they are pressurised, or abuse is used, to force them to do so. Forced marriage typically occurs in the context of 'honour-based' abuse and involves the use of violence, threats or any other form of coercion against a person with the intention or belief that the conduct may cause a person to enter into a marriage without consent. This includes non-binding traditional or unofficial marriages. Victims may be of any age and many are under 18. Forced marriage is a criminal offence in Northern Ireland under section 16 of the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#).

Female Genital Mutilation (FGM)

This is a gender based form of violence inflicted against women and girls. It is generally inflicted upon children and young people and is considered to be a form of child abuse. It can however also be carried out on women for a variety of reasons such as giving a woman social acceptance before marriage or ensuring her chastity. FGM can be very dangerous and painful. The procedure can cause emotional and physical trauma including shock, blood loss and infection. FGM is a criminal offence in Northern Ireland under section 1 of the [Female Genital Mutilation Act 2003](#).

Modern Slavery

This is a serious crime that violates human rights. Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self. Modern slavery takes many different forms both within and outside personal relationships. It can include forced labour, forced marriage, domestic servitude and sexual exploitation. Where there is evidence of this type of abuse in a relationship this may be an offence. Further information can be found in the PPS's [Policy for Prosecuting Cases of Human Trafficking and Modern Slavery](#).

Annex B: Domestic abuse issues relevant to particular groups

Introduction

Domestic abuse can and does happen to anyone. Individuals of domestic abuse can be the victims of multiple and different abusive behaviours because of the way different characteristics, such as immigration status, sex, race, ethnicity, age, religion or belief, socio-economic position, gender identity and sexual orientation intersect and overlap.

This section is intended to identify the different impacts of domestic abuse on people from a range of communities and groups, and the particular considerations that prosecutors should bear in mind. Some of the issues listed will be common to all victim and perpetrator groups, such as many victims trivialising the abuse they suffer, or fearing they will not be taken seriously.

Victims may fall into one or more of the categories listed below. Therefore, each case will need to be assessed on its own facts and merits, and support needs identified accordingly.

Women

The PPS recognises that domestic abuse victims are predominantly women, and experience abuse perpetrated largely by men. There is significant evidence available that women will be subjected to a greater level of, and more severe physical violence and control, and more likely to experience sexual violence where abuse has been perpetrated by a male. Women may therefore be more vulnerable as a result of this abuse.

The abuse suffered by women will, in most cases, involve a combination of physical violence and controlling and coercive behaviour; however, it is also recognised that physical violence does not always have to feature in all cases. Often, threats of, or actual physical violence may occur where a male perpetrator wishes to exert control over a female victim. For example, some perpetrators may threaten harm where the victim does not agree to carry out certain preferences, such as the way the victim should dress or behave. In other cases, coercion or controlling behaviour can be used by a male perpetrator to exert dominance over a female victim, such as depriving them of contact with friends or family.

Women are at the highest risk when they leave an abusive relationship or are thinking about or planning to leave. Domestic abuse can also start or get worse during pregnancy.

Men

Prosecutors should be aware that there is a significant under-reporting of domestic abuse by male victims. Men and boys who are victims of domestic abuse may be reluctant to report domestic abuse due to fears of stigmatisation, concerns about not being believed or they may not recognise that they are victims of domestic abuse. Male victims may be hesitant to report abuse as they fear the consequences that may ensue in relation to their family settings.

A male victim's physical appearance may make them feel less able to report the abuse they are experiencing for a fear that they will not be believed. In the same way that females can be victims of familial abuse, males can also experience similar issues. Male familial abuse may be perpetrated by other males in the family to exert dominance or control, but also by females. For example, male victims may be just as susceptible to abuse perpetrated in the name of forced marriage. This may occur despite the male victim's sexual orientation or gender identity.

Same sex, bisexual and transgender (LGBTQ+) relationships

LGBTQ+ members of our community often face many additional challenges in our society when trying to access support and justice through the criminal court system.

Domestic abuse can happen to anyone who is in a relationship. It is a problem that cuts across a cross-section of society and research shows that LGBTQ+ victims are disproportionately affected. LGBTQ+ victims experience similar forms of domestic abuse, harassment and stalking as heterosexual people. However, there are specific barriers to them accessing support and additional elements of abuse that they face.

The dynamics of violence within relationships involving same-sex, bisexual or transgender individuals may be similar to those within heterosexual relationships, but there may be additional issues, dynamics and barriers that will require careful consideration by prosecutors. For example, there may be some pre-existing isolation from the victim's family as a result of the individual's sexual orientation or gender identity which may be exploited by an intimate partner.

