

A SINN FÉIN
POLICY PAPER



WHY WE NEED MULTI-AGENCY DOMESTIC HOMICIDE REVIEWS

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Contents

Foreword by SAVE	3
Introduction	4
Human rights obligations	5
Challenges to the current approach to domestic homicides reviews in Ireland	6
What the experts say	8
Reviews in other jurisdictions	9
Recommendations	11

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Foreword by SAVE

In SAVE all of our families have been impacted by domestic homicide. We were all thrust into dealing with the Irish justice system with no experience to call on at a time when we were dealing with the shock and grief of losing our loved ones - sisters, children, daughters, sons and grandchildren.

We all have many questions around the circumstances of our loved ones murder. Many of these questions may never be answered but knowing that someone may have some of these answers but choose not to tell us just adds to what is already an incredibly difficult time. To think that there is information relevant to our loved ones being kept from us is difficult to comprehend. It adds to our pain.

We feel the introduction of Domestic Homicide Reviews would show that at a government level the needs of victims and their families are on a par with the needs of the perpetrators. Such reviews must be under the guise of a completely independent body that can work on a multiagency basis, independent of present state bodies.

As the families of victims of domestic violence, we are often not looking to blame. We trust the judicial process will take care of that. But we will often be left with questions that cannot be answered by the Gardaí, a coroner etc. The answers we seek may not seem relevant to a potential court case or inquest, but would bring a level of comfort to us.

Domestic Homicide Reviews place the victim at the centre of the process, at a time when it can often feel that they have been shunted to the side lines. Trust in the judicial system can often be shaken for us, so knowing there is a state body whose sole agenda is to simply get answers would be welcomed by us.

While we understand the reviews may not be relevant to our individual cases, we hope that by identifying a pattern of behaviour we may save lives in the future.

Sentencing and Victims Equality (SAVE) is an advocacy group established by families affected by domestic homicide

Introduction

This year's International Women's Day marked Ireland's ratification of the Convention on Preventing and Combatting Violence against Women and Domestic Violence or as it is also known the Istanbul Convention. Women's Aid has described the Convention as a major milestone in tackling domestic, sexual and gender based violence.

If we are to uphold and advance in full the rights contained within the Convention we must ensure that we have the structures in place to protect women from domestic abuse and prevent future violent crimes in the home. The establishment of independent regional multi agency domestic homicide reviews would be an invaluable tool to protect women and eliminate domestic violent crime.

Over the last twenty years ten women per year on average have died violently. Almost nine out of ten women murdered in Ireland are killed by a man known to them. Of resolved cases over fifty per cent of women were murdered by their current or former boyfriend, partner or husband and sixty one per cent were killed in their own homes¹. Thousands more seek out support from domestic violence service providers. Some are too afraid to look for help but due to the nature of their abuse may interact with the Gardaí or health services.

Independent multi agency reviews into all domestic homicides provide an important opportunity to learn how agencies could have improved responses to protect victims for the purpose of preventing future deaths. Reviews do not seek to apportion blame and do not replace a criminal investigation or inquest. They are a unique opportunity for agencies, domestic violence service providers, families, friends and work colleagues to contribute to a process that will improve policy development, operational practice and inter-agency cooperation. Most importantly reviews can and will save lives. These reviews will apply to men and women. However we know from British research that the majority of domestic homicide victims are women.

Sinn Féin is fully committed to the introduction of independent regionally based statutory multi-agency domestic homicide reviews.

¹ Women's Aid Femicide Watch 2018

Human rights obligations

Sinn Féin's submission to the Department of Justice Consultation on Domestic Homicide Reviews (DHR's) in the north of Ireland emphasises the significant human rights obligations on governments and state agencies to assess risk factors in relation to domestic violence death and to shape policy and legislation based on empirical evidence.

Professors Monica McWilliams and Fionnuala Ní Aoláin of Ulster University put it best when they argued that failure to recognise the extensive domestic and international human rights framework when responding to domestic violence “runs the risk of relegating individuals to the status of pleaders for protection, rather than as independent individuals with rights and status as of right”.

