

Domestic Abuse Intervention Policy 2017



The Policy of An Garda Síochána on Domestic Abuse Intervention 2017 has been developed in consultation with the Director of Public Prosecutions and incorporates changes in legislation, developments arising from the Cosc National Strategies on the prevention of Domestic, Sexual and Gender-based Violence and to comply with the Istanbul Convention and the EU Victims Directive (2012/29/EU). The theme running through the policy is the provision by An Garda Síochána of information, support and protection to victims.

While Domestic Abuse is not defined in Irish legislation, the physical, sexual, financial, emotional or psychological abuse of one person against another who is a family member or is or has been an intimate partner, regardless of the gender or sexuality, can be considered to constitute 'Domestic Abuse'. This Policy is a 'live' document, therefore it can be expected that amendments will be made on an ongoing basis, to reflect developments in legislation and changes to relevant practice.

This is a policy which encourages the making of an arrest, where appropriate and addresses the actions expected to be taken by personnel within An Garda Síochána when dealing with reported incidents of Domestic Abuse, from the time of receipt of the initial report. The policy provides guidance regarding, obtaining background information for first responders; gathering evidence even in the absence of a criminal complaint; providing advice to victims; the undertaking of follow-up actions; PULSE recording; liaison with Tusla, the Child and Family Agency and intervention to prevent escalation of abuse.

Each Divisional Officer will ensure that a member of Inspector rank is appointed within his/her respective area of responsibility, who is to be tasked with overseeing and monitoring the effective implementation of this Policy. Training will be provided to relevant personnel within An Garda Síochána in respect of the implementation of this policy.

AN GARDA SÍOCHÁNA



**POLICY OF
AN GARDA SÍOCHÁNA**

ON

DOMESTIC ABUSE

INTERVENTION

Revised Edition 2017

**INCIDENTS OF DOMESTIC ABUSE AND
THE GARDA RESPONSE**

Contents Page

Chapter	Title	Page
1	Policy Rationale	2
2	Statement of Policy	3
3	Procedure	4
4	Arrest	7
5	Safety / Barring / Interim Barring / Protection Orders	8
5.6	Safety Order	8
5.7	Barring Order	9
5.8	Interim Barring Order	10
5.9	Protection Order	10
6	Bail	10
7	Welfare of Children	11
8	Diversity	12
9	Domestic Abuse and Disability	13
10	Domestic Abuse and Elder Abuse	13
11	Advice and Support	13
	Conclusion	16

1.0 POLICY RATIONALE

- 1.1 The function of An Garda Síochána is to provide policing and security services for the State, as set out in the Garda Síochána Act 2005. The objectives in Section 7 of this Act include 'vindicating the human rights of each individual'. This is in addition to the rights outlined under the Constitution of Ireland and the [European Convention on Human Rights](#) (ECHR)
- 1.2 Personnel within An Garda Síochána, while carrying out their functions, shall, at all times, respect a person's personal rights and his/her dignity as a human being and shall not subject any person to ill-treatment of any kind. It is necessary, also, to ensure that all Garda decisions and actions in relation to Domestic Abuse must be **Proportionate, Lawful, Accountable, Non-Discriminatory, and Necessary**
- 1.3 The '[Code of Ethics for the Garda Síochána](#)' sets out guiding principles to inform and guide the actions of personnel within An Garda Síochána, at every level of the organisation. The Code has regard to the Policing Principles set out in the Garda Síochána Act 2005 (as amended), which provide that policing must be carried out in a manner that is independent and impartial, that respects human rights, and that supports the proper and effective administration of justice. Personnel within An Garda Síochána are required to adhere to the standards set out in this Code, at all times.
- 1.4 Personnel within An Garda Síochána should, at all times, ensure that victims are provided with appropriate information, support and protection in accordance with their needs

