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NPIA
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PROFESSIONAL PRACTICE

GUIDANCE ON

INVESTIGATING DOMESTIC ABUSE

2008

Produced on behalf of the Association of Chief Police Officers
by the National Policing Improvement Agency

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GUIDANCE ON INVESTIGATING DOMESTIC ABUSE
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PREFACE

The shared ACPO, Crown Prosecution Service (CPS) and government definition of **domestic violence** is:

> 'any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 and over, who are or have been intimate partners or family members, regardless of gender and sexuality.' (Family members are defined as mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.)

The **priorities** of the Police Service in responding to domestic abuse are as follows:

- To protect the lives of both adults and children who are at risk as a result of domestic abuse;
- To investigate all reports of domestic abuse;
- To facilitate effective action against offenders so that they can be held accountable through the criminal justice system;
- To adopt a proactive multi-agency approach in preventing and reducing domestic abuse.

The legal obligations, which underpin the above priorities, include the duties within the Human Rights Act 1998 and the European Convention on Human Rights (ECHR) to protect life and to protect individuals from inhuman and degrading treatment.

Both the Convention and other legislation place a clear responsibility on public authorities to fulfil these obligations without discriminating on any grounds. All victims of domestic abuse should receive the appropriate quality of service according to their individual needs. All allegations should be properly investigated and offenders held accountable through the criminal justice system, without discrimination.

Chief officers should establish and implement policies which ensure that the police response to domestic abuse fully supports and achieves these priorities. Police staff should maintain and enhance public confidence by delivering these priorities to a high professional standard.

In achieving these priorities and fulfilling these obligations, partnership working with criminal justice agencies and other statutory and voluntary sector services is essential.

This guidance replaces ***ACPO (2004) Guidance on Investigating Domestic Violence*** and the ***Update Briefing No. 1/2006.*** Its purpose is to provide the Police Service with clear information about the policing of domestic abuse. It provides operational, tactical and strategic advice. Management issues are summarised at the end of each section. The ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme*** is linked to the guidance.

The guidance is structured to follow the pattern of reporting, responding to and investigating domestic abuse. It contains specific advice about the role of domestic abuse officers and police domestic abuse coordinators. It also provides an outline of multi-agency roles and responsibilities in reducing domestic abuse.

The following strategic issues for chief officers emerge from the guidance:

- Implementing a comprehensive force policy that incorporates ***ACPO (2008) Guidance on Investigating Domestic Abuse;***
- Ensuring that this guidance works alongside associated policies such as those relating to child abuse, harassment, serious sexual offences and managing sexual and violent offenders;
- Developing information systems which support the implementation of this guidance and ***ACPO (2006) Guidance on the Management of Police Information;***
- Focusing on police responsibility for the investigation of domestic abuse-related offences, and for fulfilling its role in the criminal justice system to ensure that offenders are held to account;
- Ensuring that the training needs of all staff are met through the adoption of the ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme.*** Where possible, this training should be run in partnership with local CPS and providers of outreach and refuge services for victims of domestic abuse.

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Section 1
IDENTIFICATION, REPORTING AND REFERRALS

This section outlines how reports of domestic abuse, or reports indicating domestic abuse, might come to the attention of the police. It includes information about general reports that will be made through the command and control system, at the front desk, or through other potentially associated cases. It also provides information about referrals made from other agencies, both statutory and non-statutory, and intelligence in relation to identifying and targeting domestic abuse cases.

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1.1 GENERAL REPORTING

A common feature in most domestic abuse cases is repeat victimisation. This is usually defined as more than one incident reported to the police in a given period, for example, twelve months. Positive action policies should be applied in all cases of domestic abuse to reduce repeat victimisation and protect victims. First-hand reporting from a victim or witness is the most common way that the police are informed about domestic abuse. The majority of domestic abuse incidents are reported via calls to the police, visits to the police station or through contact with operational officers. All reports of domestic abuse should be recorded in compliance with ***ACPO (2002) National Crime Recording Standards.***

The receipt of a report of domestic abuse is the beginning of the investigation. Officers and police staff should establish as much detail as possible to ensure an effective investigation. A victim or witness making a report of domestic abuse might not identify it as such. Therefore, officers and, to some extent, police staff, need to ask relevant questions to identify reports clearly as domestic abuse.

Officers and police staff taking general and emergency reports of domestic abuse should make sure that full details are requested at the report taking stage of the investigation. Call takers, communications room staff and front desk staff should be trained to respond to reports of domestic abuse, see ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme.*** Supervisors of communication rooms should consider training communication room staff with fast-track response officers. They should also carry out regular, random checking of emergency calls to ensure that resources are deployed and callers are dealt with appropriately.

The information that should be requested when taking an initial report of domestic abuse is detailed in **Checklist 1 Information Gathering.**

For more information on National Crime Recording Standards, see **http://www.homeoffice.gov.uk/rds/countrules.html**

1.2 POTENTIAL ASSOCIATED INVESTIGATIONS

The links between an investigation into another offence and associated offences of domestic abuse might not always be apparent. These potentially linked enquiries should identify domestic abuse as a line of enquiry, particularly when investigating the following types of offending.

1.2.1 CHILD ABUSE INVESTIGATIONS

'Child abuse' is a generic term encompassing all circumstances of ill-treatment of children. It includes serious physical and sexual assaults as well as cases where the standard of care does not reach reasonable expectations. ***HM Government (2006) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*** sets out definitions of child abuse and gives examples of the four broad categories of child abuse:

- Physical abuse;
- Sexual abuse;
- Emotional abuse;
- Neglect.

See **http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/**

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There are significant links between domestic abuse and child abuse. In households where domestic abuse takes place, children might also be subject to abuse. Similarly, in households where there is child abuse, domestic abuse may be present. Children witnessing domestic abuse are exposed to harm and risk. An amendment to the Children Act 1989, made in section 120 of the Adoption and Children Act 2002, clarifies the meaning of 'harm' in the Children Act 1989 to make it explicit that harm includes, for example, the impairment suffered from seeing or hearing the ill-treatment of another.

In child abuse investigations the welfare of the child is paramount; failing to identify and fully investigate the domestic abuse element of any child abuse could result in failure to protect the safety and well-being of both child and adult victims.

Officers should be vigilant to indicators of domestic abuse that may come to the attention of the police through child abuse investigations. When investigating domestic abuse cases, officers should be alert to potential concerns relating to children, including abuse or neglect of the children in the family, or physical or emotional abuse suffered by a child in a household where domestic abuse is perpetrated.

First response officers should be supplied with, and have ready access to, current information regarding prior domestic abuse and child abuse offending. This should include details of any relevant civil orders.

ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition provides full details of actions to follow if officers suspect child abuse.

Officers should also consider whether identified children might be at risk of honour-based violence (HBV) including forced marriage. In cases where HBV is reported or suspected, officers should take appropriate steps to identify particular risks, protective factors and sources of support. See **1.2.5 Honour-Based Violence.**

1.2.2 ACPO DEFINITIONS OF DOMESTIC VIOLENCE AND CHILD ABUSE

The ACPO definition of domestic violence (see Preface) applies to cases where victims and perpetrators are over the age of 18 years. There may be cases where a victim who is under 18 years is being subjected to abuse by a partner or former partner who is over 18 years. Such a case falls within ***ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition,*** which defines a child as a person under the age of 18 years. However, there may be cases where it will be appropriate to apply the principles of ***ACPO (2008) Guidance on Investigating Domestic Abuse, Second Edition*** in addition to those in ***ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition.*** Where appropriate, local protocols should exist within police forces to provide advice on which internal department should lead in investigating such cases.

1.2.3 HARASSMENT

Domestic abuse investigations may include harassment-type offences and vice versa. Harassment can be a direct part of the domestic abuse or can occur due to the actions of people associated with the abuser.

In some investigations of harassment which relate to domestic abuse, the offender will not be readily obvious because the offences are committed anonymously. In all such cases investigations should make use of this guidance and ***ACPO (forthcoming) Practice Advice on Investigating Harassment, Second Edition.***

1.2.4 HOMICIDES

Domestic homicides represent a high proportion of homicides in England and Wales. On average, approximately one third of all homicides are committed by a family member, partner or ex-partner.

When investigating a domestic homicide, officers should use intelligence sources and specialist staff who carry out domestic abuse investigation and coordination roles. In order to build a strong prosecution case, and to anticipate defence strategies, investigations should also seek information from relevant partner agencies to establish whether there has been previously recorded domestic abuse.

In domestic homicide cases other considerations which might impact on the investigation include the possibility of child abuse, sexual offences, the danger posed to previous and potential future victims of domestic abuse, and existing and future child contact arrangements and agreements.

Domestic homicides committed by family members, which perpetrator(s) claim are an attempt to 'restore honour' to a family group, are sometimes referred to as 'honour killings'. Officers should note that concepts of honour and other cultural issues are not a defence to homicide or assault and that all homicides should be investigated in accordance with ***ACPO (2006) Murder Investigation Manual.***

Section 5 of the Domestic Violence, Crime and Victims Act 2004 introduces a new offence of causing or allowing the death of a child or vulnerable adult. The offence is limited to where the victim has died of an unlawful act, so it will not apply where the death was an accident. The offence only applies to members of the household who had frequent contact with the victim, and could, therefore, be reasonably expected to be aware of any risk to the victim, and to have a duty to protect the victim from harm. The household member must have failed to take 'reasonable steps' to protect the victim. What will constitute reasonable steps will depend on the circumstances of the person and their relationship to the victim. The victim must also have been at significant risk of serious physical harm. The risk is likely to be demonstrated by a history of violence towards the vulnerable person, or towards others in the household. Only those aged 16 years or over may be guilty of the offence, unless they are the mother or father of the victim.

Media strategies in domestic homicide cases should use the opportunity to reinforce positive action policies in relation to domestic abuse. Their focus should be on the seriousness of the offence because of the relationship of trust between the victim and the offender.

1.2.5 HONOUR-BASED VIOLENCE

The term 'honour-based violence' (HBV) has been the subject of much debate. Although it is used here, it is recognised that there is no honour and no legal defence for committing offences against the person, and abuses of human rights. This term is used in this document because it is the internationally recognised term describing cultural justifications for violence and abuse.

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HBV can be described as a collection of practices (some criminal and some not) which are used to control behaviour within families to protect perceived cultural and religious beliefs and/or honour. Abuse may occur when perpetrators perceive that a relative has shamed the family and/or community by breaking a perceived honour code. HBV can be distinguished from other forms of violence as it is often committed with some degree of approval and/or collusion from family and/or community members. Examples of HBV may include controlling sexual activity, domestic abuse, child abuse, rape, kidnapping, false imprisonment, female genital mutilation (FGM), threats to kill and fear of or actual forced marriage, or homicide.

A forced marriage is a marriage conducted without the full and free consent of both parties. It should not be confused with an arranged marriage, which has the consent of both parties. In forced marriages, family members or spouses may perpetrate abuse, either by forcing the victim into the marriage or by continuing the abuse after the marriage. The abuse may be committed by any family member (male or female) and may or may not include the other party to the forced marriage. The marriage can occur in this country or abroad. The Forced Marriage (Civil Protection) Act 2007 allows the High Court or county courts to protect a person from being forced into a marriage, or from any attempt to force a person into marriage, or to protect a person who has been forced into a marriage. Orders can have a power of arrest attached to them. The Foreign and Commonwealth Office and Home Office Forced Marriage Unit develop government policy on forced marriage, coordinate outreach projects and provide support and information to those at risk.

Female genital mutilation (FGM) is the term used to refer to the removal of part or all of the female genitalia for non-therapeutic reasons. Any such procedure on a woman or girl is unlawful under the Female Genital Mutilation Act 2003. It is also an offence under the Act for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal. For further information see ***Home Office Circular (10/2004) The Female Genital Mutilation Act 2003.***

HBV incidents and abuse may come to the attention of the police in a variety of ways such as domestic or child abuse cases, missing persons, homicide or kidnap investigations. Officers investigating any HBV should not engage in community mediation but should identify suitable local advocacy groups to support victims, see **3.4.1 Considerations in Cases Involving Honour-Based Violence.** For further information see ***ACPO, Foreign & Commonwealth Office and Home Office (2005) Dealing with Cases of Forced Marriage: Guidance for Police Officers, Second Edition*** and ***ACPO (forthcoming) Honour-Based Violence Strategy.***

1.2.6 INCIDENTS INVOLVING INSECURE IMMIGRATION STATUS AND DOMESTIC ABUSE

Officers should note that in any investigation, insecure immigration status might act as a further barrier to reporting.

The following immigration rules apply to domestic violence.

General rules

Provided that requirements for obtaining entry clearance have been met, people entering the UK as the husband or wife or civil partner of a person who is present and settled in the UK should be granted leave to remain for an initial period of two years. This period is sometimes referred to as the probationary period. In the case of an unmarried partner or same sex partner of a person who is present and settled in the UK, the probationary period is also two years.

At the end of the probationary period and provided that the relevant conditions are still being met, an application can be made by the spouse/civil partner or unmarried partner/same sex partner for indefinite leave to remain in the UK. This application can be made provided that the marriage/partnership or relationship is ongoing, and that each party intends to live permanently with the other as his or her spouse/partner.

Insecure immigration status and domestic violence

In the situation where domestic violence has caused the relationship to break down during the probationary period, the spouse/civil partner or unmarried/same sex partner can apply for indefinite leave to remain in the UK. This concession was formally incorporated into the Immigration Rules (paragraph 289A) in 2002.

The spouse/civil partner or unmarried/same sex partner may still be granted indefinite leave to remain in the UK. For leave to be granted they must produce evidence demonstrating that they have been the victim of domestic violence during the probationary period, while the marriage or relationship was still subsisting. That evidence should be in one of the following forms: an injunction, non-molestation order or other protection order against the abusive spouse/civil partner or unmarried/same sex partner (this does not include an ex parte or interim order), a relevant court conviction against the abusive spouse/civil partner or unmarried/same sex partner, or full details of a police caution issued against the abusive spouse/civil partner or unmarried/same sex partner.

If one of the above pieces of evidence is not available, at least two of the following are acceptable:

- Medical report from a hospital doctor confirming that the applicant has injuries consistent with being the victim of domestic violence;
- Letter from a general practitioner who has examined the applicant and is satisfied they have injuries consistent with being the victim of domestic violence;
- Undertaking given to a court that the perpetrator of the abuse will not approach the applicant, who is the victim of abuse;
- Police report confirming attendance at the home of the applicant as a result of domestic violence;
- Letter from adult services or children's social care confirming its involvement in connection with domestic violence;
- Letter of support or report from a women's refuge.

This rule also applies where the applicant has been subjected to domestic violence at the hands of someone other than his or her spouse/civil partner or unmarried/same sex partner – provided that the abuse was the reason for the breakdown of the relationship.

Officers should note that records of police attendance and of their investigation might form part of the applicant's case to apply for leave to remain in the UK. The protection and safety of victims of domestic abuse is the primary consideration in any case in which insecure immigration status is identified as an issue.

1.2.7 MISSING PERSONS INVESTIGATIONS

There is a potential link between missing persons and domestic abuse. The person reporting an individual as missing may not know, or might not disclose, domestic abuse to the police. Identifying that the missing person is a victim of domestic abuse or child abuse, or is an offender, will have an important bearing on determining the type and level of investigation undertaken. The missing person could be the victim of a domestic homicide. It is also possible that by reporting a person as missing, an abuser could be attempting to locate a victim who has escaped from a violent situation.

Domestic abuse officers should be informed when a domestic abuse victim or suspect/offender is missing. Previous domestic abuse records and intelligence should be used to assist in the investigation. Established links with domestic abuse service providers, such as local refuges and outreach services, should be used, where appropriate, to explore whether they can assist with the investigation. Such contact should respect the confidentiality process of the service provider, and should not presume that information will be made available. For further information see ***ACPO (2005) Guidance on the Management, Recording and Investigation of Missing Persons*** and ***ACPO (2007) Update to the Guidance on the Management, Recording and Investigation of Missing Persons 2005.***

Missing person who is an alleged domestic abuse victim

When investigating missing person reports in which the victim is, or may be, a victim of domestic abuse, officers should:

- Maintain victim confidentiality, as far as possible, with the victim's safety and protection being the priority at all times. If a person is traced, officers should only confirm whether or not they are safe and well. Officers should seek the full consent of the traced person before disclosing any additional information to the person reporting them as missing, or to any other person.

- Consider that a child may have run away from home to escape domestic abuse, HBV or other forms of abuse that are occurring in the home. The immediate family may not reveal this information and, therefore, it is crucial that any previous history (from any available source) is considered. In cases where there is a suspected abduction for the purposes of forced marriage, see **1.2.5 Honour-Based Violence.**

- Consider that abusers may report children as missing or as abducted when their partner has left for their own safety, and has also removed the children to a place of safety.

- Consider that part of an abuser's strategy may be:
  - to report the victim missing and possibly to portray false concern in an attempt to cover up the abuse or homicide;
  - a failure or reluctance to report the victim missing to avoid the subsequent investigation;
  - to seek police assistance, believing the police will disclose the whereabouts of the victim or return them to the abuser.

- Use the expertise of domestic abuse officers, who will have useful contacts with refuge and domestic abuse outreach services.

- Ensure that the locations of refuges and domestic abuse outreach services are never revealed to family members attempting to trace a missing person.

- Carry out full domestic abuse checks on missing person, those reporting spouses, partners, children or other family members missing (including Police National Computer (PNC) and IMPACT Nominal Index (INI), civil injunctions, including any order denying or restricting child contact, child protection and force intelligence systems, child protection register (this will become known as the Integrated Children's System) and the Violent Offender and Sex Offender Register (ViSOR)).