Exploitation and abuse by the perpetrator could manifest in a variety of ways, as explored above through the use of physical or sexual violence, or through controlling or coercive behaviours. A victim may fear their preferences or relationship choices may be 'outed' by an intimate partner or there may be threats of removal of children by Social Services. Additionally, where victims' families are aware of sexual orientation or gender identity, there may be coercive or controlling behaviours used by those family members to deny or hide an individual's sexual or gender identity, such as being forced into marriage, or even being physically abused.

Some victims may fear homophobic or transphobic reactions from the statutory services when reporting incidents, or feel less confident in accessing services they perceive to be more readily available for heterosexual individuals.

Victims should be assured they will be treated fairly, in the same way as everyone else and without judgement, and with specialist support to their specific circumstances if further support is required. LGBTQ+ victims may not have the same range of access to places of safety as do heterosexual victims.

Young people

Teenage relationship abuse

Domestic abuse between teenagers, or a teenager and an older person, can be just as severe and life threatening as abuse between two adults. Young people who experience domestic abuse may not identify themselves as victims as they may perceive their relationship to be 'casual' or they may feel that domestic abuse only occurs between adults that are cohabiting or married. It can therefore be difficult for them to recognise and accept that they are being abused and the abuse may remain hidden. Abusive behaviours within teenage relationships can include similar incidents or patterns of behaviour as adult relationships. For teenagers in particular, abuse may occur using technology such as social media, tracking apps and intimate image abuse. Young people who are LGBTQ+ may face unique obstacles to seeking help, especially in the context of a first relationship or when first coming out as they may feel unable to confide in their family and peers.

Whilst intimate domestic abuse is likely to take place in private between teenagers, it is less likely that a teenage victim will share a home with their abuser. This means that victims will be more likely to live away from direct or immediate physical abuse. However, this should not minimise the extent of abuse perpetrated. A teenage victim may also suffer physical abuse and patterns of coercive or controlling behaviour can be just as intense and damaging to a victim, but may manifest in a different way (for example, abuse through social media may be more prevalent in relationships between young people). Abuse between teenagers may take place in an 'online space' and/or other places outside of their home. For example, certain behaviours may be perpetrated at school or college/university, at extra-curricular clubs, within social events/circles or in their own neighbourhoods.

Some teenagers may also live with the perpetrator's family. In some instances, this may prove to be an additional barrier, even in circumstances where the family are unaware of the abuse taking place. Prosecutors should carefully consider the background of the relationship between teenagers. Some victims may not recognise they are in an abusive relationship, or that they may have 'normalised' the behaviour of the perpetrator in some way. Prosecutors should be mindful that the parents of those involved may not know about the relationship (individuals may fear telling their parents about their own, and/or their partner's sexuality or race, or even the fact that they are in a relationship). They may fear their family's reactions to the offending or any subsequent proceedings. These factors may pose additional barriers to the reporting of any crime. Prosecutors should be wary of the impact the family's reactions may have on the victim, and therefore need to be careful in their communications. Prosecutors are advised to find out about the victim's family life and dynamic, to establish who should receive any communications sent.

Teenagers and young people in care homes

Domestic abuse within the Care Home setting can be seen through various forms, including:

- 'Perceived' relationships - a victim's understanding of a relationship with other young people in the home, or, more significantly, those they meet outside the home, may in fact be a relationship of exploitation or coercion to undertake criminal activity;
- Victims may be coerced into sexual activity in return for status or protection;
- Some victims may be taken advantage of after being given alcohol or drugs, or may be abused whilst under the influence of drugs or alcohol; or
- Victims may be given 'trophy' statuses or 'passed around' where they may then be abused by multiple defendants.

This list illustrates only some examples of the types of abuse falling under the domestic abuse definition which may take place between young people and should not be seen as an exhaustive list. The use of social media is very common. Victimisation can take place through mobile communication and also through social media networks.

Older people

Some older people may be vulnerable to domestic abuse as a result of their mental or physical frailty, and/or mental capacity or physical disabilities; however, these are not the only factors which could lead to an older person being abused. Other factors prosecutors may want to consider include:

- Events occurring in later life such as the development of health problems or the retirement of their abuser from work may lead to a victim experiencing abuse or violence, or an increase in such behaviour;
- Changes in life circumstances leading to a shift in the balance of power between intimate partners, or family members;
- Where the victim is physically impaired or experiencing ill health, abuse may begin as a result of ‘care-giver’ stress or anxiety;
- The victim’s mental health may also lead to them being more vulnerable and at increased risk of abuse; or
- Older age can lead to societal or geographical exclusion or isolation which may make a victim more vulnerable to abuse.

This is not an exhaustive list, and it should be borne in mind that some of these factors may also relate to inter-familial or age-related abuse, and not just abuse between intimate partners.