2.0 STATEMENT OF POLICY

- 2.1 This Policy document on Domestic Abuse identifies the nature of intervention that personnel within An Garda Síochána are required to make when responding to Domestic Abuse related incidents. The policy incorporates Garda Síochána standards, procedures, relevant legislation and victim support information relevant to Domestic Abuse related incidents.
- 2.2 While Domestic Abuse is not defined in Irish legislation, the physical, sexual, financial, emotional or psychological abuse of one person against another who is a family member or is or has been an intimate partner, regardless of gender or sexuality, can be considered to constitute 'Domestic Abuse'.
- 2.3 Domestic Abuse is not confined solely to heterosexual relationships but can also occur within lesbian, gay, bisexual, and transgender (LGBT), relationships. The abuse may occur online, by way of harassment on social media and other websites. Although women in heterosexual relationships represent the majority of reported victims of Domestic Abuse, men in heterosexual relationships and both men and women in same sex relationships, may also be victims of the abuse involved.
- 2.4 The potential for an elderly person or a person who has a disability, to be a victim of Domestic Abuse, in circumstances where the abuser is a spouse or other relative or a carer, arises also.
- 2.5 Furthermore, children residing where Domestic Abuse takes place are likely to suffer its consequences.
- 2.6 It is necessary, therefore, to understand that Domestic Abuse may occur in a wide range of circumstances involving a diverse range of victims.
- 2.7 **Domestic Abuse crosses class, gender, race and religious belief.**
- 2.8 It is the duty of An Garda Síochána to investigate all incidents of Domestic Abuse, including reports of Domestic Abuse received from a third party. Domestic Abuse cases require special care and attention because of the vulnerable circumstances which may surround the injured party. She / he may not be in a position to make the kind of decisions which would be in her / his best interests, or the best interests of those in her / his care, in particular children. Inappropriate action by personnel within An Garda Síochána can often confirm the aggressor's perception of invulnerability which, in turn, can lead to further abuse.
- 2.9 Each District Officer will have a direct supervisory responsibility for the implementation of this Policy. Each Divisional Officer will nominate an Inspector to oversee the implementation of this Policy and evaluate its effectiveness within that Division.

3.0 **PROCEDURE**

3.1 Reports of crimes coming within the scope of Domestic Abuse will be dealt with promptly and thoroughly in accordance with this Policy. Any breach of the criminal law coming to the attention of the Investigating Garda should be fully investigated. Gardaí should always be aware of the potential danger to themselves which may exist and take appropriate precautions. If a report of Domestic Abuse is received from a third party, it must be investigated and the appropriate action taken. Information on Court Orders and support will be provided.

3.2 On receipt of the initial call for service, the call-taker will ascertain the following information from the caller :

- Name, Address, Contact phone number
- Details of any Court Orders, under the Domestic Violence Act 1996 (as amended), in force
- Who is the abuse being perpetrated against (e.g. caller / child / parent / neighbour)?
- Are children present?
- Have alcohol or drugs been taken?
- Weapons used (this incident / previously / access to weapons?)
- History of abuse (against victim/ Gardaí)
- Current risk (situation now – Perpetrator present
 - Nature of incident
 - Abuse occurring now)

From the information ascertained and any other available information, the call-taker will assess the risk.

3.3 When directed to attend the scene of a Domestic Abuse incident, responding Gardaí should conduct enquiries with the Garda Station, or Communications Room, in order to establish the following :

- Orders in force, in accordance with Domestic Violence Act 1996 (as amended), and valid dates
- Any previous incidents of Domestic Abuse
- The scale of abuse in previous incidents
- Risk to Gardaí
- Details of perpetrator
- Firearms at the location of this incident
- Previous violent behaviour of the perpetrator.

3.4 It is preferable that each incident of Domestic Abuse be attended by two Gardaí. If the investigating Garda is alone, the initial interview will be with the complainant or the alleged victim. If the victim prefers talking to a Garda of their own gender, every effort should be made to accede to this wish and include this Garda in the investigation. The assistance of local Ethnic Liaison Officers (ELO) should be considered when cultural issues are encountered. A full list of [local ELOs](#) is available on www.garda.ie.

3.5 There may be the need for the responding Garda to render first aid to the victim or abuser. If the victim has minor injuries and wants to be taken to a Doctor, hospital, or refuge, this should be arranged. If emergency medical treatment is required, the appropriate services (ambulance, fire brigade etc) should be contacted. If there is a possibility that the victim may die, the responding Garda will accompany the victim in the ambulance to the hospital, and, if appropriate, take a dying declaration. Appropriate

assistance should be called for, if the incident cannot be dealt with by the first Gardaí to attend the scene.