Any investigation into a missing person where there is a suspicion of domestic abuse requires checks to determine whether there is a history of abuse. Investigations should seek evidence from police sources and partner agencies, or from the missing person's relatives or associates, see **4 Investigation Development: Sources of Evidence.**

Missing persons who are alleged domestic abuse perpetrators or offenders

In cases where the reported missing person is, or might be, a domestic abuse suspect or offender, officers should:

- Consider that a victim may be too frightened or ashamed to disclose that the missing person is a domestic abuse abuser. Where this is suspected, it may be useful to offer support through a partner agency.

- Ascertain whether the domestic abuse suspect or offender has threatened or attempted to commit suicide. Any threat or attempt to commit suicide should be treated seriously. Such individuals should be considered as potentially homicidal and may pose a threat to the lives of the victim, child victims or others. It is not uncommon for domestic homicides to also involve the suicide of the abuser.

- Consider that a domestic abuse suspect or offender may have been reported missing with children. This might be as part of a contact arrangement or dispute. Child contact disputes and post-separation abuse are established risk factors for further harm and homicide.

1.2.8 PROSTITUTION

Abusers or family members can force victims into prostitution. No matter how the situation is presented, it is essential that the links between domestic abuse and prostitution are clearly identified and acted upon. Failure to recognise domestic abuse could have dangerous implications for the victim and any children. Being forced into prostitution increases the vulnerability of the victim to further harm or homicide. Police operations addressing prostitution should identify potential links between prostitution and domestic abuse during the tasking and co-ordination process.

For further information see the confidential document ***ACPO (2004) Policing Prostitution: ACPO's Policy, Strategy and Operational Guidelines for dealing with exploitation and abuse through prostitution*** and ***Home Office (2006) A Coordinated Prostitution Strategy and a summary of responses to Paying the Price.***

1.2.9 SEXUAL OFFENCES

The potential for domestic abuse cases to include sexual abuse needs to be integral to the earliest stages of an investigation. Sexual abuse is often part of domestic abuse but is rarely disclosed, particularly when other forms of abuse are the primary reasons for police involvement. Most victims of sexual abuse find it difficult to disclose details of this, even at crisis point.

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Information from partner agencies, particularly voluntary sector support services, may indicate the presence of sexual abuse and this should be identified and acted upon as appropriate.

The skills and expertise of domestic abuse officers and specially trained officers (STOs), who are trained to investigate sexual offences, should be used to ensure that domestic abuse victims are provided with the opportunity to disclose sexual abuse and given access to relevant support services. Victims should be informed of local services such as sexual assault referral centres (SARCs), or their equivalents, and of the possible benefits of undergoing a forensic medical examination.

When sexual offences are disclosed as part of the investigation but were not the original reported incident (which often occurs as part of the risk identification process), this information should be passed to the force intelligence capability and then investigated. This should normally mean that a domestic abuse officer and STO conduct a preliminary investigation, as directed by an investigating officer (IO), and seek to establish the support of the victim for a full investigation of the sexual offences. For further information see ***ACPO (2005) Guidance on Investigating Serious Sexual Offences.***

1.2.10 MANAGING SEXUAL OFFENDERS AND VIOLENT OFFENDERS

Investigations that take place as part of the management of sexual offenders and violent offenders can relate to domestic abuse. MAPPA offenders and Potentially Dangerous Persons (PDPs) can have an offending background which includes domestic abuse. Such abuse can also be uncovered during the management of offenders who have no record of such offending behaviour. For example, evidence of domestic abuse could be uncovered during a home visit to a Registered Sex Offender (RSO). In all such cases domestic abuse should be investigated using this guidance. Information should be recorded and stored on appropriate police systems including INI and ViSOR.

In some cases domestic abuse offenders who are not managed within MAPPA or as PDPs will need to be included within force systems which manage such individuals.

For further information see ***ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders.***

1.2.11 VULNERABLE ADULT ABUSE

No Secrets defines a vulnerable adult as

> a person who is or may be in need of community care services by reason of mental or other disability, age or illness: and who may or may not be able to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

Older people and adults with a physical or learning disability, or who have mental health problems, are particularly vulnerable to suffering domestic abuse perpetrated by their partners, ex-partners and family members. Suspects might also be the primary carer for the victim. For further information see ***Department of Health (2000) No Secrets: Guidance on Developing and Implementing Multi-Agency Policies and Procedures to Protect Vulnerable Adults from Abuse.***

For further information on abuse of elderly people see **http://www.cdna-online.org.uk**

1.2.12 INCIDENTS THAT ARE NOT OVERTLY DOMESTIC ABUSE

Other offences or incidents that might be linked to domestic abuse, even when they may not appear to be linked at the time of reporting include:

- Street disturbances and public disorder such as breach of the peace;
- Anti-social behaviour;
- Neighbourhood disputes;
- Nuisance calls;
- Animal abuse;
- Criminal damage;
- Assaults.

This list is not exhaustive. Whatever the type of incident, it is essential that the domestic abuse element is properly identified, including risk, and the necessary processes and support services put into place.

1.3 REFERRALS FROM OTHER AGENCIES

Police may become alerted to domestic abuse cases through contact with other agencies. This could be a documented or verbal referral, or where an agency is providing domestic abuse information as part of an information-sharing process.

Partner agencies may have IT-based information referral and tracking systems to analyse information relating to domestic abuse. When a referral is received from another agency, it should be recorded and investigated according to local information-sharing protocols. In addition, risk identification processes should be instigated as soon as possible after receiving a referral. In domestic abuse cases there should be a well-recognised and auditable process in place to enable partner agencies to make the appropriate contact with the police to facilitate referrals and information sharing. For further information see ***HM Government (2006) Information sharing: Practitioners' guide.***

Police forces should ensure that their IT systems have the capability to record information from partner agencies, decisions made and subsequent action taken, thereby creating an effective audit process. For further information see ***ACPO (2006) Guidance on the Management of Police Information.***

If a referral indicates that a crime has been committed, in accordance with ***ACPO (2002) National Crime Recording Standards,*** supervisors should ensure that the incident is investigated and a crime report is completed. Incidents not identified as a crime should be retained in police records for future information.

1.4 IDENTIFYING INFORMATION AND INTELLIGENCE ABOUT DOMESTIC ABUSE OFFENDING

Information and intelligence should provide officers with background material from which victims and suspects can be identified. Domestic abuse information and intelligence comes to the police from a number of sources and it is vital that it is identified, assessed, retained and properly stored. Intelligence should be entered into the appropriate local and national intelligence systems in line with ***ACPO (2006) Guidance on the Management of Police Information.*** Failure to record and use such information could significantly reduce the effectiveness of the police response.

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All information and intelligence relating to domestic abuse, including that from other agencies, should be held centrally and be routinely managed by the police domestic abuse coordinator. Such information should be examined regularly for signs of escalation or further risk factors relating to the victim, children and any other people. As previously stated, domestic abuse is also associated with other types of violent crime and sexual offending. Any recent or new information or intelligence should lead to a further assessment. Persistent and serious offenders may be subject profiled and should, therefore, be included as part of patrol officer briefings and debriefings. This is particularly valuable in cases where the suspect leaves the scene prior to police arrival or has other identified criminal connections. For further information see ***ACPO (2006) Guidance on the National Briefing Model.***

All domestic abuse intelligence should be disseminated to police domestic abuse coordinators, who need to organise the targeting of suspects through recognised tasking and co-ordination processes. See ***ACPO (2006) Practice Advice on Tasking and Co-ordination.*** Domestic abuse officers should feedback specific intelligence on suspects and their patterns of offending. Such feedback and information about any other criminal connections, relevant civil injunctions or orders made to restrict child contact should be entered into the intelligence system and included within subject profiles.

Police officers should use domestic abuse intelligence in the following ways:

- To identify risk factors associated with victims, children and suspects;
- To identify and target persistent offenders;
- To identify any links with other criminals and other criminal behaviour;
- As a potential indicator of further information on local and national computer systems;
- To make links with child abuse intelligence and other related investigations;
- To monitor the accuracy of domestic abuse intelligence data;
- To disseminate to police personnel;
- To produce statistical information;
- For information-sharing purposes with partner agencies, where appropriate.

MANAGEMENT ISSUES

- Linking policies relating to domestic abuse, child abuse, vulnerable adult abuse, missing persons, homicide investigation, HBV, immigration, sexual offences, harassment, the management of sexual offenders and violent offenders, and prostitution.
- Auditing all connected policing policies to ensure the incorporation of domestic abuse issues.
- Linking IT systems, where possible, to make the necessary connections between the above, and, where appropriate, national information systems and databases held by other agencies.
- Ensuring that intelligence about domestic abuse-related offending, including disclosures of sexual offences, is routinely included on appropriate local and national intelligence databases and is reviewed according to national and local policies.
- Identifying working links between domestic abuse officers and child abuse investigators, and between police domestic abuse coordinators, child abuse investigation supervisors and STOs for adult sexual offences.
- Providing officers who investigate domestic abuse and child abuse with training for both aspects of police work. Training should emphasise the links between domestic abuse and all other potentially associated investigations to ensure that staff ask relevant questions at the reporting stage and during the investigation.

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Section 2
DEPLOYMENT

This section provides guidance for staff working in police communication rooms. It is also relevant to front desk staff in police stations even though they might not be taking emergency reports. Supervisors of communication rooms and front desk staff will also find this section useful. It outlines the information that should be recorded by emergency report takers and considerations regarding the deployment of police officers to domestic abuse incidents. It should be read in conjunction with *ACPO (2005) National Call Handling Standards.*

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2.1 SAFETY ISSUES

The first priority of the police in responding to a domestic abuse incident is to protect the victims and any other persons at risk, including children and police officers. The immediate response to a report of a domestic abuse incident is key to protecting victims, children and police officers.

To ensure the safety of those reporting domestic abuse, call takers should:

- Prioritise the safety of the victim and children (giving safety, first aid or other advice as appropriate);
- Keep the victim or caller accurately informed of the deployment of officers.

If the suspect is still present at the scene:

- Keep the caller on the line. Any background noise from a 999 call will automatically be tape-recorded and could be used as evidence; it also helps in monitoring of the incident.

If the suspect has left the scene:

- Advise the caller to lock and secure the premises and to return to the telephone;
- Take a full description of the suspect and circulate it to officers in the area.

2.2 CONFIRMATION OF INFORMATION

Call takers should adopt the following approaches when confirming information about domestic abuse incidents:

- If it is safe to do so, check if the victim or caller is out of earshot of the suspect and any children;
- Confirm regularly throughout the call what the caller is saying or seek clarification where details are difficult to understand;
- When telephone calls are cut off this requires an urgent reassessment of the call grading as the safety of the caller might be further threatened.

Checklist 1 Information Gathering

Full details of the incident and of all parties involved should be recorded and flagged appropriately on the incident log, in line with local policy. Call takers or report takers should seek, record and disseminate the following information. In situations where fast deployment is required, an abridged checklist may be used to identify risks associated with the deployment, and then further information can be gathered once the immediate risk has been managed.

- Location and identity of the caller or person making the report.
- Location of the incident.
- Location of the suspect, victim and children.
- Whether the parties are injured.
- Severity of any injury and whether medical assistance is required.
- Identity of all parties involved including the victim, children and suspect (eg, names [correctly spelt], sex, dates of birth, home addresses, telephone numbers).
- Whether any children are living in the household, if present, if they are safe.
- Whether any weapons have been used (specifically firearms or knives).

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Checklist 1 Information Gathering (continued)

- Whether any weapons are available to the suspect and whether the suspect or any other household members hold a license for a firearm.
- Whether communication difficulties exist and if officers will require an interpreter.
- Whether there are any special needs, for example, disability.
- In what capacity the parties are involved.
- Whether any person present appears drunk or has taken drugs.
- Whether there is any history of domestic abuse.
- Description of the suspect.
- Whether any court orders apply.
- First account of what the caller says has occurred (recording it verbatim).
- Details of the demeanour of the victim, suspect and others present, and background noise (including shouting, words spoken).

2.3 PRESERVATION OF EVIDENCE

When the call taker has established that the victim is safe, some basic advice should be given about preserving the crime scene until the police arrive. This should include:

- **Not** moving anything (or allowing others to do so);
- **Not** cleaning up or tidying the house;
- **Not** washing or taking a shower;
- **Not** changing clothing;
- **Not** allowing children, relatives, neighbours or animals to enter areas where the incident took place (where possible).

2.4 RESOURCE DEPLOYMENT

Checklist 2 Deployment

Call takers should:

- Prioritise the safety of those at the incident, members of the public and officers;
- Ensure that medical assistance is en route, where appropriate;
- Make sure that support (backup) is available for the officer(s) attending the incident, where appropriate;
- Inform the caller when an officer(s) has been dispatched;
- Make appropriate checks of IT and/or paper-based systems for previous reported domestic abuse history, PNC checks, bail conditions, civil injunctions, court orders relating to child contact, child protection intelligence systems, child protection register, ViSOR, INI;
- Inform the officer attending of the following
  - details of any children present
  - any relevant history, court orders and child protection issues
  - any communication difficulties (language, hearing, speech)
  - any other factors that may affect the police response
  - a description of the suspect, where necessary
  - whether supervisors are aware of the incident, in accordance with local policy;
- Inform the caller when a police officer(s) has arrived at the scene so that the officer(s) can be safely admitted to the premises.

MANAGEMENT ISSUES

- Developing systems that ensure supervisors monitor domestic abuse-related calls.
- Monitoring the accuracy of call grading according to local call-grading policies.
- Monitoring to ensure that domestic abuse incidents are identified or flagged appropriately at the call-handling stage.
- Providing training, based on the ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme,*** to police staff taking domestic abuse reports.

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Section 3
FAST-TRACK ACTION

This section provides information to officers responsible for the fast-track action or first response. The information is not listed in order of priority, but is intended to offer information that is relevant to first police responses to incidents of domestic abuse. Police forces that give patrol officers responsibility for the full investigation of domestic abuse incidents will need to combine this information with Section 4 Investigation Development: Sources of Evidence.

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3.1 DUTY OF POSITIVE ACTION

The Human Rights Act 1998 places positive obligations on police officers to take reasonable action, which is within their powers, to safeguard the following rights of victims and children:

- Right to life (Article 2, ECHR);
- Right not to be subjected to torture or to inhuman or degrading treatment (Article 3, ECHR);
- Right to and respect for private and family life (Article 8, ECHR).

Failure to make an arrest when there are grounds to do so may leave a victim at risk from further offences. It may also mean that the police force is vulnerable to legal challenge under both the Human Rights Act 1998 and the law relating to negligence.

The requirement for positive action in domestic abuse cases incurs obligations at every stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation and the protection and care of victims and children. Action taken at all stages of the police response should ensure the effective protection of victims and children, while allowing the criminal justice system to hold the offender to account.

The Serious Organised Crime and Police Act 2005 (SOCPA) introduced amendments to the Police and Criminal Evidence Act 1984 (PACE), which alter police powers of arrest. Officers now have the power to arrest for any offence, but must demonstrate that they have reasonable grounds for believing that the arrest is necessary for one of the reasons listed in section 24 (5) PACE.

Where an offence has been committed in a domestic abuse case, arrest will normally be 'necessary' within the terms of PACE to protect a child or vulnerable person, prevent the suspect causing injury and/or allow for the prompt and effective investigation of the offence. Proactive investigation will always be required in cases of domestic abuse as the victims, children, neighbours and other witnesses may be reluctant to disturb the perceived privacy of family life. They might also fear threats, emotional pressure and violent reprisals from suspects. Code G of the PACE Codes of Practice states that an arrest to allow prompt and effective investigation may take place for a number of reasons, including where there are grounds to believe that a person may intimidate or threaten or make contact with witnesses. For further information see **3.10 Arrest Strategies.**

The decision whether or not to arrest a suspect rests with the police officer, and victims should not, therefore, be asked whether they require an arrest to be made.

The CPS makes the decision whether or not to prosecute. Initial police action should not pre-judge those decisions. The role of the police is to collect sufficient evidence to enable the CPS to make a decision.

If grounds for arrest exist, but the officer believes that arrest is not necessary to ensure an effective investigation and/or to ensure that further offences will not be committed, the officer should take the following action:

- Record the details of why an arrest has not been made;
- Explain the reason why an arrest has not been made to the victim, where appropriate;
- Give consideration to proceeding by summons or issuing a police notice for the purposes of the Protection from Harassment Act 1997 (PHA), see ***ACPO (forthcoming) Practice Advice on Investigating Harassment, Second Edition;***

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- Reassure the victim that every step will be taken to
  - record details of the incident on police IT systems
  - offer help and protection to the victim and children
  - gather evidence to support future criminal prosecutions, which could also be used in civil proceedings, eg, those relating to child contact
  - refer the victim and/or children to relevant agencies for support and assistance (eg, refuge or other specialist support services, Victim Support (VS), housing services, solicitor or Citizens Advice Bureau).

The requirement for positive action means that in all domestic abuse cases officers should consider the incident as a whole, not just the oral or written evidence of the victim. Officers should focus efforts, from the outset, on gathering evidence in order to charge and build a prosecution case that does not rely entirely on the victim's statement. This is particularly important where, at any stage during the process, the victim appears not to support a prosecution. For further information see **4.4.5 Withdrawal Statements.**

3.2 OFFICER SAFETY

Officers should pay due attention to general health and safety risks that may be present at the scene. The risks of particular concern are:

- Assault from the suspect, witnesses, victim or others;
- Manual handling issues, eg, entry to the property, moving the suspect, assisting the victim(s);
- Firearms and knives or bladed weapons;
- Blood and other body fluids;
- Animals;
- Broken glass, weapons or any sharp objects.

3.3 POWERS OF ENTRY

Officers may be confronted with circumstances where it will be necessary to enter premises to take positive action in domestic abuse incidents.