Women and children's right to be protected against violence and violent death is underpinned by various instruments of international law³ including the Istanbul Convention. Domestic and gender based violence service providers and women's rights advocates and their organisations are to be commended for their role in securing the Domestic Violence Act 2018.

Whilst the advances of recent years to protect and uphold these rights must be celebrated the reality is that we have started from a relatively low base when compared to other jurisdictions. Ireland does not have a good record when it comes to protecting women and children from violence. In truth the advances of recent years have been hard won by women themselves and their allies.

2 Advancing Gender Equality in Northern Ireland: Addressing Domestic Violence and Human Rights Protections for Women, Professor Monica McWilliams and Professor Fionnuala Ní Aoláin Ulster University, Knowledge Exchange Seminar Series, Pg. 6, 2015

3 European Convention on Human Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), The Council of Europe Convention on Preventing and Combating Violence against Women, Istanbul Convention, Convention on the Rights of the Child

Challenges to the current approach to domestic homicides reviews in Ireland

Garda reforms such as the ongoing roll out of divisional Protective Services Units have been important steps forward in the provision of a specialised and consistent approach to the investigation of domestic and gender based violent crime. However annual Garda Policing Plan targets for these reforms have not been met and in the case of the long awaited domestic violence risk assessment tool the delay is ongoing.

Years of austerity policies pursued by governments has resulted in a chronic underinvestment in ICT infrastructure and information management systems across government departments and agencies such as An Garda Síochána and the HSE which has implications for the efficacy of service delivery. The government's delay in advancing a Sexual Abuse & Violence in Ireland (SAVI) II study means we do not have comprehensive up to date data on the prevalence of sexual violence in Ireland today. Culturally public administration in Ireland remains excessively closed and as a result inter departmental/agency work has not become the norm. Valuable institutional knowledge is languishing in silos. This needs to change.

In 2016 the former Minister for Justice and Equality committed to publishing a review of domestic homicides the following year. The Garda National Protective Services Bureau (GNPSB) initiated an analysis of domestic related homicides for the period 2007 to 2016 to identify any trends and patterns that may have existed.

The 2016 Review

This process was mired in controversy from early on due to the poor quality and classification of related data.

In evidence to the Oireachtas Justice Committee in March 2018⁴, the Deputy Head of the Garda Síochána Analysis Service and a Senior Crime and Policing Analyst both responsible for conducting the analysis told members that they were subjected to severe pressure by senior management to withdraw their concerns regarding the lack of Garda data to enable them determine whether a homicide was of a domestic nature or otherwise.

When their concerns were finally accepted senior management established a new review team which first met in January 2018. A multiagency working group was also to be established. It is not clear if this group was established but we do know if it was convened its work has not been relayed to the Justice Minister⁵. Work on the review stalled until March 2019, and has not yet been completed.

Policing commitments

Domestic Homicide Reviews are not referred to in An Garda Síochána annual Policing Plans until 2018 where a one line commitment to a 'Review of domestic homicide cases through the Domestic Homicide Review Team' is included.

The February 2019 An Garda Síochána (AGS) monthly report⁶ to the Policing Authority ranks the Domestic Homicide Review project status as 'Critical' in its performance indicators. The alternative indicators are green for 'on track' and amber for 'under control'.

Where are we at now?

The Garda National Protective Services Bureau (GNPSB)⁷ is currently developing new policies and procedures to inform its approach to domestic homicide reviews in An Garda Síochána. The stated purpose of these reviews is to examine the sufficiency of Garda policies, their interactions with other external agencies and with the individuals and families concerned.

In addition the GNPSB has introduced a process whereby *specific* homicide incidents, which are believed to have involved domestic violence, are the subject of review. We are told the purpose of each review is to establish

4 Joint Oireachtas Committee on Justice, Defence and Equality, Garda homicide Statistics, 7 March 2018

5 Reply to Parliamentary Question 13940/19

6 An Garda Síochána, Monthly Report to the Policing Authority, Feb 2019, Pg. 23

7 Dáil debates, Priority Questions, Domestic Homicide <https://www.oireachtas.ie/en/debates/debate/dail/2019-03-12/11/#s13>

lessons which can be learned from examining the circumstances of an incident, in order to inform the updating of current **Garda Síochána policy** on domestic violence⁸. The learnings will be roundly limited to the Gardaí.

The Department of Justice and Equality is to conduct a study on the support needs of family members where a murder-suicide has occurred. This study will examine of the process of domestic homicide reviews and the experience in other jurisdictions. One the one hand this study is a step in the right direction but on the other this piecemeal approach falls far short of what is required.

Failures of the current review process

The stalled 2016 Garda review into domestic homicides has been restarted following a meeting with the Garda Commissioner and the family of Clodagh Hawe⁹. Clodagh and her three children Liam, Niall and Ryan were murdered by husband and father Alan Hawe. Clodagh's mother and sister bravely took part in the Claire Byrne show to highlight the blockages they faced in securing basic information from the Gardaí, and to call for a new inquiry into Clodagh and her children's murder. The review will recommence focussing on a sample of homicides over the ten year period. We do not know what engagement there will be with other agencies, domestic violence service providers, friends or families of victims. These reviews remain within the gift of the Garda Commissioner to commence.

Proposals for future ongoing reviews

Fianna Fáil's legislative proposals for domestic homicide reviews enable the Minister for Justice to order a review following the death of a person which appears to have resulted from violence, abuse or neglect by a relative, partner or person with whom the deceased was in an intimate personal relationship¹⁰. This proposal misses the mark. A review is not automatically triggered following a domestic homicide; it must await a Ministerial decision to proceed. It also does not provide the infrastructure and resources necessary to implement the framework of regional independent multiagency homicide reviews.

DHR's in the north of Ireland

DHR's are provided for in Section 9 of the Domestic Violence, Crimes and Victims Act 2004, and have been in place in Britain since 2011. This legislation extends to the north of Ireland but has not been commenced.

In July 2018 the north's Department of Justice initiated a consultation process on its proposed model for the introduction of DHRs to include statutory agencies and voluntary organisations. The consultation concluded in September 2018 and a summary of responses was published in January of this year. The model provides for the involvement of victims' families and friends. It is proposed that a Senior Oversight Forum (SOF) with an independent Chair initiate a review after considering a notification from the PSNI of a domestic homicide of an adult, a person aged sixteen or over.

The reviews will provide an opportunity for learning for agencies to further develop policies and practices that protect potential victims and prevent domestic homicides. As is required by legislation¹¹ the Departments proposed model has been subjected to Equality Screening.

Sinn Féin was one of thirty five organisations to make a submission to the consultation. In addition to Sinn Féin three of the north's political parties engaged in the process; Alliance, Green's and the UUP. Our submission broadly supports the proposed model which is in line with what domestic violence support service providers have called for across the island.

8 Reply to Parliamentary Question 5090/19

9 <https://www.independent.ie/irish-news/shelved-review-of-domestic-homicides-to-restart-37894857.html>

10 Fianna Fáil website, Latest News, Fianna Fáil publishes Bill to introduce Domestic Homicide Reviews, 8 March 2019

11 Section 75, Northern Ireland Act 1998

What the experts say

Safe Ireland

In its submission to the Commission on the Future of Policing in Ireland¹² Safe Ireland recommended the establishment of homicide review legislation and the implementation of multiagency reviews following a domestic homicide to assist all those involved in the review process in identifying the lessons that can be learned for the purpose preventing future homicides and violence.

Women's Aid

In their Femicide Watch for 2018¹³ Women's Aid recommends that government sets up a Domestic Homicide Review (DHR) mechanism with a statutory basis, a multiagency composition including specialist domestic violence services including family, informal community networks including friends and faith groups. These should have powers to make and monitor recommendations to improve overall response to intimate partner violence.