Abuse may be perpetrated on older victims for a number of reasons, and does not necessarily cease or reduce as the victim or abuser gets older. In fact, an older victim may experience more frequent or increased intensity of abuse as they feel they are less able to ‘escape’ the abuse; additionally, some older people may only start to experience abuse at this stage in their life.

Older victims may:

- have grown up in a generation where domestic abuse was acceptable and not ‘talked about’, or expected to be tolerated as a part of a ‘normal’ relationship;
- find themselves in a mutually dependent relationship with their abuser, and as a result may fear that by reporting the abuse and supporting a prosecution, they will be left without a carer or companion, or without any financial support;

- feel unable to cope leaving their family home and everything they had built up with their partner over the years;
- have less knowledge of support services available to them, as some may not know how to access the information to find out more, or may be unaware of the services and the support that may be available to them.

Some victims may also believe that services are not available to them because of their age. They may:

- have no financial independence (such as not owning their own bank account or not having their name appear on the mortgage deed to their family home);
- fear negative reactions they may receive from their family or children and the thought that they may be ‘making a fuss at their age’. Victims may also fear reactions from their wider community or ethnic group;
- want to protect the ‘sanctity of marriage’ and the privacy of their home life, and not wanting to involve ‘outside’ parties in their domestic life;
- have concerns over additional health needs as a result of a disability or impairment, the onset of mental health conditions, or deteriorating ill-health; and
- sometimes simply have a fear of the unknown.

The forms of abuse an older victim might experience may also take the form of neglect of care or medication, not just by a partner, but also by a family member.

Disability

Many disabled people face problems of negative attitudes towards either their mental or physical impairment and may often feel isolated. In fact, some victims may be specifically targeted as a result of their mental health condition or physical impairment by the abuser, to exert control and dominance, whether through physical violence, or through less obvious controlling and coercive behaviours. Assisting disabled and vulnerable victims through prosecutions may require the involvement of multiple agencies to ensure a holistic approach is taken to the handling such cases.

Where appropriate, the PPS will consider the use of Registered Intermediaries for some victims. Disabled victims will experience some of the same physical violence and coercive control that non-disabled victims experience; however, disabled victims may experience other types of abuse as a result of their specific disability. Some victims may be unwilling to report abuse due to limited access to services, a lack of confidence with managing everyday tasks, low self-esteem, or an enforced dependence on others to carry out those tasks. This social and physical dependence can lead to an increase in a victim's vulnerability to domestic abuse, leaving them with few or no alternatives to escape the violence. These circumstances may be exacerbated further by the possibility that the abuser may also be the victim's carer.

The early identification of specific support needs is critical. Certain disabilities such as deafness will require specialist care and attention to ensure that the victim has been properly understood when providing their account of the offending behaviour, and that they are comfortably supported with special measures and other support requirements if attending court.

Victims with mental health conditions should also be given special care and attention by prosecutors. Victims will require more tailored approaches depending on the level of their mental capacity and/or learning difficulty; this should not be taken to undermine competency as a victim or as a witness in court.

Minority ethnic communities

Each offence, perpetrator and victim will be very different, and care should be taken to avoid stereotyping the type of abuse that may be suffered by victims from specific ethnic communities. Perceptions or experiences of racism in the criminal justice system and throughout other aspects of society may make it difficult for victims of domestic abuse in minority ethnic communities to report an offence or support a prosecution. Many victims may worry that they will not be believed or that they will not be treated fairly. Additional considerations, such as pressure from within the immediate and extended family and the wider community, together with cultural traditions, may also prevent or delay victims from reporting offences of domestic abuse.

Domestic abuse may take different forms within minority ethnic communities and may not be demonstrated explicitly through physical violence, but rather through controlling or coercive behaviours.

Some examples are:

- Honour-based violence and forced marriage (as distinct from an arranged marriage, where the marriage is based on free consent);
- Dowry-related violence;
- Enforcement of cultural/traditional roles at a young age (e.g. female genital mutilation);
- Shaving of the head or acid attacks to minimise the female's physical appearance;
- Preventing the victim from finishing education or pursuing a career; and
- Violence and disowning of the victim by the family or community (for 'shameful behaviour'). Such behaviours may be perpetrated by intimate partners and also by family and/or wider community members.

Assumptions should not be made that all domestic abuse within minority ethnic communities takes these forms. Some abuse will be similar to that perpetrated in non-minority communities (for example, prejudices towards inter-racial relationships; pregnancy outside of marriage etc.).

As such, the PPS will proceed with caution when communicating with the victim about a case. It is highly likely that the victim and perpetrator will be living in the same household. Some cases will be very clearly honour-based, and some will not; others, may also be a combination of both. In some cases of domestic abuse, some offences may be perpetrated by multiple perpetrators, and despite the conviction of one perpetrator the abusive behaviour may still continue by others who still have access to the victim. It is therefore essential that prosecutors and police work closely to understand the nature of the abuse and identify whether there are single or multiple perpetrators involved.