Checklist 3 Police Powers of Entry

Powers exist in the following circumstances:

- Under section 17(1)(b) of PACE a constable may enter and search any premises for the purpose of arresting a person for an indictable offence;
- Under section 17(1)(e) of PACE a constable may enter and search premises for the purpose of saving life or limb or preventing serious damage to property;
- Under Common Law a constable has the power to enter premises to prevent or deal with a breach of the peace;
- Under section 48 of the Children Act 1989 a warrant may be obtained to search for children who may be in need of protection;
- Where a power of arrest has been attached to a civil order, such as an occupation order, and there has been a breach.

A record of all searches should be kept, in line with the PACE Codes of Practice.

3.4 ACTIONS ON ARRIVAL AT THE SCENE

The first priority of an officer should be to protect all people present from injury or further harm; this includes the victim, children, witnesses, police officers and the suspect.

Checklist 4 Actions on Arrival at the Scene

On arrival at the scene, to ensure the safety of victims and children and to preserve evidence, officers should:

- Reassess victim and officer safety, including immediate risk, particularly in respect of access to or use of weapons;
- Make an immediate assessment of the need for first aid or other medical assistance such as an ambulance (this should include the needs of the victim, any children, any other persons and the suspect);
- Separate parties, including any children;
- Confirm the identity of the suspect (if they are no longer at the scene circulate a full description via the radio system);
- Establish who is or was at the scene, including any children;
- Request appropriate checks on the suspect and household (including warrants, bail conditions, civil orders and child protection register, ViSOR, INI, firearms licences or intelligence reports linking suspect and household members to weapons) if not already done;
- Make accurate records of everything said by the suspect, victim and any witnesses, including children;
- Record the demeanour of the suspect, victim and any other witnesses, including children;
- Consider taking photographs and/or using a video camera to record evidence;
- Report findings to the IO (if different from the first response officer);
- Secure the safety of victims in their home – if this is not possible, consideration should be given to taking them to another place of safety, eg, the home of a relative or a refuge (this should be done according to local arrangements for housing and refuge provision);
- Obtain an overview of what has occurred, taking into account the established risk factors associated with domestic abuse, see **3.11 Risk Identification;**
- Ensure that information relating to the suspect is included in any risk management processes.

In cases where the suspect has left the scene, a description should be circulated and every effort made to locate them. Officers should ensure that victims and any children are safe while suspects are being located.

3.4.1 CONSIDERATIONS IN CASES INVOLVING HONOUR-BASED VIOLENCE

Reports of HBV (or suspected HBV) should alert officers to additional risk factors which can be present and are associated with incidents and crimes. For information on these risk factors, see ***ACPO (2007) Tactical Menu of Intervention Options for Honour Based Violence Victims and Offenders.***

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In HBV cases officers should consider that:

- Reporting HBV might increase risk and imminence of harm to the victim, and might act as a barrier to them seeking further help;
- Other family members, such as siblings, might also be subject to HBV;
- Threats might extend beyond the immediate family to the wider community;
- Family members might seek to locate and pressurise the victim;
- Family members might seek to remove or abduct the victim;
- Threats might extend to other family members or the partner of the victim;
- Attempts might be made to leave the country with the victim;
- There might be other patterns of offending which are not linked to HBV;
- There might be a history of abuse/HBV with other partners or family members.

3.4.2 SIGNIFICANT STATEMENTS

A significant statement made by the suspect is one which appears capable of being used in evidence. Such a statement would be a direct admission of guilt. Paragraph 11.4, Code C of the PACE Code of Practice states that at the beginning of an interview the interviewer, after cautioning the suspect, shall put to them any significant statement or silence that occurred in the presence and hearing of a police officer or other police staff before the start of the interview. Such statements should then be included as part of the suspect interview plan.

3.5 MEDICAL TREATMENT AND FORENSIC MEDICAL EXAMINATION OF THE VICTIM

Officers should make an immediate assessment of the need for first aid or other medical assistance such as an ambulance.

It may be necessary to ensure that the victim receives medical treatment at a hospital, health centre or SARC. If this is the case, a police officer should accompany the victim in order to maintain the continuity and integrity of the evidence, and to coordinate any investigations undertaken. It is important that all materials (medical items, packaging, protective clothing) used in the examination are from recognised and approved evidence collection kits. Where the use of surgery or hospital equipment is unavoidable, a control sample should be obtained, eg, a hospital swab and any blankets or sheets seized and individually packaged and prepared as an exhibit at the scene.

If a forensic medical examination is necessary, the officer or crime scene investigator (CSI) should explain the reason to the victim. The forensic physician is responsible for determining consent. The victim should be asked if they have any preference regarding the sex of the doctor. They should be informed that their preference of doctor might not be possible, depending upon the local availability of doctors.

When separate individuals involved in the same case require a forensic medical examination, different forensic physicians at different locations should examine them. Where this is not possible, forensic cleaning should take place along with other measures to avoid any cross-contamination of evidence. Officers and CSIs should avoid cross-contamination of scenes and should, where possible, avoid attending both the scene and any forensic medical examination, see ***ACPO (2005) Guidance on Investigating Serious Sexual Offences.*** For issues about the forensic medical examination of children, see ***ACPO (forthcoming) Investigating Child Abuse and Safeguarding Children, Second Edition.***

An appointed forensic physician or other suitably trained and authorised health service personnel should conduct forensic medical examinations in suitably equipped medical rooms.

3.6 DUTIES IN RELATION TO SAFEGUARDING CHILDREN

In the context of this guidance, a child is any person under the age of 18 years. The police have a duty to protect children from harm; in all investigations the principle that the welfare of the child is paramount should be observed. Officers should seek to establish whether any children living in the household or present are the subject(s) of child protection plans.

Officers investigating domestic abuse offences should identify whether a child was present when the incident occurred, or whether a child is ordinarily resident at the address where it occurred. When officers do not see children, they should ask if children are resident at the address and should look for signs of children, such as clothing and toys, and they should check bedrooms.

Where there is any concern as to the welfare or safety of a child, officers should make a notification to the police child abuse investigation unit (CAIU). Advice from a police child abuse investigator should be sought. Any referrals made to local authority children's social care departments should, where possible, be made by officers from the CAIU. In general, officers should discuss their concerns about a child with the non-abusing parent or carer and seek their agreement to making a referral to children's social care – unless such a discussion would place the child at risk or jeopardise a criminal investigation.

Where necessary, officers should consider exercising police powers of protection. For more detail about the exercise of police protection powers, see ***ACPO (forthcoming) Investigating Child Abuse and Safeguarding Children, Second Edition.***

Checklist 5 Minimum Recording Requirements – Children

Officers attending domestic abuse incidents should record the following details of children present at the time of the incident or ordinarily resident at an address where a domestic abuse incident has occurred:

- Name, including other family names and any previously used names;
- Date of birth;
- Sex;
- Normal address;
- General practitioner;
- Primary carer or care arrangements for looked after children;
- School;
- Full details of the child's circumstances, as witnessed by the officer, to include personal welfare, cleanliness, communication ability, injuries and demeanour;
- Details of anything said by the child;
- Full details of other children ordinarily present at the address.

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Officers should investigate the welfare of all children who have witnessed domestic abuse or who are normally resident at an address at which a domestic abuse incident has been reported.

Child witnesses to domestic abuse should be interviewed in accordance with the guidelines set out in ***Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures.***

First response officers should only ask sufficient questions to establish the safety of the child, crime scene location, suspect identity and location, and to ensure the preservation of evidence. All questions and answers should be recorded for the preparation of any subsequent interview. It is important to allow the child to answer without interruption.

For further information see ***ACPO (forthcoming) Investigating Child Abuse and Safeguarding Children, Second Edition*** and ***Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures.***

3.7 SCENE PROTECTION

To ensure the best use of the forensic evidence recovered, particularly if there are several scenes, and to facilitate scientific analysis, consideration should be given to convening a forensic casework review meeting. Scene protection should, primarily, focus on the immediate scene, as indicated by the initial crime complaint. It may also include other scenes that provide supporting evidence for previous or ongoing incidents. Officers providing a fast-track or first response should note that other crimes often occur in conjunction with domestic abuse incidents, such as child abuse or sexual abuse, but these types of offences are not always immediately apparent. See **1 Identification, Reporting and Referrals.**

It is likely that the suspect will have had legitimate previous access to the scene. This should not, however, preclude an assessment of the potential for forensic evidence, which may prove to be a valuable source of evidence to corroborate the victim or witness account.

Officers might be faced with volatile situations where preservation of life and protection of themselves is the priority. The following scene protection guidelines should be put into place when it is safe to do so, and in such a manner so as to ensure that personal safety is not compromised, and any material of evidential value is preserved.

Checklist 6 Protecting the Scene

Officers should:

- Note that the victim is the **primary scene** and they should be treated as such (the investigator's first concern should be the victim's safety, state of mind and ability to cope with forensic requests);
- Note that the suspect is a scene, and other persons at the premises may also be scenes;
- Secure, preserve and control the scene to limit any access until sufficient information is available to make an informed assessment of the situation;
- Remove people and animals from the identified areas of activity, and, ideally, from the whole area, if practicable;
- Establish physical secondary scene parameters – potentially the whole of the premises;
- Note that the suspect's actions following the incident may create further sites of forensic interest;
- Consider erecting cordons and putting in place a loggist to record persons entering and leaving (depending on the severity of the incident);
- Consider any potential areas of contamination that could impact upon the integrity of evidential material;
- Request a CSI to attend or record the reasons why a CSI was not called or did not attend;
- Establish a work base in a safe area of the premises;
- Ensure the scene is photographed or videoed as soon as possible.

For information on taking and preserving non-intimate and intimate samples, and advice for victims on safeguarding evidence prior to a medical examination, see ***ACPO (2005) Guidance on Investigating Serious Sexual Offences.***

3.8 INITIAL ENQUIRIES WITH VICTIMS AND WITNESSES

Checklist 7 Gaining a First Account from a Victim or Witness

When gaining a first account from a victim or witness, officers should:

- Ensure each party is spoken to separately (speak to the victim and/or any children independently, in a place where the suspect and other family members cannot overhear, to allow them to talk more freely).
- Explain the investigation processes and procedures to the victim and/or any witnesses, and make it clear that the police take these matters seriously.
- Explain that support is available for the victim or witness.
- Obtain a first account as soon as practicable after the event, when the witness may be most able to recall the incident.
- Record first accounts given by witnesses, especially those relating to suspect descriptions, eg, clothing worn. (These may prove to be a most reliable source of information as they are made with the incident still fresh in their minds).
- Provide the victim with referral details of independent advocacy or outreach services where available (Independent Domestic Violence Advisers (IDVAs) are especially valuable to victims from minority communities where there are language barriers or a lack of knowledge of, or confidence in, the UK criminal justice system).

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Checklist 7 Gaining a First Account from a Victim or Witness (continued)

- Consider that the victim may be in a distressed state and that it is not appropriate to ask the victim what course of action they wish the police to take.
- Note that previous withdrawals of support for a prosecution should not adversely influence decision making in whether to arrest for an offence.
- Consider the needs of victims and witnesses from black and minority ethnic communities and other victims whose requirements, due to their sexuality, disability or other factor, may increase their vulnerability. For further details see ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme.***
- Make an accurate record of everything that is said by all parties;
- If a victim is taken to a refuge or other place of safety, never disclose this to the suspect or their representative, as this further endangers the victim and may result in the suspect harassing the victim, refuge staff or other family members.
- Consider video recording the first account from the victim and/or witnesses in serious cases and cases with vulnerable or intimidated witnesses.
- Preserve any written notes made during initial victim or witness interviews in line with Criminal Procedures and Investigations Act 1996 requirements for unused material.
- Brief interviewing officers of useful lines of questioning if the suspect is to be formally interviewed later by a different officer. For further information, see **4.4.2 Victim Interviews** and **5.2.5 Suspect Interviews.**

If a victim (or witness) first account is recorded by a body-worn video device, they should be given the opportunity to review their first account prior to a further interview or the making and signing of a statement. Any interview or statement should make reference to the recording and reviewing of the first account. Reviewing video material should apply only to material relating to their account. See ***Police and Crime Standards Directorate (2007) Guidance for the Police Use of Body-Worn Video Devices.***

3.9 USING INTERPRETERS AT THE SCENE

Officers should not use family members, in particular children, to interpret, other than as a last resort. Any use of a family member or child as an interpreter at the scene should only be for the purpose of establishing facts that might secure the immediate safety of all parties. If officers use a member of the family or member of the public to interpret at the scene, this should be recorded with the details of the 'interpreter'.

As a preference to using a child or family member, officers should consider using a telephone interpreting service. Any use of such a service should be limited to preliminary inquiries.

For further information about use of interpreters, see ***Home Office Circular 17/2006 Use of Interpreters within the Criminal Justice System*** and **5.2.4 Use of Interpreters During Suspect, Witness and Victim Interviews.**

3.10 ARREST STRATEGIES

Note the requirement of the Human Rights Act 1998 (incorporating the ECHR into English law) and revised ***Home Office Circular 19/2000 Domestic Violence: Revised Circular to the Police*** is to:

- Take positive action in all domestic abuse cases;
- Exercise any powers of arrest where they exist and where it is necessary and proportionate, in order to carry out an effective investigation and/or prevent further offences;
- Record reasons why an arrest was not made in a domestic abuse incident where a power of arrest existed, see **3.1 Duty of Positive Action.**

Where there are grounds for arrest in the context of domestic abuse, it will normally be necessary for the officer to exercise that power. In order to ensure that an effective investigation is completed and further offences prevented, an officer will normally need time with the victim after the reported incident and while the suspect is under arrest. This allows for information to be gathered and for investigation of the precise nature of the alleged offence committed and the wider context of the incident.

Police officers should not base a decision to arrest or not to arrest on the willingness of a victim or witness to testify or otherwise participate in a judicial proceeding. Officers should focus efforts on gathering evidence in order to charge and build a prosecution case that does not rely entirely on the victim's statement.

Just as an officer should record the reasons for any arrest, in domestic abuse cases the officer should record why an arrest was not made when there were grounds to do so. In situations where an arrest is made, the victim or their representative should be asked for details of how they may be contacted in the event of the suspect being released from police custody. Victims should also be asked for any information that might assist the custody officer if police bail conditions are imposed, eg, details of their workplace or the children's school.

3.10.1 COUNTER-ALLEGATIONS

Police responding to domestic abuse incidents may be confronted with sharply conflicting accounts of what has taken place, with each party claiming to be the victim. Officers should examine whether the victim may have used justifiable force against the suspect in self-defence. The suspect may make a false counter-allegation and/or both parties may exhibit some injury and/or distress.

Counter-allegations require that police officers conduct immediate further investigation at the scene (or as soon as is practicable) to attempt to establish the primary aggressor. Officers should be aware that the primary aggressor is not necessarily the person who was first to use force or threatening behaviour.

When investigating counter-allegations, officers should note and record:

- Comparative severity of any injuries inflicted by the parties;
- Whether either party has made threats to another party, child or another family or household member;
- Whether either party has a prior history of abuse or violence;
- Whether either party has made previous counter-allegations;
- Whether either party acted defensively to protect him or herself or a third person from injury.

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3.10.2 DUAL ARRESTS

When investigating a counter-allegation, officers should evaluate each party's complaint separately to determine whether there was a primary aggressor. Officers should avoid making dual arrests without conducting a full investigation that seeks to identify the primary aggressor. When counter-allegations or a dual arrest have occurred, this should be recorded and the information included within the prosecution file.

The arrest of the primary aggressor does not prohibit the officer from arresting both parties if there is evidence that both parties have committed offences and the officer is unsure whether offences have been committed in self-defence. Further investigations should determine whether offences have been committed in self-defence and appropriate action taken. If more than one arrest is made, a separate domestic abuse incident report should be completed for each victim, and each report should be cross-referenced to the other.

Depending on the severity of the offence, arrests should not be made for acts which officers have reasonable cause to believe were committed in self-defence. Should a counter-allegation relating to the same incident be made at a later time – a delayed counter-allegation – it should be investigated according to the guidelines outlined in **3.10.1 Counter-Allegations,** and any decision relating to arrest should be made in a manner consistent with this guidance and local police force policy.

3.11 RISK IDENTIFICATION

In this context the term 'risk identification' is used to refer to the identification of established risk factors in a domestic abuse case. This process can be undertaken by any police officer or member of police staff, and should be based upon an awareness of risk factors in domestic abuse cases. Risk identification does not include assessment which is the allocation of a risk level, for example, as high risk. This risk assessment should only be undertaken by staff who have received training in risk assessment and risk management. The risk identification process should be supervised by police domestic abuse coordinators. Any risk assessment is an ongoing process and should be subject to frequent monitoring.

Risk assessment is not a predictive process and there is no existing accurate procedure to calculate or foresee which cases will result in homicide or further assault and harm. For further information see **6.2.1 Risk Assessment.**

Officers should, as a matter of routine, consider the existence of the following established risk factors in all domestic abuse cases. The presence of these factors and the severity and frequency of the offence(s) should be recorded according to local procedures, and should be linked both to the investigation and to measures to protect the victim and children. Risk identification and assessment should not be carried out in place of an effective investigation but should be an integral part of the police investigative response to domestic abuse. Cases with significant identified risk factors should be notified to domestic abuse officers and other relevant support services for immediate further action.

Note that Risk Matrix 2000 should only be applied to cases involving abuse where the offender is a convicted sexual offender. For an overview of risk assessments used by the police and other criminal justice partners, see ***ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders.***

Checklist 8 Risk Identification

Any risk identification process should be:

- Carried out in all domestic abuse cases, including both incidents and crimes;
- Based upon the ACPO established risk factors for domestic abuse, which are based on empirical research;
- Inclusive of information relating to frequency and repeat victimisation, severity and escalation of abuse;
- As part of the entire investigation, there should be opportunities for all relevant staff to incorporate information into the risk identification process (eg, call takers, custody officers, suspect interviewing officers);
- Established with an awareness training programme for all first responders (police officers and staff);
- Separate from risk assessment processes, which should be carried out by an appropriately trained member of staff;
- Communicated to victims at the earliest appropriate stage of the investigation;
- Reviewed and supervised by a domestic abuse officer;
- Supported by a mentoring system for less experienced officers or those requiring refresher training;
- Victim and offender focused, identifying factors relating to both parties.