- 3.6 Members of An Garda Síochána will introduce themselves by name, remain calm and be patient, tactful, courteous and supportive. At the same time, the investigating Garda will display a positive, helpful and non-judgemental attitude. Victims should be encouraged and assisted in whatever way possible.
- 3.7 Direct verbal confrontation between the assailant and the victim will be prevented, by getting enough distance between them to enable each to relate her / his own story without interruption. In order to achieve this, the parties will be separated and kept out of sight and hearing of each other. This will remove the possibility of non-verbal intimidation being used. Personnel within An Garda Síochána should, at all times, be conscious of their own personal safety.
- 3.8 From the beginning, the investigating Garda will keep in mind the emotional and physical pain the victim may be suffering, while ensuring that **all available evidence**, regarding any alleged arrestable offence, is **obtained**. To this end, the investigating Garda will take note of the following: -
- (a) Day, date, time and place of incident;
 - (b) Detailed description of the occurrence, including injuries, with indications of corroboration, if any;
 - (c) Name and address of complainant / victim and alleged offender and **relationship between both**;
 - (d) The existence, or otherwise, of a Safety / Barring / Interim Barring / Protection Order;
 - (e) Name(s) and address(es) of any witness(es), including neighbours or persons who may be in a position to provide a statement of evidence;
 - (f) Physical and emotional condition of alleged victim and alleged offender;
 - (g) Physical and emotional condition of any children present; note any **child protection concerns**; and comply with [Children First National Guidance](#), as appropriate;
 - (h) Condition of premises;
 - (i) Photograph any damage and injuries
 - (j) Seek to have the area designated a crime scene, if deemed appropriate.
- 3.9 Where the investigating Garda has reasonable cause to suspect that an offence has been committed and a power of arrest exists, she / he should utilise that power of arrest, even if no Order is in existence. The injured party's attitude will not be the determining factor in respect of the exercise of such power. This must be done in addition to advising the victim on the process of obtaining an Order to protect against future Domestic Abuse incidents.
- 3.10 In addition to the above, the investigating Garda will also seize and retain any physical evidence, including recordings of emergency 112 / 999 calls, which could be used to support a prosecution, or which may prove, or disprove, an alleged fact. Where appropriate, in the case of an arrestable offence, the scene should be preserved in accordance with [Section 5 of the Criminal Justice Act 2006](#) (Designation of place as crime scene).

- 3.11 Where deemed appropriate, the investigating Garda, in consultation with the complainant and any medical personnel involved, should make arrangements to have the injuries of the complainant photographed.

The photographing of the complainant's injuries will occur only with the signed / written consent of the complainant or, where appropriate, that of the complainant's parent / guardian.

The implications of photographing such injuries must be explained to the complainant prior to obtaining any consent (i.e. the fact that they may be produced in any subsequent court proceedings and that they may be disclosed to the defence). The gender of the person taking the photographs should be decided by the complainant, unless, in the circumstances, this is not practicable.

- 3.12 **The investigating Garda should take a statement of complaint from the injured party.** This statement should cover details of the reported incident and any other previous incidents of Domestic Abuse the injured party discloses.

In relation to arrestable offences, members of An Garda Síochána should be aware of the provisions of [Section 16 of the Criminal Justice Act 2006 \(Admissibility of certain witness statements\)](#). It may be appropriate to video-record the reading over of the statement to the injured party.

- 3.13 As regards entry to a private dwelling, if a member of An Garda Síochána has good reason to fear for the life of a person or persons in the dwelling, they have a power of entry under Common Law.

Where a member of An Garda Síochána is on the scene of an incident at a private dwelling where an arrestable offence is suspected of being / having been committed, they may effect an entry to arrest an offender, as provided under [Section 6 of the Criminal Law Act 1997](#) (Entry and search of premises to effect an arrest). This statutory power is in addition to the function of An Garda Síochána to vindicate a person's constitutional right to life, which may require entry to a private dwelling. If a member of An Garda Síochána has reasonable cause to suspect that a person's life is at risk, a lawful arrest should be made.

In all other cases, where entry to the premises is refused by the alleged abuser, the Garda will ask to see the alleged victim, alone. **Gardaí will only depart the scene when satisfied as to the safety of all persons in the property.**

- 3.14 Domestic Abuse tends to follow three phases :

- Tension-building phase
- Violent / battering phase, and
- Reconciliation / loving phase

It is important to remember that once abuse has begun, it not only continues, but over time tends to increase in both frequency and severity. As the abuse continues, the three-phase cycle begins to deteriorate. The tension-building phase becomes shorter and more intense, the violent / battering incidents become more frequent and severe, and the reconciliation periods become shorter and less intense. **This results in a victim becoming more vulnerable over time.**

Domestic Abuse may not follow this trend, it may be necessary to deal with an isolated incident of Domestic Abuse.