The forms of domestic abuse experienced by ethnic minority victims can be triggered by a number of issues, including, but not limited to:

- Loss of virginity;
- Being in a 'secret' or what the family perceive as 'unsuitable' relationship;
- Disclosure of rape or sexual abuse;
- Pregnancy (particularly where pregnancy occurs outside marriage, or from a 'secret' or 'unsuitable' relationship) and/or forced abortion or termination of pregnancy; or
- Lifestyle (alcohol or sexual activity) being revealed.

In some minority groups, women may become more vulnerable and fear leaving their abuser because they may be unable to speak or understand English to a confident level and may therefore feel unable to access the support that is needed. This lack of confidence may be exploited by abusers, especially in scenarios between intimate partners where threats may be made to have children taken into care. The same methods of manipulation may be used to suggest that the victim is suffering from mental health issues, where this may not be the case.

Additionally, some women with little understanding of the English language may be left in difficult situations where they have participated in religious (but not legally binding) ceremonies to marry British national men. Some victims in these circumstances will experience castigation by their husband where they do not conform to family expectations, and as a result may be left without any family or friends, community support, financial means, and in some extreme cases even made homeless.

These are only some examples of the barriers and difficulties faced by women from ethnic minority communities and should not be seen as an exhaustive list. It is therefore important that as much information is provided to the PPS as possible, and with the assistance of specialist groups where available, to understand the nature of abuse experienced by the victim, and to enable identification of the support needs required by them.

Cultural or religious beliefs may also be a deterrent for victims coming forward; victims may be made to feel ashamed by their community, or may fear isolation by the community. Additionally, community leaders or faith leaders in some cultures or ethnic groups may play the role of a mediator and discourage the victim from reporting. PPS is sensitive to cultural issues which may take the form of mediation, as well as certain practices which some cultures exercise.

Cultural and religious practices should be respected to a point; however, they should not be seen as an 'excuse' to cover domestic abuse between partners or family members. PPS is aware of community courts/arbitration forums in some ethnic communities by victims and perpetrators. These should not be used as an alternative to criminal proceedings. Some perpetrators may use these mechanisms to make a case for staying with their partner, thereby enabling the abuse to be continued.

Prosecutors will, where possible, seek advice or information from specialist support services and organisations where required to ensure that a proper understanding of such practices is obtained, and that any risks to victims are properly identified. Family members should not act as interpreters for those who do not have a competent or confident understanding of English.

Checks should be made to ensure the interpreter does not have any connection with them or their family. Victims may request an interpreter of the same sex - this should be arranged so far as is possible. Prosecutors will bear in mind that written communication may also be difficult for a victim to understand, and translators may be required in these circumstances.

Immigrants, refugees and asylum seekers

There will be a number of victims with insecure immigration status, and as a result they may have no recourse to public funds despite having valid leave to stay in the country. This restriction may make it difficult for victims of domestic abuse to leave abusive situations, often leaving them with no option but to stay in the abusive relationship or leave with little support thereafter. Immigrants will experience many barriers to reporting domestic abuse; in fact, an individual's immigration status may be used as a vulnerability to perpetrate abuse by the defendant through fear that insecure immigration status of the victim may be 'outed'.

The perpetrator's immigration status may also be used as a way to commit offences and exploit a victim - for example, the perpetrator may use the insecure status to prevent the victim from reporting the offending behaviour to the police, by telling the victim they may be penalised by the authorities in some way. Some victims may have entered the country through forced marriage and be kept isolated from other people or services or social freedom, and may find themselves being unable to leave their situation for fear of lack of support or knowledge of services available. Prosecutors may find it helpful to also refer to the PPS's Policy for Prosecuting Cases of Modern Slavery and Human Trafficking for further information on these issues.¹²

To settle permanently in the UK as a victim of domestic abuse, individuals will need to prove:

- Permission to enter or remain in the UK as the husband, wife, civil partner or unmarried/same-sex partner of a British citizen or person settled in the UK (even if that permission is no longer valid);
- The relationship was existing and genuine and not a 'marriage of convenience', when the permission to enter or remain was last given; and
- The individual is a victim of domestic abuse and this has caused the relationship to break down before the end of the permission to enter or remain.

¹² See the PPS's [Policy for Prosecuting Cases of Modern Slavery and Human Trafficking](#) for further information

Where a prosecution is pending against a partner who is a British citizen or where they are settled in the UK, the victim may be granted further periods of limited leave to remain (usually 6 months) until the outcome of the prosecution is known. When reviewing a domestic abuse case in which the victim is a member of the refugee community or an asylum seeker, prosecutors should take into account the combination of social and cultural factors, communication difficulties, lack of information in their own language and lack of access to informal and formal support, which may make it difficult for the victim to support or take part in a prosecution.