3.11.1 ESTABLISHED RISK FACTORS

These can be organised into factors relating to the behaviour and circumstances of the suspect and to the circumstances of the victim. Most of the available research evidence, upon which the following factors are based, is focused on male abusers and female victims in a current or previous intimate relationship. Generally, these risk factors refer to the risk of further assault, although some are also linked to the risk of homicide. Other risk factors relating to different groups or partnerships and children are less developed. Risk factors are not listed in order of priority.

For a brief summary of the research base of each risk factor, see ***ACPO (2005) Guidance on Identifying, Assessing and Managing Risk In the context of Policing Domestic Violence.***

A) BEHAVIOUR AND CIRCUMSTANCES OF THE SUSPECT

The focus of the following is on the behaviour and circumstances of the suspect that will provide information about risk factors. This information can come from police or other agency records, the police investigation, the suspect, the victim, witnesses or other people. Any identification of the following should be clearly recorded and included within the investigative process.

1. Previous physical assault by the suspect

Previous assault is one of the most established risk factors in terms of future assault. Suspects with a history of violence against women present a particularly high risk. Abuse of animals by the suspect may also indicate a risk of future violence.

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2. Previous sexual assault by the suspect

This is a risk factor for further harm and homicide and should be regarded as sub-lethal violence. Victims of domestic sexual assault commonly experience violence preceding the sexual assault and are more likely to sustain physical injuries than victims of stranger sexual offenders.

3. Escalation and severity of violence, including use of weapons and attempts at strangulation

A common antecedent to domestic homicide is escalating domestic violence, but this is not always the case. Violence may previously have remained at a constant level and then resulted in homicide. It is important that escalating violence, including the use of weapons and attempts at strangulation, is recorded for the purposes of assessing risk. Strangulation, choking and stabbing are all common methods of killing in domestic homicides. Research evidence indicates that a variety of household objects are frequently used as weapons, as are the hands.

4. Child abuse by the suspect

Concurrent child abuse and adult domestic abuse is common. Antecedents to domestic homicide often include a history of child abuse and a history of adult domestic abuse in the family. It is for this reason that automatic screening for domestic abuse in all child abuse cases and vice versa is required. Information relating to whether children have been injured (either directly or indirectly during incidents) or whether the offender has threatened or attempted to harm the children should be sought.

5. Suspect's possessiveness, jealousy or stalking behaviour

Possessiveness, jealousy and stalking behaviour include following the victim, unwanted attention, persistent telephone calls, visits, sending text messages and letters. A large proportion of harassment and stalking cases involve former partners and there are clear links between this behaviour and subsequent domestic abuse assaults and domestic homicide by men against women.

6. Threats or attempts to commit suicide by the suspect

Threats by a suspect to commit suicide have been highlighted as a factor in domestic homicide and child homicide. A person who is suicidal should also be considered homicidal.

7. Threats or fantasies of committing homicide by the suspect

Threats or fantasies of committing homicide are a risk factor for subsequent violence including homicide of a family member.

8. Previous criminality or breach of civil or criminal court order or bail conditions by the suspect

Past breach of a criminal or civil court order or of bail conditions and/or a history of criminal behaviour suggest that a domestic abuse suspect is a high risk. Previous threats to harm or attempts to harm others, damage to property and harm to pets are indicators of risk of further harm.

Suspects who leave the scene of a domestic abuse incident before the police arrive may also have a higher recidivism rate than those who remain. This might be explained by their lack of sanction by the criminal justice system. In such cases every effort should be made to locate the suspect and carry out a full investigation into the incident.

9. Suspect's psychological and emotional abuse of the victim (including denial or minimisation of violence)

Studies of abusers suggest that psychological and emotional abuse, in particular dominance and isolation of the victim and others, is a useful indicator of repeat and severe violence. Men who also sexually and physically assault their partners have been found to be particularly dangerous.

10. Suspect's misuse of illegal or prescription drugs and/or alcohol or mental health problems

While it is clear from research that the misuse of drugs and alcohol is not the cause of domestic abuse, as with all violent crime, it might escalate the risk. Similarly, mental health issues may impact upon violence.

B) RISK FACTORS RELATING TO THE VICTIM'S CIRCUMSTANCES

The factors outlined below can assist police officers and others to understand the victim's circumstances in order to assess the nature of their vulnerability to future harm.

1. Victim's perception that they are at risk of future harm

The victim's perception of the level of risk is an important element that must be included in risk identification and assessment as the victim has the most detailed knowledge of the suspect. Officers should also be aware that victims frequently underestimate their risk of harm from domestic abuse perpetrators.

2. Current or imminent separation from the suspect and child contact disputes

Attempts to end a relationship are strongly linked to intimate partner homicide. Despite the common assumption that leaving a violent partner will end violence, it is apparent that women victims who separate from their partner are at a higher risk of physical violence and sexual assault as well as homicide. Violence that continues after separation tends to be more serious and is more likely to involve stalking type behaviour and lead to homicide. The early stages of separation (especially the first three months) are particularly dangerous. It is important to note that a child contact dispute can indicate risk of homicide to both the partner and children.

3. Pregnancy of the victim

There is a connection between pregnancy and domestic abuse. This may be because youth is a risk factor for experiencing domestic abuse, with women aged 16 years to 24 years more at risk than women of other ages, rather than indicating a causal link. Pregnancy may increase the isolation and dependency of the victim and poses risks in terms of miscarriage and foetal abnormality, as well as additional risks to the lives of women themselves. Violence during pregnancy and following the recent birth of a child are both indicators of high risk of future harm.

4. Disability and/or mental or physical ill health of the victim

Physical and mental ill health appears to increase the risk of domestic abuse, but conclusions relating to causation are complex as the health issues may be the results of the abuse and/or violence. Disability and issues of physical and mental ill health (for example depression and/or suicidal feelings) can be important in assessing the victim's vulnerability to future harm. Alcohol and drugs misuse can also relate to mental and physical ill health and can be a **response** to continued abuse.

5. Social isolation and particular vulnerability of the victim

Increased entrapment of the victim is an antecedent to domestic homicide. Women who are unemployed or housewives have been found to have the highest risk of domestic abuse, but there are a number of ways this could link to vulnerability. These include a lack of financial resources to leave, greater social isolation, less access to informal and formal support networks and potentially more forms of abuse available to the perpetrator. Victims may also be particularly vulnerable to future harm if they live in a physically isolated community (eg, in a rural area) or socially isolated communities, for example, people who may be isolated due to their sexuality or lifestyle or their fear that a partner or agency might reveal their sexuality. Such social isolation may be exacerbated by perceived or actual discrimination from other communities or agencies providing services, such as the police. Some victims from minority ethnic groups may experience particular social isolation due to racism, language, cultural, religious or immigration issues that can all be barriers to reporting abuse and seeking help. Police officers should be aware of the impact that all of these issues can have on the vulnerability to risk of harm of a particular victim.

3.12 REFERRALS TO VOLUNTARY SECTOR SUPPORT ORGANISATIONS

Officers should inform victims of the local availability of refuges, VS, outreach services and places of safety. ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** specifies that the police should not routinely make referrals to VS in domestic abuse cases and should only refer if they have explicit consent from the victim to do so.

Women's Aid and Refuge operate a network of refuges and community-based support services across the country for women and children who need advocacy and support and a safe place to stay. Specialist refuge and support services also exist for victims of domestic abuse who might experience additional barriers to reporting or escaping domestic abuse.

In areas where specialist services do not exist, police officers should seek information from the National Domestic Violence Freephone Helpline to establish the nearest specialist support service. There are a small number of specialist refuges and support for women with learning disabilities, ethnic minority women and gay men.

Most women's refuges have public telephone numbers for women and agencies to contact them. Women's refuges can also be accessed through the 24-hour National Domestic Violence Freephone Helpline or through other local or regional domestic violence helplines. For agencies there is also the Gold Book, a national directory of refuge and helpline services, available from Women's Aid. Officers should be familiar with local protocols for arranging emergency accommodation within refuges.

The location of refuges or their telephone numbers should never be publicised or revealed to anyone. Most refuges have specific referral procedures to be followed, therefore the location should not even be given to victims, nor should the location be written down in records.

3.12.1 EMERGENCY ACCOMMODATION

Local authorities (LAs) have an initial duty to provide access to emergency temporary accommodation for anyone threatened with or experiencing domestic abuse. Officers should be familiar with local protocols to access emergency temporary accommodation, and should be able to make arrangements on behalf of victims, or ensure that they have support services that will assist victims to do so.

If the victim needs to return to their home to collect children or belongings and there is fear of further abuse, it may be appropriate for police officers to go with them. Alternatively, if the victim feels safe to return home, it may be more appropriate for them to be accompanied by a relative, friend or social worker, if a police presence is likely to inflame the situation. See **5.3.8 Assisting with the Recovery of Property for the Suspect or Victim.**

3.13 USING THE PROTECTION FROM HARASSMENT ACT 1997

The PHA was introduced to address harassment where conduct was such that it did not necessarily constitute an offence under any existing legislation. For information about using the PHA, see ***ACPO (forthcoming) Practice Advice on Investigating Harassment, Second Edition.***

Checklist 9 Proving Offences under the Protection From Harassment Act 1997

Officers should note the following in proving offences under the PHA:

- A compulsory component to prove the offences is showing a **course of conduct**, which amounts to harassment (section 2) or fear of violence (section 4) of another, which the defendant knows, or ought to know, amounts to harassment or fear of violence.
- A course of conduct is conduct on **at least** two occasions. This information could be provided by the witness(es) during the first complaint. There is no requirement for a previous notice by police to have been given. It has to be shown that the person knows, or ought to know, the effect of their behaviour upon the victim. The PHA does not specify how far apart in time the conduct should be, but if incidents are far apart there should be some connection such as a birthday or anniversary.
- In a case of conduct towards two or more persons, the conduct must be on at least one occasion in relation to each of those persons.
- When an incident involves harassment or fear of violence that is not yet classed as a course of conduct, full details of the incident should be recorded, including any police notice given to the offender.
- The nature of the police notice and the provisions of the PHA should be explained fully to the victim.
- The record of the incident, providing details of the type of conduct, location of witness statement(s) and any police notice, should be recorded on the PNC.
- Details of previous conduct, police notices and restraining orders under the PHA should be in the locate/trace field on PNC records.

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MANAGEMENT ISSUES

- Identifying domestic abuse cases correctly and dip-sampling incidents to ensure that positive action policies are being effectively applied by officers.
- Providing training to first response officers responsible for fast-track responses to domestic abuse.
- Requiring officers to record reasons for not arresting suspects when they had a grounds for arrest, and recording other positive action taken in domestic abuse cases.
- Complying with ***ACPO (2002) National Crime Recording Standards.***
- Providing first response and domestic abuse officers with access to early evidence kits and cameras.
- Ensuring that processes comply with ***ACPO (2005) Guidance on Identifying, Assessing and Managing Risk In the context of Policing Domestic Violence.***
- Providing all officers and police staff with information allowing them to identify risk factors in domestic abuse cases.

Section 4
INVESTIGATION DEVELOPMENT: SOURCES OF EVIDENCE

This section provides officers with information about possible sources of evidence in domestic abuse cases. Officers should focus efforts on gathering evidence in order to build a prosecution case that does not rely entirely on the victim's statement. This section will be useful to all police officers responsible for responding to domestic abuse incidents, and especially to those carrying out serious or complex investigations. It will also be of interest to CSIs involved in domestic abuse cases. Information gained, as part of the investigation, should be used to identify risk factors and be fed into any risk management processes.

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4.1 MANAGING THE INVESTIGATION

An effective investigation requires the development of the following, where appropriate, in accordance with national and local protocols:

- Policy file;
- Disclosure plan;
- Surveillance plan;
- Victim care plan;
- Witness management plan;
- Suspect management plan.

For further details of the investigative process, see ***ACPO (2005) Practice Advice on Core Investigative Doctrine.***

4.2 LINES OF ENQUIRY

In all domestic abuse cases, IOs should explore the history of domestic abuse. In situations where there is a suggested pattern of abuse and it is not an isolated or single incident, officers should obtain more detailed information. Such information should be used to support the prosecution file, and to prove that the offence is part of a pattern of domestic abuse and is not an isolated or single incident. These procedures should be applied to all domestic abuse cases and to cases where there is a possibility that domestic abuse is an element, for example, in a suspicious missing person enquiry.

Checklist 10 Lines of Enquiry

Officers should consider these potential lines of enquiry:

- History of the relationship;
- Previous violent incidents, including those with prior partners, eg, records of previous calls to the police;
- Local police intelligence systems and national systems, including the INI (see **4.5.1**) and ViSOR (see **4.5.2**);
- Incidents of sexual abuse not previously disclosed;
- Incidents that have been witnessed by children;
- Incidents witnessed by other family members, friends, colleagues;
- House-to-house enquiries;
- Incidents that have occurred outside of the home or in public;
- Previous threats made to the victim, children, family members or friends;
- Child contact agreements or disputes;
- Civil orders;
- Medical information that may constitute evidence;
- Evidence held by other agencies such as housing services, children's social care departments, education, probation and medical professionals;
- Evidence held from any data source on previous victims;
- Evidence of social isolation (this might, for example, include lack of contact between the victim and their family, friends, neighbours or schools. Officers might also ascertain whether medical appointments have not been made or kept, or if the suspect has accompanied the victim to medical appointments).

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An historical disclosure of abuse might be made at any point during the enquiry. Disclosures of sexual offences might also be made; this is often in the form of contextualising other forms of abuse or as part of the risk identification process. Any disclosures should be accurately recorded and brought to the attention of a senior officer for consideration for either a separate investigation or for supporting the current prosecution. When sexual offences are disclosed, victims should be provided with relevant information about local services (such as SARCs or their local equivalent) where they can access support and healthcare. Following the disclosure, deployment of an STO should be considered at an early stage.

4.3 PHYSICAL EVIDENCE

4.3.1 FORENSIC SCIENCE

The nature of the offence should dictate the evidence likely to support the victim's allegations. In any incident of domestic abuse, the suspect has probably had legitimate access to the victim. It is also likely that the suspect may be living with, or has lived with, the victim. This presents different issues from those where the suspect is unidentified or has no legitimate access to the scene.

It is not sufficient to merely identify the suspect as being present at the scene from forensic evidence. The forensic investigation should consider the sequence of events as given by each party, and look at the scene in that context. This means testing whether the information from the scene corroborates the sequence of events supplied by the suspect as well as the victims and witnesses. This principle might also relate to scenes of previous incidents.

Areas of significant evidence which could assist the investigators and CSIs to interpret the scene include the following:

a) Blood or liquid pattern distribution

Although the presence of blood at the scene may provide corroboration of physical assault, blood or liquid pattern and distribution analysis is vital to establish the possible pattern of events. For example, if the victim states that chip fat or paint was thrown at them as part of an incident, liquid pattern distribution may assist.

The presence of marks attributable to blood soaked hair coming into contact with fixtures and fittings may corroborate stated incident details. Similarly, the size of a small blood droplet may assist in establishing the height at which a victim was bleeding, again assisting in the restructuring of events. Where cleaning up may have taken place, stained tissues, cloths and contaminated taps, plugs and other materials may provide further evidence of the assault.

b) Fingerprints

While finger or palm marks cannot be aged, the location of recovered material may assist in establishing the suspect's action at the scene. The situation of marks may assist compilation of incident details, particularly if located in uncommon areas and positions (eg, around the nozzle end of a victim's hairdryer, where the cord has been used to restrain or the handle has been used to strike the victim). It is, therefore, essential that CSIs record accurately, the exact situation and position of ridge detail. Officers should inform CSIs of the relevant areas to assess for fingerprinting.

c) Clothing and bedding

Tears and damage to clothing may assist in corroboration of accounts. Although fibre transference between victim and suspect may not be pertinent to the majority of incidents, the seizure of clothing bearing evidence of assault may assist enquiries. Blood distribution on clothing may further help to clarify the pattern of events. Clothing damaged or contaminated during an incident may be discarded or put aside for cleaning purposes. A search for items in washing machines, clothes baskets, washing baskets and other areas where clothes can be hidden should be undertaken, if appropriate. Bedding and mattresses should also be considered for examination in cases of sexual assault.

d) Footwear impressions

While shoe marks are invariably associated with the point of entry to premises, damage caused to property, personal effects and the victim's body may be attributable to sole or upper shoe detail. Suspect footwear may contain debris emanating from victim assault.

e) DNA

The presence of a suspect's DNA at the scene may prove significant when linked with items associated with the specific incident. For example, a bottle used in an assault may identify the drinker(s). Similarly a recently deposited cigarette stub used to burn a victim may identify the smoker. This type of information may help to establish some factual element to conflicting circumstantial accounts. In a domestic abuse case, when the identity of the suspect is not in question, officers should not assume that collection of DNA evidence is inappropriate.

f) Signs of a disturbance

Disturbance or damage to the scene could verify a sequence of events or, indeed, negate an account. This might include testing for traces of cosmetics and other substances on materials such as flooring and soft furnishings.

g) Injuries and evidence from the forensic medical examination

The victim is a crime scene and should be dealt with in that way. Any interpretation of injuries should come directly from the forensic physician carrying out the medical examination. Bite marks should be swabbed for DNA, photographed and referred to a forensic odontologist. For information about forensic recovery in sexual assault cases, see ***ACPO (2005) Guidance on Investigating Serious Sexual Offences.*** Reference could also be made to the National Injuries Database, through the Specialist Operations Centre at the NPIA.

h) Weapons

These might not be standard weapons and could be ordinary domestic items. The configuration of marks, abrasions and bruises may offer comparison with items associated with the assault. Debris from household items used as weapons may remain in wounds, thereby providing a physical fit to damaged articles at the crime scene.

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4.3.2 PHOTOGRAPHIC EVIDENCE

Photographic evidence should be gathered and proactively used throughout a domestic abuse investigation and prosecution. Hospital images recorded for internal damage prognosis (X-rays) may also be required to support the investigation process.

Body-worn video can be used to collect evidence in domestic abuse cases and would normally be used when officers are first deployed. See ***Police and Crime Standards Directorate (2007) Guidance for the Police Use of Body-Worn Video Devices.***

Checklist 11 Use of Photographic Evidence

Officers using photographic evidence techniques should:

- Photograph all non-intimate injuries (victim and suspect), bite injuries should be photographed as soon as possible;
- Photograph or video record all damage and disruption at the scene (including damaged clothing and weapons) and **any** other evidence that might assist in corroborating victim or witness accounts or proving the offence(s);
- Use CSI photographs whenever possible in domestic abuse cases (this should be done irrespective of whether initial non-intimate photographs have been taken);
- Record video footage of crime scenes when appropriate and, in particular, in more serious domestic abuse cases;
- Make arrangements for the victim to be re-photographed when their injuries may be more apparent;
- Take particular care with lighting when photographing darker skin tones as bruising can be more difficult to see;
- Use photographs proactively to assist in the investigative interview, see **5.2.5 Suspect Interviews;**
- Provide custody officers with photographs to assist them with decision making, particularly in respect of police bail;
- Attach photographs to the file of evidence for the CPS, magistrates and judiciary.

For further information on the audit process for using digital photography, see ***ACPO and HOSDB (2007) Digital Imaging Procedure v2.0.***

Photographic evidence – victim care issues

- IOs should ensure that, where appropriate or possible, victims are able to decide the location that they would like the photographs to be taken. (Requesting that victims attend police stations might be a discouragement.)

- A victim's consent should be obtained before any photographs are taken. (Where possible this should be recorded, either on pre-prepared forms, in an officer's pocket book or within a victim's statement.)

- A victim should be informed that photographic evidence obtained could be used as evidence in any subsequent criminal or civil proceedings, eg, child contact hearings.

4.3.3 USING 999 TAPES

Tapes of 999 calls can provide a useful source of evidence to support the prosecution of domestic abuse-related offences. In particular, IOs should examine tapes to identify the following:

- Demeanour of the caller;
- Background noise including comments from witnesses, suspects and victims;
- Any first description (*res gestae* or things done) of the incident as provided by the witness or victim.

Officers should follow local guidelines for the storage and retention of 999 tapes; they should be included as part of the prosecution file sent to the CPS, where relevant. Police forces should ensure that any guidance given to call takers in relation to operating procedures in domestic abuse cases is also made available to the judicial process.

4.3.4 RES GESTAE

Res gestae means a first description or 'things done'. It is used to describe an out-of-court statement which relates to, and is closely associated in time and place with, an event so that it can be said to form part of the same transaction. One example is spontaneous statements made by onlookers in response to, and at the same time as, the commission of the offence in question. For example, a 999 call or a statement made by the victim of an incident, in the presence of a witness, made just after the incident, indicating the identity of the abuser. Under *res gestae*, there is an exception to the hearsay rule; the witness may be able to give admissible evidence of what was said by the victim at the time. The rationale for this type of evidence being admissible is that there is thought to be less danger in these circumstances of a witness concocting or fabricating evidence.

4.4 VICTIM AND WITNESS EVIDENCE

4.4.1 THE CODE OF PRACTICE FOR VICTIMS OF CRIME

Section 32 of the Domestic Violence, Crime and Victims Act 2004 provided the statutory ***Criminal Justice System (2005) The Code of Practice for Victims of Crime.*** This governs the services provided in England and Wales by a number of organisations, including police forces, the CPS, the joint police/CPS Witness Care Units and Her Majesty's Court's Service.

The Code describes the additional or enhanced services that can be provided to victims of crime who are vulnerable or intimidated, and defines those using definitions from the Youth Justice and Criminal Evidence Act 1999. Victims of sexual offences or domestic abuse are eligible for enhanced service under the Code, unless the victim informs the service provider of their wish not to have this.

The police must take all reasonable steps to identify vulnerable or intimidated victims. Where such a victim is likely to be called as a witness in criminal proceedings and may be eligible for special measures, the police must explain the provisions included within special measures to the victim, and must record any views that the victim expresses about applying for them. See ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** and ***Criminal Justice System (2006) Working with Intimidated Witnesses: A manual for police and practitioners responsible for identifying and supporting intimidated witnesses.***

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4.4.2 VICTIM INTERVIEWS

An early decision should be made about the most appropriate method of recording an interview with an adult victim or witness. When appropriate, consideration should be given to conducting a video or audio, significant witness interview. This is dependent on the interviewee's wishes and the circumstances and the gravity of the offence. In some cases note-taking may be the preferred option. Officers should note the provisions of the Youth Justice and Criminal Evidence Act 1999. For further information see ***Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures.***

Video-recorded evidence is an important measure for vulnerable or intimidated witnesses, but it is not the only special measure and it is not necessarily appropriate to use it in every case. This decision should take account of all the circumstances of the case, including the particular needs of the witness and the availability and appropriateness of various special measures. Victims should not be given the impression that video-recorded interviews will necessarily be able to be used in court instead of them having to give evidence. Equally, some victims may wish to give live evidence to the court. Irrespective of the medium used, the degree of preparation and planning for the interview should be appropriate to the situation.

The extended availability of the provisions of section 27 of the Youth Justice and Criminal Evidence Act 1999 to use video-recorded evidence-in-chief is available. These measures can be used for complainants who are eligible for special measures on the grounds of fear and distress about testifying in all proceedings for sexual offences tried in crown court, where the investigation began on or after September 2007. See ***Ministry of Justice Circular 25/06/2007 Complainants in sexual offences tried in the Crown Court: implementation of Section 27 of the Youth Justice and Criminal Evidence Act 1999.***

When considering which areas to cover during interview, the aims and objectives of the interview should be clear. Questioning should be built around these aims and objectives in order to identify further lines of enquiry and to assist in the planning for the suspect interview, see **5.2.5 Suspect Interviews.**

Officers should ensure that information gained from the victim and witness interviews is included in any risk assessment and safety planning processes. Before conducting the victim interview, the interviewing officer should make sure that the interview will meet the required standards as set out in legislation and ***ACPO (forthcoming) National Investigative Interviewing Strategy.*** Officers should also ensure that any confidential details, such as the address of a place of safety, are not disclosed in a recorded interview; if they are, the CPS should be informed of this so that consideration can be given to editing the recording.

Interviewing officers should also make provision, as required, for the use of suitable interpreters for the interview. See **3.9 Using Interpreters at the Scene** and **5.2.4 Use of Interpreters During Suspect, Witness and Victim Interviews.**

Checklist 12 Conducting the Victim Interview

Interviewers should elicit the following information, depending on the individual circumstances of each case:

- Full details of the current incident, including evidence to support the alleged offence;
- Details of witnesses present during the incident;
- Nature and seriousness of the victim's injuries (physical and emotional);
- Details of family members;
- History of the relationship and any other incidents;
- Reference to previous incidents including those with previous partners;
- Whether a weapon was used (how and what type) and whether any attempt at choking, suffocation or strangulation was made;
- Details of any threats made before or since the incident;
- Whether any children were present and, if so, the effect that the incident has had on them;
- Whether the suspect planned the incident;
- Whether the parties are separated;
- Whether any civil action has been taken by the victim or any previous partners;
- Whether any sexual offences have been disclosed;
- Points to prove;
- Victim's view of the likelihood of further abuse and victim's views about their own safety and that of any children;
- Victim's view of the future of the relationship.

Some of these points may provide a template for witness interviews. Officers should consider obtaining a victim personal statement as part of the interview, see **5.3.10 Victim Personal Statement Scheme.** Information obtained from interviews with victims and witnesses should be processed according to local policies and procedures.

4.4.3 INTERVIEWING CHILD WITNESSES

Officers should make an assessment of the potential for interviewing child witnesses based upon the age and circumstances of the child. This should also depend on the offences disclosed and the characteristics of the child. Children can, and often want to, give an account of events. It is possible for a child to give consent to be interviewed even when both of the parents refuse consent. In any such case all requests for consent to interview should be recorded and children's social care departments should be consulted and involved as appropriate.

Children should be interviewed on video in compliance with ***Office for Criminal Justice Reform (2007) Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Using Special Measures.***

For further information see
http://www.cps.gov.uk/publications/docs/achieving_best_evidence_final.pdf

4.4.4 INTERVIEWING THE FIRST OFFICER AT THE SCENE

The first officer(s) at the scene is a witness and the IO should, where necessary, interview the officer. This interview should be recorded appropriately. Supervisors should ensure that welfare considerations are included prior to and post interview, as some officers might have encountered distressing circumstances.

Checklist 13 Interviewing the First Officer at the Scene

Interviews should cover the officer's initial appraisal of:

- Victim's injuries;
- Suspect's injuries;
- Presence of children and any injuries they have sustained;
- Any damage to property;
- Observations of the scene, eg, overturned furniture, broken ornaments, marks on clothing;
- Demeanour of the suspect, victim and witnesses, including children;
- Identification of risk factors (see **3.11 Risk identification**);
- Allegations made by the victim;
- Unsolicited comments made by the suspect;
- *Res gestae;*
- Significant statements made by the suspect.

Where relevant, all of the above issues should be addressed in the officer's statement and included within the prosecution file. The first officer at the scene should have made an initial identification of risk by applying the established risk factors, see **3.11 Risk Identification.** This may include the officer's opinion of the current or potential risk to the victim(s) and any children, and any risk – current or potential – to the suspect, such as suicide. All interviews including those with neighbours, social workers and other family members should explore risk identification.

4.4.5 WITHDRAWAL STATEMENTS

A domestic abuse officer should, where possible, take a statement which states and describes any reasons for the victim withdrawing their support for the prosecution process. If withdrawal statements are taken with care, they might still be used as evidence in current or future criminal proceedings or as evidence within the family court system. Any withdrawal of support for a prosecution should prompt a revised risk assessment process and safety planning. A senior lawyer in the CPS, experienced in domestic abuse issues, should be consulted whenever the victim indicates a wish to withdraw support for the prosecution.

Checklist 14 Taking Comprehensive Withdrawal Statements

A withdrawal statement should contain the following information:

- Confirmation of whether the original statement given to the police was true. (If the account given in the original statement has to be amended, an explanation for this should be included.)
- Whether the victim has been put under pressure to withdraw.
- Nature of the original allegation (if not fully covered in a previous statement).
- Victim's reasons for withdrawing the allegation.
- With whom they have discussed the case – particularly anyone who has advised them (a solicitor, for example).
- Whether any civil proceedings have been, or are likely to be, instigated.
- Impact on the victim's life and that of any children if the case is continued.

Withdrawal statements should be forwarded to the CPS and accompanied by a background report by the officer in the case. This report should include:

- The officer's views on the case, including any suspicions of witness intimidation or pressure, if not already included in the withdrawal statement;
- Details of any identified risks to the safety of the victim, children or any other person;
- Details of the support available to the victim (eg, access to an IDVA);
- How the victim might respond to being compelled to attend court;
- The likely impact on the victim and any children, of proceeding or not proceeding with the case.

4.5 SOURCES OF INTELLIGENCE AND EVIDENCE

For a list of national sources of intelligence with specific links to serious sexual offences, see ***ACPO (2005) Guidance on Investigating Serious Sexual Offences,* Section 5 National Sources of Investigative Support and Intelligence.**

4.5.1 IMPACT NOMINAL INDEX

The IMPACT Nominal Index (INI) is an index of named persons, whose details have been recorded for policing purposes from up to six different business areas within policing. These are intelligence, crime, custody, domestic violence, firearms (licence refusals and revocations) and child protection.

Details of victims and witnesses should not form part of the records held. The INI enables an investigator to identify which organisation(s) hold information about a named person. These organisations include the police forces of England and Wales, Scotland, the Police Service of Northern Ireland and the British Transport Police. Only suitably trained and authorised individuals are allowed access to the INI. This is via a web browser using the CJX connection. The INI does not facilitate access to a force local system but provides details of a single point of contact to which further enquiries or requests for information can be made. The displayed results include details of the force holding possible data, or, in the case of a number of records being held by a single force which relate to the same person, the number of records held. These records can be expanded so that individual records can be viewed. These will show the business area the record has resulted from, together with the place of birth, record input date, PNC identification number and force identifying number if available. For further information see **http://www.npia.police.uk/en/8489.htm**

4.5.2 VIOLENT OFFENDER AND SEX OFFENDER REGISTER

The Violent Offender and Sex Offender Register (ViSOR) provides the Police, Probation and Prison Services with a confidential, shared national database to assist those services to identify, risk assess and manage sexual offenders, violent offenders and PDPs. ViSOR is used primarily as an offender-management system, but it can also be used to identify potential suspects for violent crimes or sexual offences, and as a tool to assist in the management of information.

A single record is used to manage information about each offender in the database. Those involved in the management of the individual are able to access a wide range of information and intelligence. Detailed risk assessments are stored on the system and updated over time, thereby maintaining a history of changes and enabling informed decisions to be made based on the information available on the system.

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In addition to being a valuable offender management, information management and intelligence system, ViSOR can benefit all crime investigation. In addition to the practical operational value of ViSOR, it also assists in demonstrating an audit trail, providing accountability and support for defensible decision making.

The Police Services in England, Wales, Northern Ireland and Scotland, and other law enforcement agencies have access to ViSOR. It is planned that all probation officers, criminal justice social workers and prisons in England, Wales and Scotland will have access to ViSOR by the end of 2008. For further information see ***NPIA (2008) ViSOR Standards.***

4.5.3 HOUSE-TO-HOUSE ENQUIRIES

The potential for using house-to-house enquiries should be identified early in the investigation. The use of this type of enquiry is to conduct a large number of interviews in a defined area, as quickly as possible. In domestic abuse investigations, house-to-house enquiries might require slightly different planning as the defined area for the operation may only include the immediate neighbours of the victim. Alternatively, they might also include residents close to schools, workplaces or car parks where other domestic abuse incidents have, or might have, occurred.

Officers should consider using a standard questionnaire in domestic abuse investigation house-to-house enquiries to take account of the following:

- The sensitivity of the enquiry might require that appropriate questioning techniques are adopted to establish what the neighbour saw or heard, without disclosing the exact nature of the alleged offence or incident.
- In cases of domestic abuse involving same sex partners, officers should consider the need to be careful not to reveal the sexuality of the victim and suspect by careless use of language or questioning.
- Questionnaires should use open questions and be designed to allow interviewees to describe previous incidents and to provide further pieces of evidence.

For further information see ***ACPO (2006) Practice Advice on House-to-House Enquiries.***

4.5.4 COVERT SURVEILLANCE

Covert surveillance is a potential investigative tool to gather evidence in certain domestic abuse cases, particularly where harassment is an issue. Covert policing techniques should only be contemplated when due consideration has been given to all of the circumstances of the case and conventional policing methods have failed or are likely to fail.

Police forces should comply with the Regulation of Investigatory Powers Act 2000 (RIPA) and ***Home Office (2002) Covert Surveillance Code of Practice.***

For further information see ***ACPO/HMRC/SOCA (2008) Guidance on the Use and Management of Specialist Surveillance Techniques*** **[RESTRICTED]**, ***ACPO and SOCA (forthcoming) Guidance on the Use and Management of Undercover Techniques*** and ***ACPO (2008) Guidance on the Lawful and Effective Use of Covert Techniques – The Legal Framework and Covert Operational Management*** **[RESTRICTED]**.

4.5.5 COVERT HUMAN INTELLIGENCE SOURCES

There may be circumstances where victims or witnesses of domestic abuse seek to provide intelligence regarding other criminal activities of the suspect.

Any victim or witness of domestic abuse providing intelligence to police officers should be subject to further risk assessment and safety planning measures. Officers should ensure that established risk factors for domestic abuse are identified and monitored. The first priority for the police is to ensure the safety and protection of victims and witnesses.

In situations where the domestic abuse victim or witness provides information about offences, other than domestic abuse, the information should be forwarded to the intelligence unit for evaluation.

If the victim provides this type of information on a repeated basis, officers must ensure compliance with ***Home Office (2002) Covert Human Intelligence Sources Code of Practice*** and the restricted document ***ACPO, HMRC and SOCA (2006) Guidance on the Management of Covert Human Intelligence Sources (CHIS).***

4.6 SEEKING EVIDENCE FROM OTHER AGENCIES

Other agencies may hold relevant evidence that could assist in supporting a prosecution. This might be photographic evidence, body maps, witness evidence, items or samples that they are safeguarding on behalf of a victim. Body maps allow medical staff to mark the location of injuries on the patient's body; these can be particularly useful in cases when the victim declines to have photographs taken of injuries to the body. IOs should establish the procedures that are undertaken by other agencies to gather and secure domestic abuse-related evidence.

Police officers should note that partner agencies might, on occasions, be better placed to obtain evidence from victims. For example, victims may consent to have photographs taken of their injuries, or body maps completed, by medical staff at a time when they are not ready to disclose the abuse formally to the police.

Police forces should consider providing other agencies with equipment and guidance to enable valuable evidence to be gathered which would otherwise be missed. This might include digital cameras and film, body map forms and evidence notebooks.

4.6.1 PAST MEDICAL RECORDS

When consent is given by victims for the police to access medical records, officers should seek information from a variety of sources, see **6.2.7 Information Sharing.** Obstetric records can provide evidence of miscarriages and injuries sustained during and post pregnancy. Dental records might provide evidence of oral injuries and should be considered along with records from general practitioners, mental health specialists and hospital emergency departments.

4.6.2 CLOSED-CIRCUIT TELEVISION

Closed-circuit cameras are now sited in most city and town centres, with some systems extending into residential areas. Most LA Closed-Circuit Television (CCTV) systems are monitored and have direct links to police control rooms. Police forces and LAs have clear standard operating procedures about their use.

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In addition to these CCTV systems, officers should consider that a number of businesses and members of the general public also use CCTV to protect their property. All of these systems could be used as part of a case for the prosecution in relation to domestic abuse.

It is also possible to install CCTV to reassure a victim who has been identified as being at high risk of further harm. Cameras should be positioned to provide reassurance and to capture potential evidence. Where possible, they should survey the outside of a victim's home to enable any suspicious activity to be monitored, without the need for the victim to unlock doors or show themselves at a window. See ***Home Office Scientific Development Branch (2007) 55/06 CCTV Operational Requirements Manual.*** **http://www.scienceandresearch.homeoffice.gov.uk/hosdb/publications/**

Existing protocols governing the collection, use, storage and ownership of CCTV evidence should extend to domestic abuse cases, particularly when dealing with sensitive CCTV footage. See ***Information Commissioner (forthcoming) CCTV Code of Practice (revised).***

Where possible, CCTV footage should be shown:

- To suspects during interviews, depending upon the interview strategy, see **5.2.2 Legal Advisers and Pre-Interview Briefings** and **5.2.3 Using Photographic Evidence During Interview;**
- To custody officers and CPS prosecutors to assist in determining the weight of evidence and the appropriate charges;
- As part of the prosecution case in court.

4.6.3 PROFESSIONAL WITNESSES

Professional witnesses are particularly useful in cases where witnesses might be vulnerable or intimidated and, therefore, reluctant to come forward for fear of reprisal. Professional witnesses have been used to log abuse, harassment and criminal offences in residential areas. Some LAs employ council officials or private investigators to conduct surveillance in order to collect evidence in civil proceedings and, in some cases, in criminal proceedings.

Professional witnesses can provide evidence in criminal proceedings, provided that they have directly observed the events at issue. One of the main inhibitors to the use of professional witnesses is the cost and, therefore, operations tend to be limited to serious cases or those that cause frequent alarm and distress to neighbours. Officers should regard the use of professional witnesses for evidence gathering in domestic abuse cases, especially those cases that involve significant nuisance to neighbours.

Types of evidence collected by professional witnesses include statements by victims, diaries, interview notes, photographs, tape recordings, telephone tapes, videotapes, official reports and details of damaged property. Professional witnesses also provide statements and oral evidence.

MANAGEMENT ISSUES

- Ensuring that domestic abuse investigations focus on sources of evidence other than the victim's statement and do not rely upon the victim's support for a prosecution.
- Ensuring officers conduct early assessments to determine whether victims qualify for special measures.
- Providing information and equipment, where appropriate, to other agencies to improve the collection of evidence.

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Section 5
POST-ARREST MANAGEMENT

This section provides guidance on police action after an arrest has been made. Some of the information will also be relevant in circumstances when an arrest was not made, but other positive action interventions were put in place. This section is particularly relevant to arresting officers, custody officers, interviewers and domestic abuse officers. It should be read in conjunction with *ACPO (2006) Guidance on the Safer Detention and Handling of Persons in Police Custody*. In police forces that have independent domestic violence adviser schemes, this section will be relevant to IDVAs.

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5.1 CUSTODY PLAN

Detention of suspects arrested for domestic abuse-related offences requires some specific considerations as part of a custody plan. General custody issues are covered in full in ***ACPO (2006) Guidance on the Safer Detention and Handling of Persons in Police Custody.***

Checklist 15 Custody Plan

When detaining a domestic abuse suspect, custody staff should:

- Consider the suspect's right to a telephone call and assess the potential to harass and intimidate the victim, children, family members and potential witnesses;
- Ensure any telephone calls are supervised;
- Record if a suspect threatens to commit suicide, and include this within the custody risk assessment process for the care of the suspect in police detention and in the domestic abuse risk identification;
- Consider suicide threats by the suspect as a risk factor relating to further harm being caused to the victim and children, and include as part of any decision-making process for police bail;
- Record significant statements on the custody record and invite the suspect to sign and verify them;
- Record injuries to the suspect;
- Arrange for the forensic physician to examine the suspect and record any injuries on the custody record;
- Document on the custody record, any intimidating, aggressive or threatening behaviour exhibited by the suspect;
- Consider placing suspects arrested for breach of the peace before the next available court.

Arresting officers should ensure that:

- Evidence is seized appropriately (particularly in circumstances where the suspect or their associates have access to the scene) and, where possible, avoiding evidence contamination, is taken to the custody suite and recorded on the custody record;
- Photographic evidence of injuries and/or the scene is available in the custody suite, included in the custody record and used in the interviewing and investigation processes;
- Photographs of the suspect are obtained, including any clothing or jewellery that might have inflicted a specific injury to the victim.

5.1.1 INCLUDING INFORMATION RELATING TO THE SUSPECT IN THE RISK IDENTIFICATION AND ASSESSMENT PROCESS

The IO and custody officer should ensure that any relevant information about the suspect is added to any risk identification and assessment processes being carried out on the case. Risk identification and assessments often rely exclusively on information provided by the victim. This can result in an incomplete assessment of the circumstances.

Any information about comments or behaviour observed during the period of custody, including those made during police interview, should be inserted into the risk identification and assessment tool. Officers should be particularly alert to any information which indicates further harm, escalation or imminence of harm. Any intelligence should also be considered as part of this process, as should existing risk assessments carried out on the offender as part of any previous cases.

5.2 SUSPECT INTERVIEWING

See ***ACPO (forthcoming) National Investigative Interviewing Strategy.***

5.2.1 SENSITIVE INFORMATION ABOUT THE VICTIM

Supervisors should ensure that officers dealing with domestic abuse cases are alert to the risks involved when considering disclosing certain information provided by the victim, or others, to the suspect and any legal adviser. For example, there might be specific risks in providing information about the location of the victim or sensitive personal information, such as medical details.

5.2.2 LEGAL ADVISERS AND PRE-INTERVIEW BRIEFINGS

For a full description of the role and responsibilities of legal advisers and general information on pre-interview briefings, see ***ACPO (2006) Practice Advice on Dealing with Legal Advisers.***

In pre-interview briefings, interviewing officers should consider informing the legal adviser of the existence of the photographic evidence, rather than providing them with access to it before the interview.

If photographic evidence is not disclosed to a legal adviser in the pre-briefing, interviewing officers should plan at what stage in the interview the existence of photographic evidence should be disclosed.

5.2.3 USING PHOTOGRAPHIC EVIDENCE DURING INTERVIEW

Any photographic evidence collected at the scene, or of injuries caused to the victim, should be made available to the interviewing officer for pre-interview planning. It will often be beneficial to allow the suspect to provide a full account before giving detailed disclosure of photographic evidence. If the interview is taking place several days after the incident, interviewing officers should use more recent photographs of injuries which allow for the development of bruising and might show the full extent of the injury. Polaroid photographs should be protected when used in interview by placing them in clear evidence bags.

In domestic abuse cases the suspect might be expecting the victim to withdraw their evidence. Where other evidence exists, it might be central to proving the case, bringing appropriate charges and inducing a guilty plea.

5.2.4 USE OF INTERPRETERS DURING SUSPECT, WITNESS AND VICTIM INTERVIEWS

Officers booking interpreters for suspect interviews should follow ***ACPO (2001) Operational Guidance on the Booking of Interpreters;*** in domestic abuse cases they should pay particular attention to the points in the following checklist:

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Checklist 16 Considerations when Using Interpreters in Domestic Abuse Cases

- Checking the identity of the interpreter and whether they have a Criminal Records Bureau (CRB) disclosure certificate and can show it;
- That the suspect, victim or witnesses are not known to the interpreter, where possible;
- If the interpreter is known to the victim, witness or suspect, this should not be in anything other than a professional capacity;
- Check that the interpreter has no other interest in the case, whether personal, financial or commercial;
- Where possible, select the interpreter to conform to reasonable criteria set by the suspect, victim or witnesses, which may include a preference for specific sex, religion, regional origin, political affiliation and cultural background;
- General guidance is that interpreters live in close proximity to the interview premises, but in domestic abuse and HBV cases it might be prudent to use interpreters that meet the criteria of the suspect, victim or witness but who do not live within the immediate community;
- Interpreters should be allowed to interrupt the normal flow of the interview to ask the officer for repetition, clarification or to alert the officer to the possibility of a cultural inference that might have been assumed. Interruptions should be explained to all parties.

Supervisors should ensure that the police take responsibility for arranging interpreters for any part of an investigation and for the requirements of the suspect, or person charged, while they are in custody. Supervisors should monitor the use of interpreters to ensure that the principles of ***Home Office Circular 17/2006 Use of Interpreters within the Criminal Justice System*** are adhered to. See also ***Office for Criminal Justice Reform (2007) National Agreement on Arrangements for the Use of Interpreters, Translators and Language Service Professionals in Investigations and Proceedings Within the Criminal Justice System, as revised 2007.***

5.2.5 SUSPECT INTERVIEWS

For information on victim, witness and child interviews – see **4 Investigation Development: Sources of Evidence.**

Supervisors should ensure that all officers conducting suspect interviews are appropriately trained in accordance with ***ACPO (forthcoming) National Investigative Interviewing Strategy.*** Depending on the seriousness or complexity of the alleged offence(s), supervisors should consider appointing a trained interview adviser to assist in the investigation.

Principles of investigative interviewing

a) Interviewing in accordance with the principles of investigative interviewing and the Police Interview Training Model mnemonic – P-Preparation/Planning; E-Engage; A-Account; C-Close; E-Evaluation (PEACE) model;

b) Understanding the legal requirements and points to prove, or defences of an offence, are key elements in achieving interview aims and objectives.

The seven principles of investigative interviewing (which apply to all interviews but are used in this context for suspect interviewing) are as follows. Also included are special considerations for domestic abuse-related cases.

1. **The aim of investigative interviewing is to obtain accurate and reliable information from victims, witnesses or suspects about matters under police investigation.**

   The following areas should be considered when planning lines of questioning:

   - Status of the relationship between the suspect and the victim, eg, divorced, planning to separate, separated or other. (**Note:** the perceptions of the suspect and victim might be different. The suspect's knowledge of a victim planning to separate might increase the risk to the victim.)
   - Previous violence and abuse within the relationship.
   - Nature of other relationships, past and present, including history of abuse and controlling behaviour by the suspect.
   - Relationship with other family members.
   - Character of the suspect.
   - Violence and abuse towards strangers and acquaintances.
   - Future intention with regard to the victim, eg, is the suspect intending to re-establish the relationship.
   - Motive when committing the alleged offence.
   - Circumstances leading up to the alleged offence.
   - Future residence.
   - Relationship with children and details of child contact arrangements, if applicable.

Information from the suspect interview should be used in police bail decision making. It should also assist in the decision making of the CPS and the courts in determining the appropriate method of dealing with the suspect and the risk identification and assessment process.

2. **Investigators must act fairly when questioning victims, witnesses or suspects. Vulnerable people must be treated with particular consideration at all times.**

   - The questioning of suspects should not be unfair or oppressive.
   - An appropriate style should be adopted when dealing with a vulnerable person.
   - Where possible, different interpreters should be used for the suspect, victim and witnesses.
   - Interpreters used for interviews should, where possible, be different from those employed during the court proceedings.
   - Arrangements should be made for people with hearing impairment. These might include using sign language interpreters, lip speakers, speech to text reporters or specific interpreters for those with dual sensory impairment. Such interviews should be video recorded.

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3. **Investigative interviewing should be approached with an investigative mindset. Accounts obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what can be reasonably established.**

   - Interviewers should establish what happened in a non-judgemental way.
   - If suspects attempt to minimise their involvement, then any contradictory facts known by the interviewers should be put during the interview.
   - Counter-allegations should be explored.

4. **When conducting an interview, investigators are free to ask a wide range of questions in order to obtain material which may assist an investigation.**

   - If a suspect gives an account as to why the offence happened but this does not equate with the investigation findings, the account should be challenged.
   - Relevant questioning around areas needed to prove the offence should be conducted for as long as necessary, taking into account all of the circumstances.

5. **Investigators should recognise the positive impact of an early admission in the context of the criminal justice system.**

   - The tone and delivery of questions should be in a format that avoids criticism or collusion.

6. **Investigators are not bound to accept the first answer given. Questioning is not unfair merely because it is persistent.**

   - Explanations as to why incidents occurred should be sought and probed.
   - Interviewers should not allow their own value judgements to influence a set of circumstances or explanation given but should explore the thought processes of the suspect. In domestic abuse cases there may be a history of assaults and abuse, and this should be introduced into the interview process.
   - Information relating to bad character should be introduced during the interview.
   - Questions should always be relevant to the offence being investigated.

7. **Even when the right to silence is exercised by a suspect, investigators have a responsibility to put questions to them.**

   - A particular area of questioning might result in the suspect deciding to waive their right to silence.
   - In order to achieve the full impact of a potential adverse inference, should there be a prosecution, questions should have been put to the suspect.

See ***ACPO (2006) Practice Advice on the Right to Silence (Revised Edition)*** and ***ACPO (2008) Practice Advice on Evidence of Bad Character (Second Edition).***

5.3 CHARGING AND POST-CHARGE

5.3.1 CHARGING

When consulting the CPS, police officers should take account of ***Crown Prosecution Service (2004) The Code for Crown Prosecutors*** and ***Prosecution Team (2007) The Director's Guidance on Charging: Guidance to Police Officers and Crown Prosecutors Issued by the Director of Public Prosecutions under S37A of the Police and Criminal Evidence Act 1984.*** Officers should also be aware of ***Crown Prosecution Service (2005) Guidance on Prosecuting Cases of Domestic Violence.***

All domestic abuse cases should be referred to duty prosecutors, once the threshold test has been met. The threshold test requires custody officers to decide whether there is at least a reasonable suspicion that the suspect has committed an offence, and, if there is, whether it is in the public interest to charge that suspect. The evidential decision in each case will require consideration of a number of factors. These include: the evidence available at the time and the likelihood and nature of further evidence being obtained; the reasonableness for believing that evidence will become available; the time that it will take and the steps being taken to gather it; the impact of the expected evidence on the case, and the charges the totality of the evidence will support. The public interest test is the same as under the full code test, but will be based on the information available at the time of charge, which will often be limited.

The threshold test is applied to those cases in which it would not be appropriate to release a suspect on bail after charge, but the evidence to apply the full code test is not yet available. Only cases that have passed the threshold test should be referred to the CPS. In cases where there is some doubt about whether the threshold test has been met, advice should be sought from the CPS.

The pre-charge advice scheme provides advice from crown prosecutors prior to charging. The pre-charge advice scheme means that, in practice, between locally agreed hours, no defendant should be charged with an offence (within the scheme) without reference to a duty prosecutor, even where conditional bail or custody is to be sought.

Outside of these agreed hours, officers should consult CPS Direct, which is the out-of-hours telephone advice service. Where CPS Direct is not available and custody or conditional bail is required outside of agreed hours, the police should charge. In these circumstances the full code test should be applied – unless the defendant is not being released and then the threshold test can be applied until such a time as the full code test can be applied.

The full code test contains two stages in the decision to prosecute. The first stage is the evidential test. If the case does not pass this test, it must not go ahead, no matter how important or serious it may be. The second stage is the public interest test. The CPS will only start or continue a prosecution when a case has passed both tests.

5.3.2 CHARGING STANDARDS

The Director of Public Prosecutions is responsible for issuing ***Crown Prosecution Service (2004) The Code for Crown Prosecutors*** under section 10 of the Prosecution of Offences Act 1985. This gives guidance on the general principles to be applied when making decisions about prosecutions. The CPS determines which charges should be made in all domestic abuse cases. They should consider all the available charges and record the full reasons for any charging decisions made.

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The police and the CPS have agreed charging standards for certain types of offence, including assaults. These are guidelines to assist prosecutors to select the most appropriate charge in light of all the facts that can be proved, at the earliest opportunity. Officers should be aware of the standards.

The offence for which the suspect is arrested may not be the actual offence they are later charged with. Crime reports should be submitted where recordable offences have occurred. ***Annex D*** of ***Crown Prosecution Service (2005) Guidance on Prosecuting Cases of Domestic Violence*** outlines an interpretation of domestic abuse-related offences. Information provided by an officer involved in an investigation to a crown prosecutor to determine charges should be on an MG3 form – 'Report to a Crown Prosecutor for a Charging Decision'.

Custody officers should liaise with the CPS, see **5.3.1 Charging,** at an early stage to seek advice on the sufficiency of the evidence, type of evidence required and the most appropriate charge(s). Custody officers should ensure that all advice given by the CPS is recorded on the prosecution file. Custody officers should direct the IO to liaise with the domestic abuse officer when preparing the prosecution case papers.

Officers, in particular, custody officers, should ensure that they are familiar with ***Crown Prosecution Service (2005) Policy for Prosecuting Cases of Domestic Violence.*** See **http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf**

5.3.3 USE OF CAUTIONS

Cautions are rarely appropriate in domestic abuse cases. This is because cases coming to police attention are not usually the first offence and the nature of such offences tends to constitute a breach of trust. For these reasons it is always preferable for domestic abuse defendants to be charged and prosecuted where the case meets the evidential prosecution test and the public interest test. Supervisors should closely monitor the administering of cautions in domestic abuse cases

Cautions should be considered as an appropriate disposal only when:

- There is some evidence that it is a first domestic abuse offence and there have been no other reports or intelligence of previous abuse to the victim or previous partners or family members;
- The defendant has no previous police record for violence;
- The case has been reviewed by the CPS and they have taken the decision not to progress a prosecution;
- The investigation has been reviewed and the officer in charge (OIC) is satisfied that there is no further potential for investigation development;
- Any other possible criminal justice sanctions have been examined and progressed.

5.3.4 RISK IDENTIFICATION AND POLICE BAIL

Risk assessments requiring categorisation should be carried out by appropriately trained staff, see **6.2.1 Risk Assessment.** All police staff should be able to identify established risk factors associated with domestic abuse, see **3.11 Risk Identification.**

Officers should use the established risk factors, listed in **3.11 Risk Identification,** to make their decisions relating to police bail. The primary consideration of an officer determining bail conditions should be the safety and protection of the victim, children and the suspect.

5.3.5 MAKING BAIL DECISIONS

If there is insufficient evidence to charge a suspect, consideration should be given to releasing them under section 37(2) PACE to enable further enquiries to be completed. This should allow time for other witnesses to come forward and for a more detailed investigation to be undertaken.

When granting conditional bail for referral to the CPS (section 37(7)(a) PACE in areas where applicable) or to appear at court after charge (section 38 PACE), every effort should be made to consult victims prior to making the bail decision. Custody officers should refer to victim statements, interview records and victim personal statements (where available) before making decisions relating to conditional bail. Custody officers should ensure that bail conditions help to protect victims, children and witnesses from intimidation and abuse and do not conflict with existing court orders. Conditions should be justifiable and capable of being policed for compliance; all decisions should be justified and recorded.

The police make the initial decision to keep the defendant in custody to appear before the magistrates at the next sitting day or to bail a defendant to attend court. Section 47(3A) PACE (as inserted by section 46 (2) of the Crime and Disorder Act 1998) makes it clear that all persons charged with an offence and bailed, must be bailed to the next sitting of the relevant court or, where this cannot be accommodated, to the next available sitting as notified by the court (usually within two to five days of charge). Once a defendant appears before the court, the decision about bail is made by the magistrates and is governed by the provisions of the Bail Act 1976.

To afford the maximum protection to victims, children and witnesses, the following police bail conditions should be considered when granting bail for CPS referral or after charge for domestic abuse suspects:

- Not contacting the victim either directly or indirectly;
- Not going within a specified distance of the victim's home or workplace;
- Not going within a specified distance of schools or other places the victim or victim's children attend, such as shopping areas, leisure or social facilities, childminders, family, friends;
- To live at a specified address, not that of the victim;
- To report to a named police station on specific days of the week at specified times;
- To obey curfews as applied.

A suspect granted investigative bail under section 37(2) PACE should be bailed for no longer than is reasonably required to complete the investigative action. Unless a protracted investigation or other compelling consideration such as the turnaround time for a forensic examination is involved, the period should be no more than three weeks. In cases where the advice of the CPS is to be sought, the period of bail should be no longer than is necessary to complete any agreed action and submit the necessary report. For further information see ***ACPO and Crown Prosecution Service (2004/05) The Prosecution Team Manual of Guidance.***

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Checklist 17 Pre-release Considerations

Before a suspect is released from a police station officers should:

- Inform the victim of the suspect's impending release and record this notification, regardless of whether the suspect has been bailed (see 5.3.6) or not;
- Ensure that all area control rooms and intelligence databases are updated regarding bail conditions, in case of future calls;
- Make every effort to ensure that a suspect charged following a domestic abuse incident is placed before the court at the earliest opportunity and that bail is for the shortest period that local service level agreements (SLAs) will allow. This minimises the opportunities a suspect has to intimidate witnesses.

Where a suspect is granted bail, it is important to clarify the following points before they are released:

- It is the suspect's responsibility (not the victim's) to comply fully with any bail conditions;
- Any breaches of bail will be treated as such even if the suspect and/or victim state that they have reconciled;
- It is the CPS (not the victim) who make decisions in relation to charging;
- It is the CPS (not the victim) who make decisions in relation to prosecution.

Supervisory officers should monitor the ways in which victims are updated about police bail decisions and decisions relating to charges, including where no charges are brought.

It may come to light later at court that a defendant has breached their bail conditions and contacted a victim. Such contact may or may not have been wanted by the victim, but this should not obscure the seriousness of breaching bail. The fact that contact has occurred is sometimes used by the defendant as an argument for the removal of bail conditions, citing the victim's agreement, or at least their lack of complaint. The issue of policing and enforcing bail conditions and the decision to bring breaches of bail to the attention of magistrates is again a police and CPS decision, independent of the wishes of the victim.

5.3.6 KEEPING THE VICTIM INFORMED OF INVESTIGATION PROGRESS AND BAIL DECISIONS

Criminal Justice System (2005) The Code of Practice for Victims of Crime qualifies the timescales by which the police are required to update victims of the progress made in investigations. Police should also advise victims when a case will be subject to periodic review; and they should ask the victim or family representative whether they wish to be advised of review procedures. The decision should be recorded by the IO. In circumstances where family members wish to be advised of review procedures, police should ensure that information about the review is passed to the victim or family representative within one working day of the review procedure commencing. These principles also apply to the re-opening of an investigation where there is new evidence or there are changes in forensic procedures. Decisions made at the time of the discussion should be recorded to assist reviewing officers to consider the wishes of the victim or family member before making contact with them.

Criminal Justice System (2005) The Code of Practice for Victims of Crime also specifies timescales for informing victims of decisions to bring criminal proceedings. These relate to situations where a suspect is interviewed and/or reported for offences by a police officer and decisions are made to bring criminal proceedings for an offence.

If a suspect is charged with an offence and released on police bail to appear at court, ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** requires that the police notify the victim of this, and of the date of the court hearing and any relevant bail conditions, within one working day for vulnerable or intimidated victims, and within five working days for other victims. In practice, in domestic abuse cases involving identified risk factors, case officers should, if possible, inform the victim of the police bail decision and any conditions prior to release. However, once a decision has been made to bail a suspect, release must not be delayed by difficulties in contacting the victim or their representative.

Similar requirements exist within ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** for informing victims or family members of any changes to bail conditions, applications to remand the suspect in custody, decisions to remand the suspect and other forms of disposal such as cautioning.

Officers should also inform the victim of action to take if the defendant breaks any of the police bail conditions. The victim should be informed of exactly what the conditions mean. Officers should equip the victim with as much information as possible and should explain that the responsibility for complying with police bail conditions rests with the defendant.

5.3.7 INFORMING VICTIMS OF DISCONTINUANCE

If a decision is made not to prosecute the suspect, ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** specifies that the victim should be notified of this. If the police make the decision to discontinue the case, the responsibility of notification rests with them. In cases where, following a discussion between the IO and Crown Prosecutor, there is a decision made not to prosecute as there is insufficient evidence to proceed, it is the responsibility of the police to inform the victim of this within one working day (of the person being charged) for vulnerable or intimidated witnesses and five working days for other victims. For a full explanation of responsibilities and timescales, see ***Criminal Justice System (2005) The Code of Practice for Victims of Crime.***

5.3.8 ASSISTING WITH THE RECOVERY OF PROPERTY FOR THE SUSPECT OR VICTIM

Following an arrest or in response to a court order, officers might be requested to assist with the exchange of property or the removal of property from a residence. Police officers might also be required to facilitate recovery or exchange to prevent a breach of the peace. Officers should not facilitate the recovery of any property if that action breaches bail conditions.

Suspect requests for property recovery

Officers should ask the suspect to make a list of property for removal that can be checked with the victim. This list should include items that could reasonably be required for short-term use. Officers should not facilitate removal of a significant amount of property beyond what is reasonably needed for short-term use, or property that is jointly owned by the couple.

The victim should not be required to be present at the residence to observe the recovery of property. Officers should not allow telephone contact from the suspect to the victim to arrange for property recovery. They should make the telephone contact directly with the victim to discuss the suspect's requests and determine whether the victim is willing to allow the exchange. Where appropriate, officers should request that victims prepare for the removal of the suspect's property by packing it in advance. It might be possible for the victim to appoint a third party to recover property safely.

Victim property recovery

Victims intending to recover property from a residence should be offered assistance to ensure that this process can be carried out safely. The same safeguards (as for suspect property recovery) exist in terms of the amount of property to be reasonably removed. Officers should note that post-separation abuse is an established risk factor for homicide and victims seeking to recover property might be at risk of further harm.

5.3.9 BREACHES OF NON-MOLESTATION ORDERS

Section 1 of the Domestic Violence, Crime and Victims Act 2004 inserts a new section 42A into the Family Law Act 1996, creating a criminal offence of breach of a civil non-molestation order obtained under section 42(2) or section 45(1) (ex parte applications) Family Law Act 1996. A person can only be found guilty of an offence of breach of a civil non-molestation order in respect of conduct engaged in at a time when they were aware of the existence of the order. Note that sections 2, 3 and 4 of the Domestic Violence, Crime and Victims Act 2004 extend the provision of the Family Law Act 1996 to same sex couples and to those who have had an intimate personal relationship with each other which is, or was, of significant duration, thus allowing those individuals to apply for a non-molestation order.

Section 42(A) gives complainants a choice on whether to follow a civil or criminal route in which a breach of a non-molestation order is dealt with. The complainant can either call the police to have the breach dealt with within the criminal justice system, or they can make an application to have the person committed to custody for contempt application in the civil court system.

The offence is committed where a person is subject to a non-molestation order and does anything prohibited by that order without a reasonable excuse. If the non-molestation order was granted at an ex parte hearing, then an offence will only be committed if the person was aware of the existence of the order at the time they breached it.

It is possible that if there is a serious breach of a non-molestation order, then other criminal offences will have been committed by the person. If the behaviour has already been dealt with by the civil courts as contempt, then no criminal offence is committed. Officers should check whether the case has been dealt with by the civil system and inform the CPS accordingly. Where a person has been acquitted of the offence, it will remain possible for breach of a non-molestation order to be dealt with as a civil contempt of court, but section 42A (3) and (4) prevent a defendant being punished twice for the same breach.

If the CPS decides that the code tests are not met and a prosecution will not occur, then the complainant can seek redress in the civil courts. In these circumstances officers should contact the victim informing them that there will not be a prosecution and providing details of the suspect's release from custody. This enables the victim to consider approaching the Family Courts to seek a civil remedy at the earliest opportunity. Discontinuing a prosecution does not automatically lead to proceedings being started in the Family Courts. The victim has to apply in order to initiate proceedings. These provisions do not apply to occupation orders. The courts have retained the ability to attach a power of arrest to an occupation order under section 47 of the Family Law Act 1996.

5.3.10 VICTIM PERSONAL STATEMENT SCHEME

The purpose of the victim personal statement is to:

- Give victims an opportunity to state how the crime has affected them – physically, emotionally, psychologically, financially or in any other way;
- Allow victims to express their concerns in relation to bail or the fear of intimidation by or on behalf of the defendant;
- Provide victims with a means by which they can state whether they want information about, for example, the progress of the case;
- Provide victims with the opportunity to state whether they want to claim compensation or request support from VS or any other agency;
- Provide the criminal justice agencies with a ready source of information on how the particular crime has affected the victim involved.

The CPS will take account of what the victim says when making decisions on the case and, where appropriate, will ensure that the court is also made aware of the contents of the personal statement.

While police officers can offer more general advice to victims about what they might wish to include in a victim personal statement, the ultimate decision about content should be left to the victim. Police officers should give victims the option of making a victim personal statement, explain the scheme and link the victim personal statement, whenever made, to the case papers. Officers should also ensure that any appropriate follow-up action is carried out.

The statement is provided in an additional section at the end of the standard statement form. Victims should be given a copy of the victim personal statement leaflet, and be advised that they can make a further personal statement at any time prior to the appearance of a defendant at court. They should also be told that if they do not initially choose to make a victim personal statement, they can do so later on. As part of the case papers, the victim personal statement is disclosable to the defence if the suspect is charged: the victim should be advised of this fact. Victim personal statements provide an opportunity for the victim to share their views about support for a prosecution. This could include a statement that the victim would prefer that the prosecution does not take place. Such a statement might act as a message to the suspect that the victim is not responsible for the prosecution and might reduce the risk of intimidation. If a victim personal statement is made early on in the proceedings, it should be updated closer to the conclusion of proceedings, if necessary.

For further information on making a victim personal statement, see
http://www.cjsonline.gov.uk/downloads/application/pdf/victimstate.pdf

5.3.11 PREPARING INFORMATION FOR THE CROWN PROSECUTION SERVICE

In order that the CPS can make an informed decision about a particular case, the police should provide them with as much information as possible. This also assists in the effective prosecution of the case, and can be used in the protection of the victim and any children when applying for a remand in custody.

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Checklist 18 File Preparation

The CPS requires the following information, where applicable:

- All relevant victim statements (including withdrawal statements, see **4.4.5 Withdrawal Statements,** medical reports, and victim personal statements, see **5.3.10 Victim Personal Statement Scheme;**
- All relevant witness statements (including, for example, those of neighbours and children);
- Case exhibits (including photographic evidence);
- Audio or videotapes of victim, witness and defendant interviews;
- Any photographic or CCTV evidence and digital recordings of a 999 call;
- Relevant police records, for example, pocket notebook entries, risk assessments recorded on forms, incident logs, custody records;
- Crime reports from previous incidents including those against other victims, highlighting potential bad character evidence;
- History of the relationship, particularly if there has been violence or abuse in the past;
- Any past or current civil proceedings;
- Any previous convictions;
- Details of the victim's injuries (medical, photographic and written);
- Description of the scene with any photographic evidence or relevant statements including those from the first officer at the scene;
- Whether the suspect/defendant used a weapon;
- Whether the suspect/defendant has made any threats before or since the incident;
- Whether the suspect/defendant planned the incident;
- Details of any children of the family, including where they were during the incident and the impact of the domestic abuse upon them;
- Likelihood of the suspect/defendant offending again;
- Status of the victim's current relationship with the suspect/defendant;
- Effect on that relationship of continuing with the prosecution against the victim's wishes, and the victim's views on their own and their children's personal safety if a prosecution does or does not follow;
- Location of the address of the victim and the suspect/defendant in relation to one another;
- Whether bail conditions apply;
- Whether counter-allegations have been made;
- Whether the defendant, victim or witness requires an interpreter;
- Names and details of any interpreters used during police interviews;
- Any requests by the defendant, victim or witness for an interpreter of the same sex or of a particular ethnic group, political orientation or affiliation;
- Whether there is a need for an early special measures meeting with the CPS;
- Where applicable, which special measures would be available to assist a witness and why;
- Evidence of the defendant or the defendant's relatives or associates contacting the victim since the incident or post charge;
- Whether an independent domestic violence adviser has supported the victim;
- Any relevant records or statements from other agencies, for example, pre-sentence reports from probation, damage reports to LA or social housing departments, any information or views expressed by adult or children's services departments;
- Any evidence pending or not currently available to be included as part of the file, when available.

In some circumstances this information might not be readily available, for example,

forensic samples might be subject to delays. However, the existence of the potential evidence and its current status should be communicated to the CPS as soon as possible. It is important to keep the CPS updated of any change in circumstances.

For further information see ***Crown Prosecution Service (2005) Policy for Prosecuting Cases of Domestic Violence*** and ***Crown Prosecution Service (2004) The Code for Crown Prosecutors*** at
http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf
http://www.cps.gov.uk/publications/docs/code2004english.pdf

5.3.12 WITNESS CARE UNITS

Witness Care Units exist across England and Wales. These units manage the care of victims and prosecution witnesses from the point at which the defendant is charged through to the conclusion of the case. They are staffed jointly by representatives from the police and the CPS.

The units provide a single point of contact for victims and witnesses. A needs assessment is carried out for all witnesses who are being called to court, to identify any problems that would prevent the witness giving evidence or attending court. These problems might include child care or transport problems, language difficulties, disabilities or particular concerns such as intimidation. Witness care officers coordinate the support and services provided to the witness, and keep them informed throughout the case.

They also review the needs of the victim throughout the duration of the case, notifying them of whether they will need to attend court, providing information and dates if necessary, and informing them of the outcome.

5.4 CRIME PREVENTION STRATEGIES

5.4.1 IMPROVING HOME SECURITY

Crime prevention officers (or their local equivalent) should be made available to victims of domestic abuse to provide advice on home security. Where possible, victims of domestic abuse should be supported to remain in their home and the police should assist in making them safe.

Improvements in home security, including smoke alarms, burglar alarms and new lighting, can reassure victims and their families and help to protect them from further abuse. Consideration should be given to the use of alarm systems, mobile telephones (some of which have a facility to record live to the police control room) and CCTV to provide the victim with further safety measures and reassurance. Such devices might also provide evidence to support further police action. Where applicable, the most effective method of improving the personal safety of the victim is to keep the location of the victim from the suspect/defendant. This is particularly important if the victim is residing at a refuge or in temporary accommodation.

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5.4.2 NEIGHBOURHOOD AND POLICE SAFETY SCHEMES

Cocoon watch schemes request the help and support of neighbours, family and relevant agencies in further protecting the victim by contacting the police immediately if further incidents occur. A cocoon watch is only implemented with the informed consent of the victim. In some cases, and in consultation with the victim, it might be appropriate to make the suspect aware of the action. Cocoon watch should not be implemented where there is any reason to suspect that neighbours and/or family may be included in the abuse inflicted, or if the victim might feel further endangered by neighbours being informed. For example, revealing the sexuality of a victim could place them at risk of homophobic abuse.

Police watch schemes provide a visible police presence to both the victim and the suspect. It involves regular police patrols within the vicinity of reported incidents. In some situations police officers might visit to check on the safety of the victim.

5.4.3 THE ROLE OF NEIGHBOURHOOD POLICING TEAMS

Neighbourhood policing teams should be kept informed, as applicable to their roles, about details of domestic abuse offenders and identified high-risk cases in their particular geographic area. This is particularly important when neighbourhood policing teams can assist in the risk management of individual offenders (eg, through the enforcement of civil orders or by conducting unannounced curfew checks or police watch activities). Team members can be key sources of information provided by, or obtained from, the community.