- 3.15 Victims of Domestic Abuse should be advised to formulate a safety plan, and particularly to ensure that they have the relevant numbers for the emergency services pre-programmed into their phone. Suggestions for a safety plan may be found on the Garda website (www.garda.ie) in the *Crime Prevention* section at: [Safety Plan](#)
- 3.16 At all times personnel within An Garda Síochána should ensure that victims are provided with information, support and protection in accordance with their needs
- 3.17 Details of any outstanding risk from the perpetrator must be provided to the Garda Communications Room.
- 3.18 In cases where a continuing risk of harm from the perpetrator has been identified, the Member-in-Charge of the Garda Station must be informed of same by responding Gardaí.
- The Member-in-Charge will ensure details of this incident and such continuing risk are brought to the notice of the oncoming unit, and the nominated Inspector with responsibility for Domestic Abuse intervention in the Division.
- 3.19 Supervisors are required to monitor all incidents of Domestic Abuse; to ensure that all such incidents are recorded appropriately on PULSE; and to ensure that all incidents are investigated.

4.0 ARREST

- 4.1 **Section 18, Domestic Violence Act 1996 provides a power of arrest without warrant:**

Where a member of the Garda Síochána has reasonable cause for believing that a Respondent has contravened a Safety Order, a Barring Order, an Interim Barring Order or a Protection Order, on complaint being made to him / her by, or on behalf of, the person who was the Applicant to which the Order relates, may arrest the Respondent concerned without warrant. This complaint may include the original emergency call.

For the purpose of arresting a Respondent, a member of the Garda Síochána may enter, if need be by force, and search any place where the member, with reasonable cause, suspects the Respondent to be.

- 4.2 **Where the investigating Garda has reasonable cause to suspect that an offence has been committed and a power of arrest exists, he / she should utilise that power of arrest and charge the offender. The injured party's attitude will not be the determining factor in respect of the exercise of such power.**

It should not be the case that the victim is asked if the abuser should be arrested. If a breach of an Order, as provided for under the Domestic Violence Act, 1996, as amended, occurs or an offence has been disclosed by the victim, a power of Arrest exists.

- 4.3 To this end, there are a number of pieces of legislation to which a member of An Garda Síochána may have recourse, for example :
- (a) Domestic Violence Act, 1996 (as amended);
 - (b) Criminal Damage Act, 1991;

- (c) Non-Fatal Offences Against the Person Act, 1997 (in particular Section 10, as it applies to harassment including online harassment);
- (d) Firearms and Offensive Weapons Act, 1990;
- (e) Criminal Law (Rape) (Amendment) Act, 1990 - abolished any rule of law by virtue of which a man could not be guilty of the rape of his wife;
- (f) Criminal Justice (Public Order) Act, 1994;
- (g) Children Act, 2001 – Section 246 (Cruelty to Children);
- (h) Criminal Justice Act, 2006 – Section 176 (Reckless Endangerment of Children);
- (i) Various sexual offences.

5.0 SAFETY / BARRING / INTERIM BARRING / PROTECTION ORDERS.

- 5.1 Safety Orders, Barring Orders, Interim Barring Orders, and Protection Orders as defined in Sections 2, 3, 4 and 5 of the Domestic Violence Act 1996 (as amended) may be issued by the courts.

Where an Order is in force, the investigating Garda will take a pro-active approach to arresting the Respondent where the Garda has reasonable cause for believing that the Order has been contravened and a complaint has been received from, or on behalf of, the Applicant. This complaint may include the original emergency call.

- 5.2 It should be noted that a Barring Order is **not** made void where the Respondent has been allowed back, even for an extended period, by the Applicant, into the premises from which she / he has been barred. This apparent inconsistent action by the Applicant does not affect the validity of the Order and consequently the power of arrest.

- 5.3 It is of vital importance that each member of An Garda Síochána responding to a Domestic Abuse incident knows exactly what each Order is and when it can be used. Incorrect or conflicting information given to victims may have devastating effects.

- 5.4 Paragraphs 5.6 to 5.9 below contain a summary of the Orders.

This document is not intended to, and does not, represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

- 5.5 It should be noted that both parties may obtain Orders against each other. In such cases members of An Garda Síochána must use their professional judgement and arrest the Respondent where the member of An Garda Síochána has reasonable cause for believing that the Order has been contravened and a complaint has been received from, or on behalf of, the Applicant, even where this may mean arresting both parties.

