LADY CHIEF JUSTICE OF NORTHERN IRELAND

"TECHNOLOGY, DOMESTIC ABUSE AND THE COURTS: NEW METHODS, ENDURING PRINCIPLES"

BELFAST DOMESTIC AND SEXUAL VIOLENCE ABUSE PARTNERSHIP CONFERENCE

5 NOVEMBER 2026

Thank you for the invitation to join you today.

I am delighted to have the opportunity to open this conference and to support the important work undertaken by the Belfast Area Domestic & Sexual Violence and Abuse Partnership and the South Eastern Domestic & Sexual Abuse Partnership. I am conscious that many of those attending today work daily with victims and survivors of domestic abuse and bring considerable expertise and experience to this important area.

The theme of today's conference is both timely and important.

Technology now permeates almost every aspect of modern life. It influences how we communicate, how we work, how we socialise and how we access information. It has transformed the way in which we interact with one another and has brought enormous benefits to society.

Yet, as with many advances, those benefits are accompanied by new challenges.

The same technologies that facilitate communication and connection can also be misused. Devices and platforms designed to bring people together may be deployed as tools of surveillance, intimidation, control or exploitation. As technology evolves, so too do the methods available to those who seek to abuse it.

The invitation to today's conference asked me to reflect upon how the courts have responded to the use of technology in domestic abuse cases. As I considered that question, I was struck by a simple but important observation.

Whilst technology has changed dramatically during the course of my legal career, the underlying dynamics of domestic abuse remain remarkably familiar.

The desire to control another person is not new.

The use of intimidation is not new.

Nor, sadly, are attempts to isolate, manipulate or exploit vulnerable individuals.

What has changed are the means by which such conduct may now be carried out.

It is perhaps tempting to view technology-facilitated abuse as an entirely new phenomenon. From a judicial perspective, however, the picture is more nuanced. In many respects, technology has not altered the fundamental nature of abusive behaviour. Rather, it has provided new mechanisms through which old patterns of abuse may be exercised.

That recognition has shaped the way in which the courts have increasingly approached these cases.

One of the most significant developments during the course of my legal career has been the growing recognition that domestic abuse cannot always be understood through isolated incidents viewed separately from one another.

Increasingly, the courts are required to examine the broader context of a relationship and to assess patterns of behaviour over time.

This shift in understanding is reflected in the law itself. The introduction of the domestic abuse offence in Northern Ireland recognised that abuse may consist not merely of individual acts of violence, but of conduct which, when viewed cumulatively, exerts a controlling or coercive influence over another person's life.

That approach has become particularly important in cases involving technology.

Digital communications often provide a contemporaneous record of interactions that might previously have remained hidden. Messages, photographs, recordings, social media activity and financial data can assist courts in understanding the reality of a relationship and the experiences of those involved.

Recent cases illustrate the point.

In *R v Kevin Jones*,[1] digital communications formed an important part of the evidential picture before the court. Messages and other electronic material enabled a detailed examination of the relationship over an extended period of time and provided insight into behaviour that might otherwise have remained hidden from public view. The evidence demonstrated not a series of isolated disagreements or incidents, but a sustained pattern of coercive and controlling conduct.

One of the significant features of the case was the extent to which technology enabled the court to view events cumulatively. Communications preserved electronically provided a contemporaneous record of interactions between the parties and assisted the court in understanding the reality of the relationship as it developed over time. The case serves as an illustration of how digital

[1] [2026] NICC 10

evidence can assist courts in identifying patterns of behaviour which might not be apparent when individual incidents are considered in isolation.

In *R v Barry Maguire*,[2] technology featured not merely as a source of evidence but as an integral component of the abusive behaviour itself. The case involved repeated communications, the monitoring of activity and the misuse of digital resources in a manner designed to exert control and intimidation. The evidence demonstrated how modern technology may be woven into the fabric of abusive conduct. Mobile telephones, online banking facilities, electronic communications and digital recordings can all be used for legitimate purposes. However, the case illustrated how those same tools may be exploited to monitor, humiliate or dominate another person. It provided a stark reminder that technology is often neither inherently beneficial nor harmful. Rather, its impact depends upon the purposes for which it is used. The underlying behaviour with which the court was concerned was sadly familiar; what had changed were the mechanisms through which that behaviour was expressed.

The case of *R v Jonathan Playfair*[3] demonstrated how digital platforms may be used to facilitate the grooming, manipulation and exploitation of vulnerable individuals. The internet has created unprecedented opportunities for communication and interaction. It has brought considerable social benefits and transformed many aspects of modern life. However, it has also created opportunities for offenders to access, contact and exploit victims in ways that would previously have been difficult or impossible. The case illustrated the capacity of technology to remove traditional barriers of geography and proximity, enabling harmful conduct to occur through online interaction alone. For courts, such cases emphasise the importance of understanding both

[2] [2026] NICA 12

[3] [2024] NICA 21

the opportunities and risks presented by emerging technologies and of ensuring that established legal principles are capable of responding effectively to new factual circumstances.

If *Playfair* demonstrates the intensely personal nature of technology-facilitated exploitation, the case of *R v Alexander McCartney*[4] illustrates how the same technologies can enable offending on an altogether different scale. The defendant used false online identities to target vulnerable young girls across multiple jurisdictions, deceiving them into sharing intimate images before using threats of disclosure to exert control over them. What followed was a campaign of coercion, blackmail and abuse affecting victims not only in Northern Ireland but throughout the United Kingdom, Europe, North America and beyond. The offending was committed from a single location, yet its consequences were felt across the world.

The case demonstrated how technology can remove traditional barriers of distance and geography, allowing offenders to reach victims whom they could never previously have encountered. It was also offending conducted in private by one individual from a bedroom. It also illustrated the increasingly international character of technology-facilitated offending and the importance of co-operation between law enforcement agencies and courts in responding effectively to such crimes. The life sentence imposed reflected the gravity with which the courts view this type of offending. The abuse of technology to deceive, blackmail and exploit vulnerable victims on a large scale represents a profound violation of personal autonomy and dignity, and cases of this nature will continue to attract severe penalties.

These cases are very different. They involve different victims, different forms of offending and different factual circumstances, yet they demonstrate a

[4] [2024] NICC 30

common theme. Technology frequently enables courts to see a fuller picture. It may reveal patterns of conduct. It may expose attempts at coercion or manipulation. It may provide evidence of behaviour that would previously have taken place beyond the view of others.

For the courts, that wider perspective is often critical to identifying and understanding the true nature of abusive behaviour.

Technology may also assist in ensuring that evidence is preserved at the earliest stages of an investigation. In *McGuinness (Gerard) v The Public Prosecution Service for Northern Ireland*,[5] the Court of Appeal considered the admissibility of body-worn video footage recorded by police officers responding to a domestic incident. The complainant subsequently withdrew her complaint following reconciliation with the defendant. However, the recording provided the court with a contemporaneous account of the events and was admitted in evidence.

More significantly, the judgment has assumed importance beyond its own facts. It provides authoritative guidance on the admission of contemporaneous body-worn video evidence under the *res gestae* exception to the hearsay rule and addresses a difficulty encountered all too often in domestic abuse prosecutions. Those who work within the criminal justice system are well aware that a complainant's initial account may sometimes be followed by a withdrawal of support for proceedings. The reasons for this are often complex and may include reconciliation, fear, dependency or concern about the consequences of prosecution. The court's decision recognised the evidential value of material recorded at the scene and has assisted courts in considering similar applications in subsequent cases. It demonstrates how advances in policing technology can help preserve reliable evidence at an

[5] [2017] NICA 30

early stage of an investigation and, in appropriate circumstances, enable proceedings to continue where previously they might have been unable to do so. In that respect, technology is not merely creating new challenges for the justice system; it is also providing important tools by which those challenges may be addressed.

Many victims have benefited from the use of this authority with successful prosecutions continuing in instances where previously they would not have been able to proceed.

The pace of technological change presents an obvious challenge for any institution, including the justice system.

New platforms emerge. Methods of communication evolve. Forms of offending that would have been unimaginable only a few years earlier can quickly become commonplace.

The courts are therefore required continually to engage with new technologies and new forms of evidence. Judges today routinely encounter material drawn from mobile telephones, social media platforms, internet messaging services, digital photographs, video recordings and electronic financial records.

One consequence of this more complex digital landscape is that it will take more time to collate evidence and make it court ready. This may occasion some delay in cases proceeding which I know is a concern of victims. However, if delay is purposeful and leads to a successful prosecution, it will be worthwhile.

Whatever form the evidence may take, the task facing the courts remains fundamentally the same: to assess it fairly, place it in its proper context and determine what it reveals about the issues in dispute.

These principles apply equally to domestic abuse cases.

Technology may alter the means by which abusive conduct is carried out. It does not alter the court's responsibility to understand the reality of the behaviour being alleged and to apply the law fairly and impartially to the facts established by the evidence.

Nor has technology altered the fundamental values which underpin the justice system.

The protection of the vulnerable, respect for individual dignity, fairness in decision-making and equality before the law remain as important today as they have always been.

Indeed, those principles become all the more important as technology develops. Whilst innovations may transform the way in which people communicate and interact, they should never diminish the rights and protections to which every individual is entitled.

For that reason, the challenge presented by technological change is not simply a technical one.

It is a question of ensuring that enduring legal principles continue to be applied effectively within a changing social and technological environment.

That has always been one of the strengths of the common law tradition. The facts change, the means change and the circumstances change, but the underlying principles remain capable of guiding the courts as they confront new situations and new forms of conduct.

Of course, the responsibility for responding to domestic abuse does not rest with the courts alone.

The cases that come before judges represent only one part of a much wider societal response involving police officers, prosecutors, support organisations,

healthcare professionals, educators and community groups. Many of those professions are represented in this room today.

Each brings a different perspective. Each has a different role to perform. Yet all are united by the common objective of protection of victims and the prevention of abuse.

Looking ahead, it is clear that technological developments will continue to present new challenges. Artificial intelligence, for example, has enormous potential to improve lives and enhance access to information and services. However, like other technologies, it may also be misused.

We are already beginning to see the emergence of synthetic images, manipulated recordings, cloned voices and AI-generated communications which can be extraordinarily difficult to distinguish from authentic material. Such technologies create obvious opportunities for deception, harassment, intimidation and exploitation. They also have the potential to complicate the investigation and prosecution of criminal offences by making it more difficult to establish what is genuine and what is not.

The issues raised are not confined to questions of offending. They may increasingly affect questions of evidence. Courts may in future be required to consider the authenticity of digital material generated or altered using artificial intelligence, in much the same way as courts have previously had to adapt to developments in electronic communications, social media and digital recording technology.

Cases such as *McCartney* have already demonstrated the devastating consequences that can follow when technology is used to facilitate impersonation, deception and coercion on a large scale. Developments in artificial intelligence have the potential to make such conduct increasingly sophisticated and increasingly difficult to detect.

Yet, for all the novelty of the technology, the essential task facing the courts remains unchanged. Questions of reliability, authenticity, credibility and fairness have always been central to the judicial process. The tools may evolve, but the principles by which courts evaluate evidence endure.

Technology will undoubtedly continue to present both opportunities and challenges in the years ahead.

It will continue to shape the way we communicate, the way we investigate crime and the way evidence comes before the courts. It will also continue to require all of us to adapt our practices and deepen our understanding of the ways in which abusive behaviour may manifest itself.

Yet for all the changes that lie ahead, some things remain constant.

The need to protect the vulnerable. The need to uphold dignity and respect. The need to ensure that those subjected to abuse can obtain protection and access justice. And the need to ensure that the law continues to respond effectively to the realities of people's lives.

If there is one message I would leave with you today, it is that while technology may be changing rapidly, the values that underpin our response to domestic abuse should not.

The methods may change but the principles do not.

I would like to conclude by again thanking the organisers for inviting me to join you today and by acknowledging the vital work undertaken by all those represented here. Through your commitment, expertise and collaboration, you contribute significantly to the protection of victims and to the continuing effort to address domestic abuse in all its forms.

I wish you every success for the remainder of the conference.

Thank you.