

NORTHERN CONSTABULARY

ADVICE ON YOUR CRIMINAL AND CIVIL OPTIONS

As well as recourse to the criminal justice system, you have the option to consider civil action against a perpetrator, regardless of whether you are married, living together or in a same sex partnership.

The most common form of civil protective order is an **Interdict**.

Alternatively you may be granted a **Non Harassment Order** by a court, if the conduct of a perpetrator amounts to acts of continuing harassment. Sometimes a criminal court will issue a Non Harassment Order against a convicted perpetrator as part of a sentence, in an attempt to prevent further offending.

The Dilemma You May Face

Before you decide what, if any, course of action to take, you may already be caught in a cycle of abuse and are at a higher level of risk. You now face the dilemma of deciding what to do, and assessing the consequences of any action you take, whether criminal or civil.

Criminal Options

If you contact the police, a firm stance will be taken and a perpetrator potentially locked up and kept for court. The advantages are obvious, however there are occasions when there is a risk that a perpetrator will retaliate. If you do not wish to contact the police you and your children are at risk of remaining in a cycle of potentially greater abuse.

Civil Options

If you do not wish to contact the police and instead choose a civil course of action, **it is certain a solicitor will require you to show you have pursued all options with the police to stop the abuse**. This can place you in a difficult situation without any apparent remedy in either a civil or criminal context.

Things To Consider If You Are Thinking About Applying For An Interdict

It is a perfectly reasonable option for you to consider contacting a solicitor with a view to seeking an interdict against a perpetrator.

This advice however, needs to be set in the context of the situation you are in, and may not be the final solution you are seeking. Sometimes pursuing a civil interdict can be counterproductive, or in a worst case scenario, placing you at greater risk.

When considering seeking an interdict you should consider:

- Have you previously reported incidents to the police ?
- Do you know if the perpetrator has complied with previous orders ?
- Has the offending worsened and is it likely to worsen if an interdict is sought or obtained ?
- Is there conflict over child contact which may make a perpetrator ignore an interdict ?
- Is the perpetrator jealous or controlling of you and if so, would an interdict worsen the situation ?
- Do you believe you are being stalked, in which case would the perpetrator comply with an interdict ?
- Has the perpetrator ever threatened to kill you or others eg children or himself ?
- Can you accurately assess if the perpetrator is likely to comply with an interdict ?

Once these and any other relevant issues are considered and assessed, you may be in a better position to decide if an interdict really is the best course of action for your particular circumstances.

To assist you consider these issues and provide further guidance, contact the Northern Constabulary Police Office for your area on 0845 600 5703.