Some asylum seekers and refugees may have been victims of abuse in the countries they have escaped from; they also be suffering from experiences related to that abuse, such as mental health problems. Also, some victims may present with behaviours which are not seen as 'normal' for victims of abuse - again, prosecutors will be mindful to avoid assumptions and make no presumptions about being a 'perfect victim'. Where asylum seekers inform the immigration authorities of any domestic abuse that has taken place previously, the authorities will in turn inform the police.

The immigration authorities have facilities in place to assist asylum seekers in protecting their identity and that of any children, as well as moving the victim and children to safe accommodation if required. Prosecutors will note the potential problems and possible solutions of such circumstances and set out what steps need to be taken if the victim is to give evidence (for example, special measures, use of an interpreter, support from a specialist support organisation or Victim Support, etc. is needed for the victim to give their best evidence).

Individuals involved in sex work

Individuals involved in sex work can also fall into the category of those who experience domestic abuse. In some cases, these individuals may be more vulnerable as a result of their immigration status, age, mental health vulnerabilities, ethnic background or addiction/substance misuse. Victims may be at risk of domestic abuse, particularly if, as in many instances, their partner is also their 'pimp'. Additionally, victims may be forced or coerced to become involved in sex work by their spouse or partner, which is also seen as a way of perpetrating domestic abuse.

When dealing with cases where the victim is involved in sex work, prosecutors shall work proactively with the police to ensure as far as possible, that the victim is fully supported during any proceedings. It should be recognised that some victims may fear coming forward as a result of their circumstances and the possibility of already being known to the police. Continuing with a prosecution may place a victim at further risk from their 'pimp' or partner. As a result, victims may be more likely to support a prosecution if there are arrangements made to ensure their safety. Regardless of safety measures put in place, victims involved in sex work may decide to withdraw their support for a prosecution; it is essential that if a prosecution continues that these safety considerations remain in place - the safety of the victim is paramount.

Risk assessments around the risks to the victim and what further risks may be revealed if for example, the victim is compelled to give evidence by witness summons, should be requested from police. Additional offences, such as human trafficking, may also be disclosed or considered for prosecution.

ANNEX C: **Relationships impacted by domestic abuse**

Domestic abuse can occur in an intimate or family relationship. The types of relationships where domestic abuse may normally occur include:

Intimate partner abuse

Domestic abuse most commonly takes place in intimate partner relationships, including same sex relationships. Intimate relationships can take many forms; partners do not need to be married or in a civil partnership and abuse can occur between non-cohabiting intimate partners. Abuse can vary in severity and frequency, ranging from a one-off occurrence to a course of behaviour. Abuse can often carry on, or escalate, even when a relationship has ended and can cause ongoing harm. Evidence shows that victims are at much greater risk of domestic homicide at the point of separation or after leaving an abusive partner. Domestic abuse between intimate partners can happen at all ages, not just in adult relationship.

Abuse by family members

Domestic abuse can be perpetrated by a family member; by children, grandchildren, parents, those with 'parental responsibility', siblings or extended family including in-laws. Abuse may be perpetrated towards a victim by more than one relative. Abuse within a family setup can encompass a number of different harmful behaviours. It can also include 'honour-based' abuse, forced marriage, female genital mutilation and other harmful practices. Young people may be at an increased risk of abuse perpetrated by family members as they are more vulnerable and it is harder to distinguish between normal and abusive behaviours.

Prosecutors will be aware that males may exert dominance over female family members through a number of different methods and scenarios. For example, a son may be violent or abusive towards his mother in order to acquire a benefit or gain (such as money, or theft of an item to secure financial gain). Other male / female relationships may be exploited in similar ways in order for the male to gain dominance over the female. However, it should be recognised that some, but not all, instances of familial abuse will also be perpetrated under the guise of 'protecting' a female within the family, or to avoid the female bringing the family shame or dishonour.

This type of abuse is not solely perpetrated by males against a female victim; other females may also be involved, but it is important that prosecutors note the role of males in such cases.

Child-to-parent or grandparent abuse

This abuse can involve children of all ages, including adult children who are legally adults as well as children under 16 years old. Abusive behaviours may include, but are not limited to, humiliating and belittling language, violence and threats, jealous and controlling behaviours, damage to property, stealing and sexualised behaviours.