The Irish Observatory on Violence Against Women

The Irish Observatory on Violence Against Women is an independent network of eighteen grassroots and national organisations¹⁴ who work together to improve Ireland's response to violence against women. It's submission to the Policing Authority on its Policing Priorities for 2019¹⁵ recommended the establishment of a multi-agency Domestic Homicide Review mechanism placed on a statutory basis (to include domestic violence support services and families) and that the data be published annually.

National Women's Council of Ireland (NWCi)

In February 2019 the NWCi submitted its response to the Mid-term Review of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021¹⁶ which recommends that the strategy establish the practice of multiagency reviews of domestic homicides every time such a crime occurs.

12 Safe Ireland, Submission to the Commission on the Future of Policing in Ireland, Jan 2018, Appendix, Pg. 10

13 Women's Aid, Breaking the Pattern of Male Violence, Femicide Watch 2018, Nov 2018, Recommendations for government, Pg. 9

14 Action Aid, Akidwa, Ascend, Cairde, Cork Sexual Violence Centre, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence, Longford Women's Link, Love and Care for People, National Collective of Community Based Women's Networks, National Women's Council of Ireland, Oxfam, Pavee Point, Ruhama, Sonas, Women's Aid Ireland

15 Irish Observatory on Violence Against Women, submission to The Policing Authority, Policing Priorities for 2019, Sep 2018, Recommendations, Pg. 10

16 NWCi, Response to Mid-term Review Second National Strategy on Domestic, Sexual and Gender-based Violence, 2016-2021, Feb 2019, Key Recommendations, Pg 3

Reviews in other jurisdictions

“We speak for the dead to protect the living” is the motto of the Office of the Chief Coroner in Ontario, Canada who has had a multidisciplinary death review committee in place since 2003¹⁷. This statement starkly sums up why we need an independent multiagency statutory model of review that automatically considers all domestic homicides. There must also be a place for domestic violence support services, friends, families and work colleagues in the review process.

New Zealand

In New Zealand the Family Violence Death Review Committee was established in 2008¹⁸. The Committee was established through legislation and is accountable to the Health Quality and Safety Commission (a state body) and operates under legislation¹⁹. The Committee works closely with the Ministries of Health, Justice and Social Development, the New Zealand Police and other relevant government and community agencies. Its stated purpose is to reduce domestic homicides by reviewing cases as they occur, developing strategies to reduce their occurrence and to collect standardised data on every death to identify patterns and trends as well as improve policy and practice.

Canada

Domestic or Family Violence Death Review Committee are in place in a number of Canadian provinces. They vary in structure. In Ontario²⁰ the multidisciplinary Committee assists the Office of the Chief Coroner in its investigation into domestic homicides and to make recommendations to help prevent these deaths occurring in the future. Their work includes standardised data collection, the identification of system failures and to provide prevention and protection strategies. The Manitoba Domestic Violence Death Review²¹ looks at domestic violence homicides no longer before the courts to identify trends, risk factors and systemic concerns to prevent future deaths and recommend changes for improvement. The work of the Ontario Committee is provided for in legislation; however, Manitoba’s Committee is not. To address privacy related legal obstacles Ontario’s Committee members enter into memorandums of understanding and confidentiality agreements overseen by the Department of Justice following a Privacy Impact Assessment, similar to a Data Protection Impact Assessment now mandatory under GDPR for all high risk processing projects²².

Britain

DHRs are provided for in Section 9 of the Domestic Violence, Crimes and Victims Act 2004, and have been in place since 2011. As defined by the legislation a DHR is a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom s/he was related or with whom s/he was or had been in an intimate personal relationship or a member of the same household, held with a view to identifying the lessons to be learnt from the death. This process and the data gathered from it seek to improve responses by relevant agencies such as the police or social services to domestic violence and to prevent similar crimes in the future.

Useful analysis was conducted by the Home Office in 2016 of a sample of the four hundred plus DHRs that had been undertaken in the previous five years across Britain and Wales. This process usefully pulled together the common themes from local reviews and provided policy makers and services providers with learnings from other parts of the country.

