

OVERVIEW OF NEW DOMESTIC ABUSE OFFENCE

Abusive behaviour (whether non-physical or non-physical) of a partner, former partner, those in (or previously in) an intimate personal relationship or close family is a criminal offence. No longer will offenders evade justice because the abuse is not physical.

What is domestic abuse?

Domestic abuse is a form of trauma and can include, but is not limited to, the following:

- controlling or coercive behaviour;
- economic and financial abuse;
- gaslighting;
- online and technological abuse;
- psychological/emotional abuse;
- physical abuse (including violent – physical and sexual – or threatening behaviour);
- sexual abuse;
- abusive behaviour is:
 - making the victim dependent on the abuser;
 - isolating them from friends, family members or other sources of social interaction or support;
 - controlling, regulating or monitoring day to day activities;
 - depriving or restricting their freedom of action; or
 - making them feel frightened, humiliated, degraded, punished or intimidated.

When is it an offence?

- **A course of abusive behaviour.**
- **Two or more occasions.**
- Individuals **personally connected** - intimate (including previous) relationship or **close family members**;
- Reasonable person would consider the behaviour **likely to cause** physical or psychological harm (including fear, alarm and distress).
- The accused intends to cause harm or is reckless as to this.
- Harm does not have to be caused.
- On conviction a criminal record will show the domestic abuse offence; aggravation by involving a child; and any other offence aggravated by domestic abuse.

What if the abuse happens abroad?

This can still be an offence if the offender usually lives in Northern Ireland or is a UK resident.

How often are people abused?

- An incident is reported to police every 17 minutes.
- Anyone can be affected, anyone can be an abuser.
- Regardless of age, gender, sexual orientation, background, race or religion.
- It can take many forms, it is not just violent behaviour.

What is coercive control?

This is controlling or coercive behaviour that can include threats, humiliation, intimidation. It may be other abuse that is used to harm, punish or frighten the victim. This behaviour is designed to make a person dependent by isolating them from support, exploiting them, depriving them of freedom of action and/or regulating their everyday behaviour.

What about children

- Children can be victims of domestic abuse.
- The domestic abuse offence applies to both adults and those under 18.
- Sentencing may be increased (aggravated) if children are involved.
- A child aggravator applies to the domestic abuse offence if the victim is under 18.
- A further child aggravator applies where:
 - A child saw, heard or was present during the abuse
 - they are used to abuse another person
 - abusive behaviour is (or is threatened to be) directed at them;
 - a reasonable person would consider the abusive behaviour would adversely impact the child.
- Where a parent abuses a child under 16 the child cruelty offence would apply rather than the domestic abuse offence.
- Abusive behaviour of a young person aged 16 or 17 by their parent is covered by the domestic abuse offence.

What if the abuse only happens once?

This can still be an offence. The domestic abuse offence would not apply. However, any other offence carried out with a single incident of domestic abuse could increase the sentence over and above what it would have been. The offence could be aggravated by domestic abuse and the child aggravator would not apply.

What if we are no longer together?

- This does not make a difference.
- What is important is that there:
 - is or has been a personal connection;
 - there is abusive behavior;
 - it happens two or more times;
 - it likely to cause harm; and
 - the accused intends to cause harm or is reckless to this.

What penalties are there?

- The maximum penalty is up to **12 months** in prison in Magistrates Court, **14 years** in Crown Court.
- There may be a fine of up to £5,000 or it could be unlimited.
- Sentence may be increased over and above what it would otherwise have been where:
 - the domestic abuse offence involves a child;
 - there is domestic abuse with some other offence, for example criminal damage.

What if I am being abused?

- You are not alone.
- Help is available.
- You will be believed.
- Reach out to friends family or any of the support services that are available.
- Call the freephone 24 hour Domestic and Sexual Abuse helpline on 0808 802 1414.
- In an emergency dial 999.
- If you can't speak press 55 to let police know it is an emergency.
- Otherwise phone 101 to report.
- You can call crime stoppers confidentially on 0800 555 111.