Victims may not report abuse as a result of a number of barriers such as:

- Shame or embarrassment that they are being subjected to abuse by a younger family member;
- Disagreement between family members on how the abuse should be handled;
- A possible lack of awareness that the behaviour actually constitutes abuse;
- Little understanding of the issues which may contribute to the abuse perpetrated (e.g. a new baby in the family, breakdown of family relationships, new partners of family members, substance or alcohol misuse, mental health issues etc.);
- Parents/other victims may feel that there are no support services available to them in these scenarios;



- Parents/other victims may not want the defendant to end up with a criminal record and may fear that by reporting they would be impacting on the future of the defendant; or
- Victims may be unaware of the support and services available for the young person.

Sibling abuse

Sibling abuse involves abusive behaviour of one sibling by another. It may begin at any age and falls within the definition of domestic abuse. It can happen in any family and is sometimes seen where siblings are forced to work together or live in very close proximity.

ANNEX D: Examples of abusive behaviour¹³

Annex D - Examples of abusive behaviour

Behaviour that makes the victim dependent on or subordinate

This could include, for example:

- preventing or controlling access to money or providing a menial allowance;
- refusing to contribute to household income;
- forcing them to leave their job so that they have no money of their own;
- forcing them to work multiple jobs to 'provide' for the family;
- not allowing them to spend any money unless 'permitted';
- manipulation of family finances due to the 'need' of the abuser to use drugs / gamble etc.;
- persuading them to leave education in order to limit their prospects;
- taking charge of household decision-making to their exclusion;
- running up bills and debts such as credit/store cards in a victim's name, including without them knowing;
- preventing a victim from claiming welfare benefits or preventing access to split payments of Universal Credit;
- setting 'rules' with consequences if they are broken; or
- treating them as a domestic slave, making unreasonable demands or checking up that 'chores' have been done.

Behaviour that isolates the victim from friend, family or other sources of social interaction or support

This could include, for example:

- controlling their movements;
- controlling access to their phone or other forms of communication;
- only allowing them to speak to certain people;
- not allowing visits from their friends or family;
- forcing them to move to an isolated area;

¹³ See [Abusive Behaviour in an Intimate or Family Relationship - Statutory Guidance](#) (Department of Justice, March 2022) for further information.

- removing access to transport;
- deliberately failing to pass on messages from friends or family; or
- isolating them from other family members and depriving their access to support services more generally.

Behaviour that controls, regulates or monitors the victim's day-to-day activities

This could include, for example:

- making frequent calls to check where they are and what they are doing;
- controlling or monitoring their phone, e-mail, social media use or online activity (including communication use);
- demanding that they hand over passwords;
- use of spyware or GPS locators on electronic or personal devices or transportation;
- using hidden cameras or drones to spy on them;
- monitoring them at work, via spyware or getting someone to follow them and report back;
- controlling what clothes they can or cannot wear, how they style their hair, when they sleep, what they eat and other aspects of their everyday life;
- control of their access to and use of money;
- monitoring their time and use of time for both work and personal activities;
- using substances to control them through dependency;
- using children to control them e.g. threatening to take the children or manipulating professionals to increase the risk that they are removed into care; or
- placing unreasonable demands on them e.g. preparing meals in a particular way at a particular time every day or to answer the phone within three rings.

Behaviour that deprives or restricts the victim's freedom of action

This could include, for example:

- preventing them from attending work or college;
- preventing them from leaving the house alone; or

- insisting on accompanying them to medical appointments, without good reason, and not allowing them to talk or take decisions for themselves in relation to private, individual matters that they are capable of making.

Behaviour that frightens, humiliates, degrades or punishes the victim or a connected person

This could include, for example:

- threats to hurt or kill them;
- threats of institutionalisation (particularly for those that are disabled, elderly or have mental health issues);
- using abusive names to humiliate them whether in private or in company;
- repeatedly yelling or shouting at them, constantly criticising them or repeatedly putting them down and telling them that they are worthless;
- controlling their access to the toilet;
- forcing them to eat food off the floor;
- threatening to reveal or publish private information, including via photos or the internet e.g. threatening to 'out' them or disclose details of sexual activity or a medical condition;
- placing false or malicious information about them on social media;
- trolling them online;
- threats to hurt their child or pet;
- mocking them about their disability, gender, sexual orientation or physical appearance;
- threatening to kill themselves or self-harm;
- threatening a child, including inappropriately restricting access to them; or
- playing mind games to cause them to doubt their sanity.

Annex E: Other offences available to prosecutors

The table below provides examples of the types of behaviour that can occur in cases of domestic abuse and which might amount to a criminal offence. Whether any particular behaviour does amount to a criminal offence will always depend on the circumstances of the particular case. This list provided is in alphabetical order and is not exhaustive. These examples provided should be regarded as guidelines only.

Please note that where any of the behaviours listed below occur on at least two occasions, prosecutors may prosecute the domestic abuse offence, provided the other conditions outlined in Chapter 2 have been met. Therefore the domestic abuse offence has not been included in the table below.