5.6 Safety Order (Section 2, Domestic Violence Act, 1996, as amended)

A Safety Order may be obtained by:

- (a) the spouse or civil partner of the offender (this includes persons who have divorced, per the [Family Law \(Divorce\) Act, 1996](#)); or
- (b) any person who is not related to the offender, but lived with the Respondent (no specified time limit, per the [Civil Law \(Miscellaneous](#)

- [Provisions\) Act 2011](#)) in an intimate and committed relationship prior to the application for the Safety Order; or
- (c) a parent of the offender (who is of full age and not a dependent of the parent); or,
 - (d) any person living in a relationship with the offender, which is not primarily contractual; or,
 - (e) the parent of a child whose other parent is the offender (per the [Civil Law \(Miscellaneous Provisions\) Act 2011](#)); or,
 - (f) in specific circumstances, Tusla, (The Child and Family Agency) has powers under Section 6 of the Domestic Violence Act, 1996 to apply for a Safety Order on behalf of an entitled 'aggrieved person' who may be an adult or a dependent person.

A Safety Order does not exclude the offender from the home but offers the Applicant (or a dependent) safety by prohibiting the Respondent from :

- the use of violence, or threats to use violence, against the Applicant / Dependent; or,
- molesting or putting the Applicant / Dependent in fear.

If the Respondent is living elsewhere, the Order prevents the Respondent from watching or besetting the home of the Applicant / Dependent. The Court may place such exceptions or further conditions on the Order as it sees fit.

This Order may remain in place up to 5 years after its making and may be renewed.

5.7 **Barring Order (Section 3, Domestic Violence Act, 1996, as amended)**

A Barring Order may be obtained by:

- (a) the spouse or civil partner of the Respondent, (this includes persons who have divorced, per the [Family Law \(Divorce\) Act, 1996](#)); or,
- (b) any person who has lived in an intimate and committed relationship with the Respondent for at least 6 months in the 9 months immediately prior to the application for the Barring Order; or,
- (c) a parent of the Respondent (who is of full age and not a dependant of the parent); or,
- (d) in specific circumstances, Tusla has powers under Section 6 of the Domestic Violence Act 1996 to apply for a Barring Order on behalf of an 'aggrieved person', who may be an adult or dependent person.

A Barring Order directs the Respondent to leave and not enter the home and prohibits:

- the use of violence, or threats to use violence, against the Applicant / Dependent; or,
- molesting or putting the Applicant / Dependent in fear; or,
- watching / besetting the residence of the Applicant / Dependent.

The Court may place such exceptions or further conditions on the Order as it sees fit.

This Order may remain in place up to 3 years after its making and may be renewed.

5.8 **Interim Barring Order (Section 4, Domestic Violence Act 1996, as amended)**

When there has been an application for a Barring Order, the Court may make an Interim Barring Order, which **temporarily** has the same effect as a Barring Order.

An Interim Barring Order expires on the determination by the Court of the application for the Barring Order.

The Court may place such exceptions or further conditions on the Interim Barring Order as it sees fit.

An Interim Barring Order may be made *ex-parte* (where the Respondent is not in Court). However, **an ex-parte Order expires within a maximum of 8 working days unless**, on application by the Applicant and on notice to the Respondent, the *ex-parte* Order is confirmed within that period by order of a Court. Further, a note of the evidence given, and the affidavit / information sworn by the Applicant must be served on the Respondent along with the Court Order as soon as possible.

5.9 **Protection Order (Section 5, Domestic Violence Act, 1996, as amended)**

When there has been an application for a Barring Order or a Safety Order, the Court may make a Protection Order, which **temporarily** offers the Applicant (or a Dependent) safety by prohibiting the Respondent from :

- the use of violence, or threats to use violence, against the Applicant / Dependent; or,
- molesting or putting the Applicant / Dependent in fear.

If the Respondent is living elsewhere, the Order prevents the Respondent from watching or besetting the home of the Applicant / Dependent. The Court may place such exceptions or further conditions on the Order as it sees fit.

A Protection Order expires on the determination by the Court of the application for the Barring Order or the Safety Order.

A Protection Order may be made *ex parte*.

6.0 **BAIL**

6.1 **Where an Order under the Domestic Violence Act, 1996 (as amended) exists :**

An Order granted under the Domestic Violence Act, 1996 (as amended) is a direction of the Court to bring a person who contravenes the Order to Court, therefore **station bail cannot be granted**.