- 17 Canadian Domestic Homicide Prevention Initiative, Domestic Violence Review Committees – Speaking for the Dead to protect the Living, Domestic Homicide Brief 1, May 2016, Pg. 3
- 18 Health Quality & Safety Commission New Zealand website, Our Programmes, Mortality Review Committees, Family Violence Death Review Committee, <https://www.hqsc.govt.nz/our-programmes/mrc/fvdrc/about-us/background/>
- 19 The New Zealand Public Health and Disability Act 2000
- 20 Ontario Ministry of Community Safety & Correctional Services, Death Investigations, Office of the Chief Coroner, Publications and Reports, Domestic Violence Death Review Committee 2017 Annual Report, Dec 2018, Pg. 2, <https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/2017%20DVDRC%20Annual%20Report%20Final.pdf>
- 21 Manitoba government website, Manitoba Justice, Publications, 2016-2017 Annual Report of the Manitoba Domestic Violence Death Review Committee, Executive Summary, https://www.gov.mb.ca/justice/publications/pubs/annualreport_dvdrc_2016-2017.pdf
- 22 Data Protection Commission website, <http://gdprandyou.ie/data-protection-impact-assessments-dpia/#when-in-a-project-lifecycle-should-a-dpia-be-conducted>

DHRs are not a replacement for a criminal investigation or an inquest nor do they seek to apportion blame. They consider the circumstances of the homicide, identify how responses could have been improved and how agencies can work better together to protect potential victims and prevent future violent domestic crimes.

Reviews are commissioned by Community Safety Partnerships (CSPs) following a domestic homicide of a person aged sixteen or over²³. Community Safety Partnerships are established in each local government area²⁴ and include representatives from the police, local authorities, fire and rescue authorities, probation and the health service. CSPs are underpinned in legislation²⁵ and their purpose is to coordinate responses to local challenges such as anti-social behaviour, drug use and reoffending. There are approximately three hundred CSPs in Britain and twenty two in Wales.

Scotland has not introduced DHR's; however, as is the case in Ireland there is a collective demand from frontline service domestic violence providers on government to introduce formal reviews²⁶.

Local review panels include an independent Chair and representatives from statutory and voluntary agencies. Panels review each agency's involvement in the case and makes recommendations to improve responses in the future. Family, friends and work colleagues are also encouraged to contribute to the review.

23 Home Office, Domestic homicide reviews: key findings from analysis, December 2016, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575232/HO-Domestic-Homicide-Review-Analysis-161206.pdf

24 <https://www.gov.uk/government/publications/2010-to-2015-government-policy-crime-prevention/2010-to-2015-government-policy-crime-prevention#appendix-4-community-safety-partnerships>

25 Sections 5-7 of the Crime & Disorder Act 1998.

26 <https://theferret.scot/review-domestic-murders/>

Sinn Féin Recommendations

- Commit to the introduction of independent regionally based statutory multiagency domestic homicide reviews within three years. Reviews will also include domestic violence service providers, family, friends and work colleagues
- Establish a working group chaired by an academic with relevant experience supported by a full time secretariat. Membership to include a representative from the CSO section responsible for collecting domestic violence related data, applicable state agencies, domestic violence support service providers and family representatives affected by domestic homicide. The working group to consider similar DHR models in other jurisdictions and prepare a report with recommendations to the Minister for Justice and Equality six months from first meeting
- Establish a working group chaired by the Secretary General of the Department of Justice and Equality with membership from applicable state agencies to consider ICT shortfalls and data protection challenges to inter-agency data sharing and prepare a report with recommendations to the Minister for Justice and Equality six months from first meeting
- Budgetary provision to be made by the Department of Justice and Equality for the introduction of DHRs in advance of their establishment (Yr 1) €1m
- The Department of Justice and Equality to undertake an analysis of the key findings of domestic homicide reviews every five years for publication to advance key learning and trends from a sample of reviews to inform and shape future policy development, operational practice and to improve inter-agency cooperation



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Help us build a better Ireland for a better future. If you believe in fairness, if you believe in a United Ireland, if you want to see change, **text** your **name and address** to **51444**, or go to our website: www.sinnfein.ie



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