Examples of behaviour	Possible offences
Choking, strangling, suffocating.	Non-fatal strangulation, common assault, assault occasioning actual bodily harm, grievous bodily harm, attempted murder.
Damaging or destroying property or threatening to damage or destroy property.	Criminal damage, threatening to cause criminal damage, threatening or abusive behaviour.
Enforced financial dependence or unreasonably depriving someone of money	Harassment. ¹⁴
Enforced sexual activity.	Rape, indecent assault, harassment, living off immoral earnings.

¹⁴ The behaviour must constitute a course of conduct, namely conduct on at least two occasions. The Protection from Harassment (Northern Ireland) Order 1997 provides conduct may include speech.

Examples of behaviour	Possible offences
Excessive contact, e.g. numerous phone calls to check someone's whereabouts.	Stalking ¹⁵ , threatening or abusive behaviour, harassment.
Following, loitering, entering premises, watching or spying on a person.	Stalking, threatening or abusive behaviour.
Forced marriage.	Kidnap, blackmail, false imprisonment, common assault, assault occasioning actual bodily harm, grievous bodily harm, rape, indecent assault.
Forcing entry into a house.	Criminal damage aggravated burglary ¹⁶ , breach of occupation order or non-molestation order. ¹⁷
Harming or threatening to harm a pet.	Criminal damage, threatening to cause criminal damage, cruelty to animals, harassment, threatening or abusive behaviour.
Leaving unwanted gifts or interfering with another's property.	Stalking, threatening or abusive behaviour.
Locking someone in a room or house or preventing him or her from leaving.	False imprisonment, harassment, threatening or abusive behaviour.
Neglecting, abandoning or ill-treating a child.	Child cruelty.

¹⁵ The behaviour must constitute a course of conduct, namely conduct on at least two occasions.

¹⁶ Where the defendant enters as a trespasser with intent to steal, inflict grievous bodily harm, rape or do unlawful damage.

¹⁷ Non-molestation and occupation orders are civil orders which may be obtained under the Family Homes and Domestic Violence (NI) Order 1998. If a non-molestation order (or an occupation order where a non-molestation order has also been obtained) is in force and has been served on the defendant, then breach of the order is a criminal offence.

Examples of behaviour	Possible offences
Offensive / obscene / menacing telephone calls, text messages or letters.	Improper use of public telecommunication systems, malicious communications, assault occasioning actual bodily harm, grievous bodily harm, stalking, harassment, threatening or abusive behaviour
'Outing', e.g. sexual orientation or HIV status.	Harassment, threatening or abusive behaviour, blackmail.
Persistent verbal abuse, e.g. constant unreasonable criticism.	Harassment, threatening or abusive behaviour.
Physical violence, with or without weapons, including: punching, spitting, slapping, pushing, kicking, headbutting, and hair pulling.	Common assault, assault occasioning actual bodily harm, grievous bodily harm, wounding, attempted murder.
Pressurising a victim / witness to "drop the case" or not to give evidence.	Witness intimidation, conspiracy to pervert the course of justice.
Preventing someone from seeking aid, e.g. medical attention.	False imprisonment, assault occasioning actual bodily harm.
Preventing someone from visiting relatives or friends.	False imprisonment, kidnapping, harassment.
Sending unwanted sexual images or threatening to disclose sexual images.	Sending unwanted sexual images, threatening to disclose sexual images.
Threatening to kill someone.	Threats to kill, harassment, threatening or abusive behaviour.

Examples of behaviour	Possible offences
Threatening with an article used as a weapon, e.g. a knife, tool or chair.	Threats to kill, common assault, possession of an offensive weapon (if in a public place), threatening or abusive behaviour
Threats to cause injury.	Common assault, threatening or abusive behaviour.
Throwing articles, e.g. crockery, even if they miss their target.	Common assault, criminal damage.
Tying someone up.	Common assault, assault occasioning actual bodily harm, false imprisonment.
Violence resulting in death.	Murder, manslaughter.
Violence resulting in miscarriage.	Child destruction, procuring a miscarriage or abortion.