6.2 **Where no Order under the Domestic Violence Act, 1996 (as amended) exists and the alleged offender is arrested for another offence :**

Bail **may** be granted if it is considered **prudent** to do so and no Warrant directing the detention of that person is in force.

In such circumstances consideration must also be given to the probability that, upon release from custody, the suspected offender will again engage in the activity which led to their original arrest.

Bail conditions may only be granted by the Court. If it is required that bail conditions be imposed, the defendant should be kept in custody and brought before the Court. Persons charged with an offence connected with Domestic Abuse may be kept in custody and later receive bail with conditions from the Court.

- 6.3 Where the injured party has reason to fear harassment (including online) or retaliation, the Court should be so informed, to allow this fact to be taken into consideration in any bail application. In any matter where such a ground is advanced as an objection to bail, the Court may require the injured party to give evidence.
- 6.4 Where bail is granted and specific conditions are attached, the injured party will be informed of all details and encouraged to inform the investigating Garda if any of these conditions are breached. Likewise, where there has been a change in the circumstances of the investigation (eg, accused is granted bail, bail conditions are changed, etc.), the investigating Garda is required to inform the injured party forthwith.

7.0 WELFARE OF CHILDREN

- 7.1 In addition to the various powers of arrest available in respect of offences against children, Gardaí attending incidents of Domestic Abuse will also keep in mind powers available under section 12, [Child Care Act, 1991](#) (permitting members of An Garda Síochána to remove a child to safety) in relation to an immediate risk in respect of the safety of children.
- 7.2 Investigating Gardaí must identify if there are any children present at the address at the time of the incident, or when a follow-up call is made. Where the investigating Garda suspects that there is a risk to the health, safety or welfare of any children involved, Tusla will be notified without delay as per '*An Garda Síochána Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*'
- 7.3 Furthermore, the [Children First National Guidance for the Protection and Welfare of Children](#) requires that An Garda Síochána formally notifies Tusla when a member of An Garda Síochána suspects that a child has been the victim of emotional, physical or sexual abuse or neglect (wilful or unintentional). **Sufficient evidence to support a criminal prosecution is not required before notifying Tusla.**
- 7.4 Children who witness Domestic Abuse incidents are often traumatised and may also suffer emotional abuse. This should be taken into account when considering referrals to Tusla. Furthermore children exposed to Domestic Abuse may, themselves, go on to become victims or perpetrators of Domestic Abuse.
- 7.5 Children, under the age of 14, who are victims of violent or sexual incidents **must be** interviewed by specialist interviewers, in accordance with section 16(1)(b), [Criminal Evidence Act, 1992](#). It is recommended, even if the children do not come under the remit of Section 16(1)(b), that any statements are taken by specialist interviewers, in order to limit further trauma
- 7.6 Under section 7, Domestic Violence Act, 1996 (as amended) (Power to make Orders, etc., under Child Care Act, 1991) a Court, before which

proceedings are taken for an Order under the Act with respect to a dependant person (child) concerned in the proceedings, may, in certain circumstances, direct the local Tusla office to investigate that person's circumstances, and, may make a Supervision Order under the Child Care Act, 1991, pending the outcome of the investigation.

8.0 DIVERSITY

8.1 Ireland is a multi-cultural society with numerous different communities, each presenting different issues and posing differing needs. Some people may have a negative perception of the Police Service and this may deter them from reporting incidents of Domestic Abuse, or indeed any other crime. It is important that community relations between An Garda Síochána and ethnic groups are developed and maintained to ensure reporting of incidents and to raise awareness among victims of Domestic Abuse that there is help and support available. Irish law clearly shows that all members of society are equal before the law and are equally answerable to same.

8.2 Cultural issues, as follows, should be highlighted in any diversity training given to Gardaí who may have to respond to Domestic Abuse incidents :

- Distrust of police (based on personal experience);
- Language (personnel within An Garda Síochána must be conscious that a person may not be able to speak / understand English and may have limited comprehension of written documents in any language. Gardaí should also be conscious that, while a person may be proficient in English, they may have difficulty understanding legal or technical matters, particularly in stressful situations
- Religious Customs (being separated to be interviewed, male / female Garda issue);
- Cultural practices (forced marriage, honour-based violence, dowry-related violence and female genital mutilation (per [Criminal Justice \(Female Genital Mutilation\) Act 2012](#)) among others);
- Culture (openness to talk about Domestic Abuse, hand-shaking, eye contact);
- Immigration issues (immigration status tied to living with spouse).

