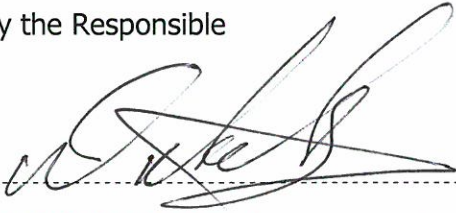


DEPARTMENT: Home Affairs		
IMPACT ASSESSMENT OF: Diversion of Offenders and Domestic Abuse Bill 2018		
Stage: Consultation	Version: 02	Date: 31/05/2018
Related Publications:		
Responsible Officer: Tom Bateman		
Email Address: tom.bateman@gov.im		Telephone: 694305

SUMMARY: INTERVENTION AND OPTIONS
<p>Briefly summarise the proposal's purpose and the intended effects</p> <p>The Bill has two distinct purposes. The first is to provide a variety of pathways by which offenders may be dealt with other than simply sending them to court. The second is to begin the process of strengthening legislation that will enable the Constabulary and others to more effectively address domestic abuse.</p>
<p>What are the options that have been considered</p> <p>Option 1: The Bill is not progressed and, as a result, more effective law in relation to domestic abuse in particular is not introduced.</p> <p>Option 2: (preferred option): Promote the Bill as drafted.</p> <p>In the event the Bill is promoted either as drafted or as amended after consultation it will empower the police, probation and others to work with appropriate offenders to address their behaviour and divert them from further offending behaviour.</p> <p>In relation to that part of the Bill concerned with domestic abuse, the Bill provides powers for the police to take immediate measures to protect individuals where such abuse occurs and to investigate and prosecute where a person is abused through coercive or controlling behaviour.</p>
<p>Link to Programme For Government:</p> <p>Healthy and safe Island – Continue to modernise our criminal justice system through the implementation of the Criminal Justice Strategy.</p>
<p>Responsible Departmental Member:</p> <p>Responsibility for implementing the Criminal Justice Strategy lies with the Minister with the advice and assistance of his Political Members.</p>
<p>Ministerial sign off</p> <p>I have read the Impact Assessment and I am satisfied that the balance between the benefits and any costs or resource implications is the right one in the circumstances.</p>

Signed by the Responsible
Minister



Hon. Bill Malarkey, MHK
Date: 14th June 2018

SUMMARY: ANALYSIS AND EVIDENCE

IMPACT OF PROPOSAL

Resource Issues - Financial (including personnel)

Statement

The Bill is not expected to result in any increase in costs to, or personnel employed by, Government. The Bill concerns alternative means of addressing offending behaviour whether in general or in the domestic setting.

Likely Financial Costs

One Off: None.

Average Annual (excluding one off):

The Bill seeks to provide criminal justice professionals with additional powers so they may address offending behaviour and protect the public in alternative ways.

The Bill also contains provisions specifically intended to protect the public and address offending behaviour in the domestic setting.

(See financial benefits below).

Likely Financial Benefits:

One Off:

Average Annual (excluding one off)

It is considered that being able to address offending behaviour in a variety of ways other than through the courts may enable existing resources to be redirected and focussed where the need is greater in terms of criminal justice.

Are there any costs or benefits that are not financial i.e. social:

In addition to the comments above, the Department considers the benefits of being able to address a whole range of behaviours at an earlier stage and keep individuals, where possible, out of court outweigh any potential costs. For example, it may not be considered appropriate to prosecute someone but being able to encourage or require that person to make some kind of reparation or apology for an offence may benefit both the offender (who does not have to go to court) and the victim (who sees concrete action being taken).

In relation to domestic abuse the Bill has clear social benefits of both expressing in law that such abuse is not acceptable (and has consequences) and enabling the police to

intervene to protect a vulnerable person whilst a longer term solution is considered. It is recognised, however, that the proposed legislation, and any subsequent guidance that is published, will only be the beginning of the process of addressing such abuse.

Which Business sectors/organisations will be impacted, if any, and has any direct consultation taken place?

The subject matter of the Bill is not such as to affect businesses specifically.

Do the proposals comply with privacy law? Please provide a brief statement as to any issue of privacy or security of personal information.

It may be argued that what goes on in a domestic setting is a private matter and therefore the Bill interferes with private lives in regard to domestic abuse. However, the Department considers that such interference is justified and proportionate on the grounds all members of society have a right to live their lives free from fear of crime and their own safety irrespective of where and in what context that crime or threat takes place.

Has Treasury Concurrence been given for the preferred option

Treasury concurrence has not been sought as the Bill is not designed to increase or to decrease revenue to government.

Key Assumptions / Sensitivities / Risks

The key assumption is that enacting the legislation will help implement the Criminal Justice Strategy and will begin the process of providing appropriate legislation to address domestic abuse.

Approximate date for legislation to be implemented if known

Subject to public consultation and review, and revision of the Bill in the light of views expressed during the consultation, the current intent would be to introduce the legislation into the Branches before Christmas 2018.

SUMMARY: CONSULTATION

Consultation in line with Government standard consultation process Yes

Date

1st Consultation..... 2nd Consultation

Summary of Responses:

