

## **Domestic Homicide Reviews**

The PSNI has been invited as a consultee, to provide its views on the implementation of a statutory framework to learn lessons from domestic homicides (Domestic Homicide Reviews (DHR)). The primary legislation is already in place and the consultation therefore focuses on the practical application of it.

It is important to state that the Police Service of Northern Ireland supports the introduction of DHR. It is an important strand of our commitments to keep the public safe. Whilst a DHR naturally follows a tragic and violent death, its purpose in learning what interventions were (or were not) undertaken by statutory partners, in order to strengthen the positive elements and challenge those elements which were less effective.

It is equally important to say though that DHR cannot operate in isolation from a criminal investigation and/or prosecution. Indeed the consultation goes some way to recognize that; but when twin-track processes run simultaneously, there is a risk that a process aimed at learning lessons, inadvertently interferes with the investigation or prosecution, thereby impacting on the right to a fair trial and the fulfillment of the PSNI's investigative obligations.

### **Q1 - Purpose of the Review**

The purpose of the review is to learn lessons and provide a greater understanding. The only feedback relating to this section is that the reference to the provision of a report (page 9) currently talks about it focusing ‘*primarily* on good practice, lessons learnt and what needs to be changed’. The word *primarily* suggests that such a report may extend beyond those areas, but when dealing with such emotive matters as homicide, it is essential that those who engage know *exactly* what to (and what **not** to expect) in report. Any intrusion into an ongoing investigation or pending prosecution has potentially serious ramifications.

### **Q2 - Commissioning a DHR**

There are no specific matters to raise in this regard

### **Q3- ‘Typical’ Terms of Reference**

Whilst the terms of reference currently contain a reference to ‘how the review will interact with other investigations / reviews that are running in parallel’, they should also clearly set out the position on Disclosure of DHR material, (both to third parties and to the criminal prosecution).

### **Q4 - Recruitment**

There are no specific matters to raise in this regard

### **Q5 - DHR panel membership**

There are no specific matters to raise in this regard

### **Q6 - Panel diversity**

There are no specific matters to raise in this regard

### **Q7 - Family involvement**

It is important to remember that families are seldom a single homogeneous entity. Homicides often reveal the frailty of family relationships; with competing views being expressed by various family members. The interaction with families by the DHR will require skilful management, particularly when seeking to manage or limit their expectations. That said, it is vitally important that families feel that a DHR is being conducted **for** them rather than **to** them.

### **Q8 - Involvement of others in the DHR**

Citizens may be willing to provide information to the DHR that it would not otherwise provide to the police. This material would certainly fall within the bounds of ‘prosecution material’ and may impact on the potential prosecution of an offender. The sequencing of seeking this information is therefore of critical importance.

### **Q9 - Progress of the DHR**

In terms of the 2 stages, the PSNI's view is that the publication of **any** findings, prior to the completion of a criminal investigation or prosecution, is fraught with risks. The identified safeguards within the consultation document (page 19) will help to mitigate some of that risk, but those safeguards (interaction with PPS and PSNI for example) will divert resources away from the key function of bringing offenders to justice. It is likely that defence teams will seek disclosure of the material used to arrive at 'initial findings' - the early learning document is not in itself particularly challenging, it is the material upon which it is based that will provide the challenge.

Clearly if the way in which public services are being provided is unlawful or in some way not obviously aligned with the protection of the public, it would seem unreasonable for such observations not to be made as early as possible. But on the basis that the statutory agencies have operated within a statutory framework for some considerable time, it is difficult to envisage why the need would exist to publish findings ahead of the conclusion of the criminal case.

### **Q10 - Gathering Information**

The use of Individual Management Reviews (IMRs) appears to be an appropriate means of gaining an insight into the involvement of agencies with a homicide victim. From a policing perspective, some of that interaction may be sensitive (for example if the victim of a domestic homicide had previously provided information to the police relating to unconnected matters). In seeking to mitigate risks, it is important that the IMRs are sufficiently focused so as to prevent 'fishing expeditions' into matters not connected with the homicide. Requests for copies of statements and other evidence should be restricted to the post-trial phase or the conclusion of the police investigation.

### **Q11 - DHR reports**

The content and timing of reports is of critical importance, particularly when parallel investigations or prosecutions are underway. When considering the publication of reports, the PSNI, PPS and others should be consulted as to the potential impact of the report (but not the factual accuracy of it).

### **Q12 - Outcome of the DHR review**

There are no specific matters to raise in this regard

### **Q13 - Role of the Senior Oversight Forum (SOF)**

There are no specific matters to raise in this regard

### **Q14 - Additional SOF membership**

There are no specific matters to raise in this regard

### **Q15 - Impact on Human Rights and equality**

The potential negative impacts on the obligations of the state under Article 2 ECHR are explained above.