8.3 Investigating Gardaí should contact their local [Ethnic Liaison Officer](#), or the Garda Bureau of Community Diversity and Integration within Community Engagement and Public Safety, Harcourt Square, should they require advice pertaining to cultural issues when investigating Domestic Abuse incidents.

8.4 Where language is an issue, information should be provided in a language which the victim can understand or be interpreted to the victim. [Information leaflets](#) on Domestic Abuse are available in 12 languages on the Garda website (www.garda.ie).

8.5 Women's Aid provides an interpretation service, via its national freephone helpline [1800-341-900]. This service allows helpline workers to connect women, with limited, or no, English, to an accredited and professional translator, by phone, who can facilitate translation between the woman and the worker.

9.0 DOMESTIC ABUSE AND DISABILITY

9.1 The victim of a Domestic Abuse crime and the offender do not have equal power. The power gained from a sustained pattern of coercion, intimidation and abuse gives the offender power over their victim. This is further exacerbated if the victim is disabled, as they may be more dependent on their abuser, resulting in a greater sense of power / control over the victim. As a result, the victim is vulnerable to pressure, intimidation, and retaliation by the offender.

Members of An Garda Síochána responding to Domestic Abuse incidents which involve disabled people should be mindful of this additional sensitivity and should be conscious that the incident may require interagency intervention (Tusla / Non-Governmental Organisations (NGOs) etc).

9.2 Personnel within An Garda Síochána should also be aware that disability can take a number of forms, including:

- Physical (for example : mobility, dexterity);
- Sensory (for example : vision, hearing, speech);
- Intellectual (for example : learning, memory);
- Mental (for example : depression, schizophrenia).

10.0 DOMESTIC ABUSE AND ELDER ABUSE

10.1 Like all Domestic Abuse, elder abuse may be in the form of financial or pressure in connection with wills, property, inheritance, and financial transactions may be common among elder abuse victims. In addition, ignoring medical or physical care needs, failure to provide access to appropriate health, social care or educational services, and withholding necessities of life such as medication, adequate nutrition and heating, all constitute abuse.

10.2 Members of An Garda Síochána responding to incidents which involve elderly people should be mindful of the complexities of the abuse, when interviewing the victim. Members of An Garda Síochána shall provide advice and information on relevant Orders and support services. [An Garda Síochána Older People Strategy](#) may also have reference.

11.0 ADVICE AND SUPPORT

11.1 It is important to note that victims of Domestic Abuse vary. **All victims, both male and female, irrespective of relationship type, will have their complaint of Domestic Abuse investigated without bias or discrimination.**

11.2 The investigating Garda will ensure that victims are fully informed of the legal re-dress available to them through the Civil Courts. Such advice and support should include contact details of the (local) Family Law Courts and / or the District Court Clerk. It is the responsibility of each Garda Station to maintain an up-to-date listing of contact details of services / Courts, in order for personnel within An Garda Síochána to provide victims with accurate contact information (See Appendix 2 and [Victim Services](#) on the Garda Portal).

The investigating Garda should fully inform the victim of the procedures to be followed in applying for a Safety / Protection / Interim Barring / Barring Order under the [Domestic Violence Act, 1996](#) (as amended). All Garda

Stations will maintain an up-to-date record of details of refuges in their area and in neighbouring Districts / Divisions, including the locations, contact details and facilities available there. This information is to be made available to all Gardaí attending incidents of Domestic Abuse.

11.3 A Garda or Sergeant will be nominated in each District / Garda Station as a liaison with the relevant NGOs operating in the area. The nominated Garda or Sergeant will introduce him / herself as the liaison and provide each organisation with his / her contact details. He / she will support the organisation, where possible, and familiarise him / herself with the workings and responsibilities of each such organisation.

11.4 The Garda liaison will ensure that, at a very minimum, he / she will call to each organisation at least once per Quarter and maintain a record of his / her ongoing contacts which he / she will make available to the nominated Inspector when requested.

11.5 In all cases of Domestic Abuse, the investigating Garda will :

(a) provide the victim with a copy of the relevant Domestic Abuse information literature and make the victim aware of the relevant services, both statutory and voluntary, in the area which may be of assistance to her / him, Information with regard to these services should be updated as required.

Where literacy issues arise, information should be explained verbally.

Where language is an issue, the information should be provided in a language which the victim can understand, or interpreted to the victim. (See paragraphs 8.4 – 8.5 above)

(b) It is vital that a continued liaison is maintained with the complainant throughout the investigation and prosecution by, the same member of An Garda Síochána. They should provide the victim, in writing, with their name, Garda Station and telephone number (call card).