Annex F: Useful contacts and sources of support

Public Prosecution Service

Policy and Information Unit

Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

Telephone: (028) 9089 7100
Deaf/Hard of hearing (SMS): 07795 675528

Email:

For general enquiries: info@ppsni.gov.uk

For complaints: complaints@ppsni.gov.uk

For requests for a review of a no prosecution decision:
reviews@ppsni.gov.uk

PPS Website:

www.ppsni.gov.uk

Belfast and Eastern Region / Headquarters Sections

Belfast Chambers

93 Chichester Street
Belfast BT1 3JR
Telephone: (028) 9054 2444
Deaf/Hard of hearing (SMS): 07795 673927

Western and Southern Region

Foyle Chambers

35 Limavady Road
Londonderry BT47 6LP
Telephone: (028) 7134 0648
Deaf/Hard of Hearing (SMS): 07795 675338

Omagh Chambers

2 Townhall Square
High Street
Omagh BT78 1BL
Telephone: (028) 8224 4319
Deaf/Hard of Hearing (SMS): 07795 831188

Newry Chambers

1 Downshire Close
Newry BT34 1FD
Telephone: (028) 3083 2500
Deaf/Hard of Hearing (SMS): 07795 810114

Victim and Witness Care Unit

Belfast Office (for Belfast and Eastern Region)
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR

Telephone: (028) 9026 4690
Deaf/Hard of Hearing (SMS): 07825 118389
Email: vwcubelfast@ppsni.gov.uk

Foyle Office (for Western and Southern Region)
35 Limavady Road
Londonderry BT47 6LP
Telephone: (028) 7134 0632
Deaf/Hard of Hearing (SMS): 07825 118416
Email: vwcufoyle@ppsni.gov.uk

Police Service of Northern Ireland

65 Knock Road
Belfast BT5 6LE
Telephone: 028 9065 0222
Website: www.psni.police.uk

Domestic and Sexual Abuse Helpline

The Domestic and Sexual Abuse Helpline can be contacted free of charge, 24 hours a day, 365 days a year. This is a confidential service available to both women and men. A telephone translation service is also available. Trained helpline workers can talk about the help and support that you could get. You can also contact the Helpline if you are worried about a friend or relative and you want support on how to help them.

The Helpline also provides information to statutory agencies and charities. To contact the Helpline call **0808 802 1414**. It is free and the number does not appear on a landline telephone bill. You can also send an email to the Helpline address help@dsahelpline.org. The email service is also confidential and does not record your email address. Visit www.dsahelpline.org for more information and webchat.

You can also seek emotional and practical support from Victim Support NI if you have been affected by crime.

Victim Support NI

Victim Support NI helps people affected by crime, including hate crime, e-Crime, and sexual and domestic violence crime.

Telephone: 028 90243133
Email: info@victimsupportni.org.uk
Website: www.victimsupportni.com

NSPCC

NSPCC provides therapeutic services to help children move on from abuse, as well as supporting parents and families in caring for their children.

Helpline: Telephone 0808 800 5000

Childline: Telephone 08001111

Email: help@nspcc.org.uk

Website: www.nspcc.org.uk

Women's Aid Federation NI

Women's Aid NI work to provide trauma informed support services to women, children, and young people who have experienced domestic abuse.

Telephone: 028 9024 9041

Email: info@womensaidni.org

Website: www.womensaidni.org

The Men's Advisory Project (MAPNI)

Men's Advisory Project NI offers services of support to any man who has faced, or who is facing, domestic abuse across all of Northern Ireland.

Phone: 02890 241929 (Belfast)

Phone: 02871 160001 (Foyle)

Email: info@mapni.co.uk

Website: www.mapni.co.uk

The Rainbow Project

The Rainbow Project is a health organisation that works to improve the physical, mental, and emotional health and well-being of LGBTQIA+ people and their families.

Telephone: 02890 319090

Email: info@rainbow-project.org

Website: www.rainbow-project.org

Nexus NI

Nexus NI provide a specialised professional counselling service primarily focused on enabling positive change for those impacted by sexual abuse and abusive relationships.

Telephone: 028 90326803

Email: help@dsahelpline.org

Website: <https://nexusni.org>

ASSIST NI

Domestic and Sexual Abuse Advocacy Service

c/o 30 Adelaide Park

Belfast

BT9 6FY

Website: www.assistni.org.uk

Email: info@assistni.org.uk

Domestic Violence and Abuse Disclosure Scheme (DVADS)

The Domestic Violence and Abuse Disclosure Scheme was introduced in Northern Ireland on 26 March 2016. DVADS is a police-operated scheme that lets a person (aged 16 or over) make enquiries to the police where they are concerned that their partner, or the partner of someone they know (such as a friend or family member), has a history of abusive behaviour. This scheme helps to address risk to potential victims, allowing them to make an informed choice on whether they wish to continue in their relationship.

Further information on the scheme can be accessed [here](#).

If you require any further information about the PPS, or a copy of this document in an alternative format, please contact:

**Policy and Information Unit
Public Prosecution Service
Belfast Chambers
93 Chichester Street
Belfast BT1 3JR**

Tel: (028) 9089 7100

Deaf/Hard of hearing (SMS): 07795 675528

Fax: (028) 9089 7030

Email: info@ppsni.gov.uk

Website: www.ppsni.gov.uk

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