Personnel within An Garda Síochána should be mindful of the provisions of the [Garda Síochána Victim's Charter](#) and comply with same.

(c) **The investigating Garda, or Garda nominated by the Divisional Inspector, must call back in person to the complainant / victim within one week of the incident**, to provide further information on any developments in the investigation, and reassurance in cases where there is no on-going investigation. Further calls, if appropriate, must be made in person to the victim, by the investigating Garda or appointed liaison Garda, **one month** and **three months** after the incident.

(d) When a prosecution is undertaken the investigating Garda must keep the complainant fully and regularly informed of the progress of the investigation / prosecution and provide further information and reassurance on any developments in the investigation. (additional information may be found on the [Website of the Director of Public Prosecutions](#))

11.6 The Family Law Courts, Dolphin House, Dublin have a support and referral service whereby a number of NGOs, working in the area of

Domestic Abuse, provide a **confidential drop-in centre** for victims of Domestic Abuse. The service offers support and information, including advice and assistance relating to application for Orders, and other practical matters relating to Domestic Abuse. A number of Courts around the country are looking to develop a similar service to be provided on Family Law days. Practical information regarding the services offered by the Courts is available on www.courts.ie.

11.7 Victims of Domestic Abuse may also be entitled to Legal Aid and should be provided with the contact details of their local Legal Aid Board Office, details of which may be obtained from the Legal Aid website: www.legalaid.ie.

11.8 One of the central features evident in incidents of Domestic Abuse is the need for co-ordination of the Garda response with that provided by other relevant services. The investigating Garda should make the victim aware of the relevant services in the area, both statutory and voluntary, which may be of assistance to him / her. Liaison with external agencies, both locally and nationally, is important in furthering An Garda Síochána's understanding of the issues central to Domestic Abuse.

11.9 Investigating Gardaí should be aware that research has shown that a complainant is more likely to remain committed to the investigation and any subsequent prosecution when:

- she / he has been supported by a victims group;
- there is a substantial investigative effort, including the early taking of a detailed statement of complaint;
- she / he has been dealt with in a supportive and compassionate manner;
- investigating Garda(i) reassure the complainant that her / his complaint will be fully investigated; and
- she / he is kept fully, and regularly, informed of the progress of the investigation / prosecution.

Therefore, it is invaluable, both for the victim and the Court system, that cases are dealt with professionally and victims are advised of the relevant services available.

11.10 **Cosc** is the National Office for the Prevention of Domestic, Sexual and Gender-based Violence. Cosc was established in June 2007 and it's role includes co-ordination across the justice, health, housing, education, family support and community sectors, which includes close interaction with NGOs and Civil Society.

11.11 The current primary function of Cosc is to drive the implementation of the [second National Strategy on Domestic Sexual and Gender-based Violence, 2016-2021](#), three high-level goals of which are :

1. Prevention – Awareness / Education / Training
2. Provision of Services to Victims, Holding Perpetrators to Account
3. Implementation/ Monitoring / Data / Research

Each of which translate into actions. An Garda Síochána is a key agency committed to the implementation of a number of these actions under the National Strategy, which has been approved by the Commissioner of An Garda Síochána.

11.12 Information regarding Cosc may be found at www.Cosc.ie. This website also provides links to organisations working in the area of domestic,

sexual and gender-based violence which may be in a position to provide assistance to victims of Domestic Abuse.

- 11.13 An Garda Síochána is represented on national committees working to achieve the actions set out in the National Strategy and which are co-ordinated by Cosc.

CONCLUSION

The investigation of incidents of this type (i.e. Domestic Abuse, in any / all of its forms) is particularly demanding of the investigator, because of the discretion and tact required. It is vital that personnel within An Garda Síochána show sensitivity in their dealings with complainants, particularly when a complainant displays behaviour which may appear strange or uncharacteristic. The reality is that Domestic Abuse crimes are repeated, systematic and dangerous crimes, often against the same victim.

In cases of Domestic Abuse crimes, even where an alleged offender has been charged and brought before the Courts by An Garda Síochána, the abuse tends to continue, with victims at elevated risk where the defendant has been remanded on bail.

To this end, it is important that the injured party is provided with appropriate information for relevant services, statutory and voluntary, in the area and is actively encouraged to make contact with them, bearing in mind that their safety and that of their children, other family members, is paramount.