This information can assist in the continual risk identification process and in the longer-term risk management processes. Neighbourhood policing teams can also use community information to identify domestic abuse offenders and those who present a current and significant risk to others. Neighbourhood policing teams should be briefed about cases that have been referred to a Multi-Agency Risk Assessment Conference (MARAC) and are located within their geographic area. Where necessary, these teams should have access to relevant information which enables them to contribute to the MARAC action plan. For further information on MARACs see ***Co-ordinated Action Against Domestic Abuse (CAADA) (2007) Multi-Agency Risk Assessment Conferences – Implementation Guide.***

Any risk identification and assessment information acquired by team members should be dealt with according to ***ACPO (2006) Guidance on the Management of Police Information.*** Some domestic abuse-related issues might require the preparation of a neighbourhood problem-solving plan, for example, if immigrant communities are identified as under-reporting domestic abuse and sexual offences.

Any risk action plan that relates to the management of identified domestic abuse issues or is case specific should be prepared by the police domestic abuse coordinator and should take into account any existing relevant risk management plans that are in place. Neighbourhood policing teams should work with the domestic abuse coordinator to assist with information gathering and enforcement issues, as appropriate to their role profiles.

Aggregated information relating to the prevalence of reporting of domestic abuse cases and the number of identified high-risk cases should also be considered for inclusion in neighbourhood profiles. The purpose of this profile is to record information about the neighbourhood and to assist the community engagement and collaborative process. Information relating to specific cases will not, however, be appropriate to include in any publicly available document.

For more information about neighbourhood policing, see ***ACPO (2006) Practice Advice on Professionalising the Business of Neighbourhood Policing.***

5.4.4 ARRANGING SAFETY (CRISIS) PLANNING

Safety planning is a process (sometimes semi-structured) by which the victim may consult appropriate agencies to discuss increasing personal safety and the safety of any children. This may include an assessment of the level of risk, developing a crisis plan and a plan for the future, both short and longer term.

Agencies, including the police, have a role in assisting with the development and support of safety plans as part of their risk management processes. In general, the victim, with assistance from an independent advocacy service, should carry out safety planning. For detailed information and an example safety plan, see **6.2.4 Safety Planning** and **6.2.5 Independent Domestic Violence Advisers.**

Police officers should be able to contribute to this process by implementing safety measures as part of a risk management plan or action plan. For further information see **6.2.3 Making Referrals to Multi-Agency Risk Assessment Conferences.**

5.4.5 USING ANTI-SOCIAL BEHAVIOUR ORDERS

Anti-Social Behaviour Orders (ASBOs) are statutory measures that aim to protect the public from behaviour that causes, or is likely to cause, harassment, alarm or distress. The relevant legislation is section 1 to 1E of the Crime and Disorder Act 1998 (as amended).

An order contains conditions which prohibit the offender from committing specific anti-social acts or entering defined areas, and is effective for a minimum of two years. ASBOs are civil orders made by the courts. They can be applied for by English county councils, the chief constable of British Transport Police, LAs, housing action trusts, chief officers of police of any police force and registered social landlords (RSLs), but they cannot be applied for by members of the public. Breaching an order is a criminal offence.

Legislation specifically excludes the use of an ASBO where the abuser is of the same household as the victim. ASBOs are not usually an appropriate way to protect victims of domestic abuse and should not be used in place of prosecutions for domestic abuse-related criminal offences. ASBOs are intended to give police and LAs the ability to deal with behaviour which causes, or is likely to cause, harassment, alarm or distress.

ASBOs, therefore, can be applied for in cases where domestic abuse incidents cause harassment, alarm and distress to others outside the household. If used, they should always only aim to restrict the behaviour of the abuser in domestic abuse cases.

Officers may find them a useful option where:

- The victim and abuser do not reside in the same household;
- The victim is not intending to seek a non-molestation order or a restraining order;
- Abuse is such that a public nuisance is being caused, as well as specific harassment of the victim.

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5.4.6 SANCTUARY SCHEMES

Sanctuary schemes are victim-centred initiatives which are implemented to prevent homelessness by enabling victims of domestic abuse to remain in their own accommodation, where it is safe for them to do so, where it is their choice and where the perpetrator does not live in the accommodation. They are used as part of a broader package of support for the victim.

The main feature of a scheme is the creation of a 'sanctuary room', providing a safe room or sanctuary from where victims can call and wait for the arrival of the police. Additional security can also be provided, eg, locks on windows and doors, gated security to the outside of a property, fire hammers, fire blankets and emergency lighting. Sanctuary schemes are implemented by LAs, in partnership with the police, the Fire and Rescue Service and a specialist domestic abuse service, with support provided throughout the process.

These schemes are available across all tenures for the purpose of creating a secure sanctuary by taking a range of security measures. These include installing new or extra locks and lighting, a safe room with reinforced doors and bolts, door viewers, safety equipment and emergency lights.

The schemes are designed to meet the needs and circumstances of the individuals involved and should be fully integrated with local risk management processes. They are not appropriate or safe in all circumstances and are generally used in identified high-risk domestic abuse cases. For every referral made, a full risk assessment should be carried out by the Police Crime Reduction Unit and Domestic Abuse Officer. This may involve information obtained from several partner agencies. Practical advice may also need to be given to victims regarding personal safety outside the home, and additional measures should be put in place to manage the risk posed by the perpetrator. Addresses with sanctuary schemes installed should be clearly flagged on the IT systems of partner agencies, so that in the event of an emergency telephone call, it is clear that an immediate response will be necessary.

For further information see ***Department for Communities and Local Government (2006) Options for Setting up a Sanctuary Scheme.***

MANAGEMENT ISSUES

- Supervising investigative interviewing.
- Supervising the custody process.
- Developing local systems to ensure that duties as stated in ***Criminal Justice System (2005) The Code of Practice for Victims of Crime*** are carried out and monitored.
- Implementing ***ACPO (forthcoming) National Investigative Interviewing Strategy.***
- Monitoring statutory charging.
- Developing local SLAs with the CPS.
- Monitoring the use of victim personal statements.
- Identifying risk prior to making police bail decisions.
- Sharing information with neighbourhood policing teams, where relevant.
- Auditing and increasing the availability of equipment for crime prevention and home security.

Section 6
SPECIALIST INVESTIGATIONS AND INDEPENDENT DOMESTIC VIOLENCE ADVISERS

This section provides guidance for those carrying out a specialist domestic abuse investigative role. It is also relevant to include child abuse investigation officers who are notified of child abuse or safeguarding children issues in domestic abuse cases. It outlines the role and responsibilities of domestic abuse officers and police domestic abuse coordinators, and focuses on the dual roles of investigation and protection.

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6.1 INVESTIGATION

Police forces should consider having a domestic abuse officer as part of every first response team, or available to every first response team to provide advice on a twenty-four hour basis.

Domestic abuse investigations may, following assessment, be identified as either volume or priority or as serious and complex within the terms of force investigations policy and strategy. Those cases identified as serious and complex investigations will require the deployment of an investigator competent in National Occupational Standards (NOS) defined within level 2 of the Professionalising Investigation Programme (PIP) to lead and conduct enquiries in the investigation. Cases categorised as high risk should normally be identified as serious and complex within the force investigation policy.

The NPIA Initial Crime Investigator's Development Programme supports the development of competence in NOS for level 2 PIP. Domestic abuse officers who conduct those serious and complex investigations who are not competent in these NOS should complete this programme as well as the relevant modules of the ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme.***

6.1.1 ROLE OF THE DOMESTIC ABUSE OFFICER IN INVESTIGATION DEVELOPMENT

Domestic abuse officers should use their investigative skills and knowledge of domestic abuse offending to investigate and provide advice during any domestic abuse investigation process.

Checklist 19 Role of the Domestic Abuse Officer

- Respond to domestic abuse incidents identified as serious and complex as part of the fast-track or first response team, where appropriate;
- Respond to specific domestic abuse incidents as identified by the police domestic abuse coordinator or supervisor;
- Provide advice to fast-track or first response officers responding to domestic abuse incidents;
- Assist and, on some occasions, take full responsibility for the investigation development of serious and complex domestic abuse cases;
- Identify and assess risk (carry out categorisation of risk in police forces which use such systems);
- Supervise assessment of risk where applicable;
- Participate in the MARAC process, as required by the police domestic abuse coordinator;
- Manage identified risk factors and monitor the implementation of safety measures, such as police watch schemes associated with cases, see **5.4.2 Neighbourhood and Police Safety Schemes** and **5.4.3 The Role of Neighbourhood Policing Teams;**
- Assist the police domestic abuse coordinator with the preparation of subject profiles and the provision of intelligence briefings;
- Engage in the tasking and co-ordinating processes to address high-risk and persistent offenders;
- Assist police supervisors with the assessment of the investigative response to domestic abuse incidents and related safeguarding children issues;
- Advise and support commanders and hostage negotiators managing domestic sieges and hostage-taking incidents, see **6.1.6 Providing Tactical Advice in Domestic Abuse Sieges and Hostage-Taking Incidents.**

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A domestic abuse officer should take particular responsibility in domestic abuse cases and should work to enhance the response team's overall knowledge and skill levels in the investigation.

6.1.2 ROLE OF THE POLICE DOMESTIC ABUSE COORDINATOR IN SUPPORTING INVESTIGATION DEVELOPMENT

Domestic abuse officers should be line-managed alongside other members of the response team. This should be by the team supervisor or shift sergeant, or they should report to police domestic abuse coordinators who manage domestic abuse specific tasks within their role and liaise with the shift supervisors.

Police domestic abuse coordinators should monitor domestic abuse officers in the following aspects of their role:

- Tactical investigative advice to police officers;
- Carrying out investigations in identified serious and complex or high-risk cases;
- Risk assessment;
- Liaison with CAIUs and public protection units;
- Partnership work in relation to domestic abuse;
- Tactical advice in siege and hostage situations.

6.1.3 DEPLOYING DOMESTIC ABUSE OFFICERS

Police forces should consider working towards a model of deployment where trained domestic abuse officers are available on, or at the least available to, each shift. Such deployment would allow police domestic abuse officers to offer investigative advice and support to other officers providing a fast-track or first response to domestic abuse incidents. This deployment model would generally mean that a proportion of domestic abuse officers work as part of the shift or team, or are available by rota to provide advice to fast response officers at all times.

6.1.4 MONITORING CASES

Police domestic abuse coordinators should monitor domestic abuse cases to evaluate and update risk assessments. Coordinators should generate further risk assessments after locally agreed periods of time to ensure that risk factors are managed and are part of a risk action plan, where appropriate. They should also collate any performance indicator data and monitor police performance in domestic abuse cases, using a range of appropriate internal and external measures. For further information, see **7 Managing Police Officers, Staff and Information Systems** and **8 Multi-Agency Working.**

Police domestic abuse coordinators should liaise with their local CPS Domestic Violence Coordinator (DVC), routinely check the implementation of local SLAs with the CPS and review recent successful and unsuccessful outcomes to develop learning.

6.1.5 PROVIDING TACTICAL INVESTIGATIVE ADVICE

Domestic abuse investigations should be conducted in a manner that ensures the safety and protection of the victim and any children, and enables the suspect to be held accountable through the criminal justice system. The fast-track or first response to domestic abuse incidents should be thorough in order to support the development of the investigation and the prosecution process.

Advice and support from domestic abuse officers to officers providing a fast-track response

Tactical advice to officers might include the following:

- Initial identification of risk factors;
- Gathering and assessment of all available information and intelligence;
- Development of initial lines of enquiry;
- Processes of victim and witness identification, interviewing and provision of protection and support;
- Notification of safeguarding issues to the CAIU;
- Identification, preservation, collection and processing of all available evidence;
- Consolidation of evidence from previous incidents;
- Possible arrest and interviewing strategies for suspects;
- Post-arrest management of suspects, particularly advice concerning the risk considerations for police bail conditions;
- Appropriate sharing of information with relevant agencies (this should be supervised by the police domestic abuse coordinator if the information is sensitive and personal);
- Liaison with the CPS;
- Documenting and recording of all required evidence and processes.

The thorough investigation of domestic abuse-related incidents provides opportunities to widen the protection and support available to victims. It can also prevent further violence and abuse to both current and future victims by holding offenders accountable through the criminal justice system.

6.1.6 PROVIDING TACTICAL ADVICE IN DOMESTIC ABUSE SIEGES AND HOSTAGE-TAKING INCIDENTS

A large proportion of siege and hostage-taking incidents managed by the police are domestic abuse-related. The links with domestic abuse should be made at the earliest stage so that the lives of victims, suspects and police personnel are protected. Police operations to contain such incidents, and investigations relating to these incidents, should use domestic abuse intelligence and the expertise of domestic abuse officers to assist with the safe conclusion of incidents and the effectiveness of any associated investigation.

Domestic abuse officers should be available, by rota, to provide direct advice to siege commanders and hostage negotiators dealing with domestic sieges and hostage-taking incidents. Training for siege commanders and hostage negotiators should incorporate the established risk factors associated with domestic abuse, see **3.11 Risk Identification.**

Domestic abuse, particularly the risk factors affecting it post separation and where there are child contact disputes, should be included in 'table top' exercises and critical incident training which address siege and hostage-taking situations.

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Domestic abuse officers should be ready to provide the following information to siege commanders and hostage negotiators:

- Intelligence or a criminal history suggesting previous domestic abuse or child abuse in current or previous relationships;
- Any current or past civil order which has been in place;
- Any known child contact restrictions under the Children Act 1989 or disputes relating to child contact;
- Identified domestic abuse risk factors associated with the case or the incident such as suicide threats or threats to kill;
- Details of any safety planning carried out with the victim or previous victims;
- Details of any relevant risk assessments;
- Suggestions relating to conversation management with the suspect.

6.2 PROTECTION

6.2.1 RISK ASSESSMENT

Risk assessment is the process of estimating and regularly reviewing the likelihood and nature of a risk posed by an offender to a particular victim, any children or others, for example, IDVAs. While risk factor identification is the responsibility of all police staff, only appropriately trained staff should carry out any risk assessments that result in the categorisation of risk, see **3.11 Risk Identification.** These staff should be trained in accordance with local models and ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme,*** and supervised to carry out their role in risk assessment and management by police domestic abuse coordinators.

A risk management process that monitors each high-risk case to adjust categorisations, as appropriate, should accompany the risk assessment process, see **6.2.2 Risk Management.** Police domestic abuse coordinators should monitor specialist staff responsible for detailed risk assessment to check that categorisations are consistent and current.

Staff carrying out risk assessments should have a thorough knowledge of the established risk factors and be skilful in applying these to individual cases, see **3.11 Risk Identification.**

Domestic abuse officers should ensure that risk assessments are not carried out in place of effective investigations. Risk assessment includes classifying the risks posed by each suspect into a general category – usually identifying high risk. Police domestic abuse coordinators and domestic abuse officers should monitor risk-assessed cases to make certain that there have not been significant changes to that case, which substantially alter the risk categorisation.

Checklist 20 Risk Assessment

Any risk assessment process should:

- Comply with ***ACPO (2005) Guidance on Identifying, Assessing and Managing Risk In the context of Policing Domestic Violence;***
- Provide a common understanding of the terms used to describe risk assessment and categorisation;
- Allow the practitioner to exercise their professional judgement while conducting the assessment or categorisation;
- Provide a source of supplementary information and regular training which is readily available to officers and staff and relates to information about the nature of risk, categories of risk and the consequence or meaning of different categories;
- Be supervised by the police domestic abuse coordinator;
- Allow for inputting free text to describe circumstances not covered by the established risk factors but relevant to the investigation and risk assessment;
- Record decision making;
- Define the risk categorisations used and communicate these to police officers and staff, and partner agencies;
- Identify cases which are categorised as high risk;
- Include review processes for closing or removing cases, which are no longer categorised as high risk, from the risk assessment process;
- Include a process for sharing the risk categorisation with the victim and making appropriate links to safety measures and the identification of protective factors.

Victims should not be asked to sign risk assessments. Responsibility for protecting the victim rests with the police and other agencies; any system suggesting victim accountability should not be used.

Domestic abuse officers should ensure that any case identifying risk (according to thresholds as set by the risk model) is also subject to measures introduced to protect the victim and any children. Domestic abuse officers, or other nominated officers, should carry out such planning for implementing measures according to local arrangements.

6.2.2 RISK MANAGEMENT

This term refers to the management of responses to risk identification and assessment to ensure that risk of further harm by the offender is minimised. Risk management in domestic abuse cases should include, where apt, a multi-agency approach which is based around appropriate information sharing and the development and implementation of interventions and risk management plans or action plans.

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Checklist 21 Risk Management

Any risk management processes should:

- Comply with ***ACPO (2005) Guidance on Identifying, Assessing and Managing Risk In the context of Policing Domestic Violence;***
- Be extended post the initial investigation, right through to court and beyond;
- Include a locally agreed risk management framework, eg, PLANBI – Proportionality, Legality, Accountability, Necessity and based on best intelligence/information at the time;
- Provide officers and staff with possible actions which are proportionate to the risk and aimed at specific risk variables;
- Describe a standard response in terms of a tactical menu of intervention options for victims and offenders;
- Describe a response to a high-risk case in terms of a tactical menu of intervention options for victims and offenders;
- Be able to be adapted from a standard response to meet the needs of a serious and complex case allowing for professional judgement and decisions to be made based on individual cases and problem solving in partnership;
- Remain dynamic so that significant changes to the case may be reflected easily within assessments and management plans;
- Be subject to review at set intervals which are appropriate to the risk categorisation;
- Inform decision-making processes within the criminal justice system, eg, some criminal justice decisions may depend on information about the public interest and risk to victims and others;
- Be linked to multi-agency risk management processes which focus on high-risk cases, eg, MARACs;
- Provide clarity on which internal unit and/or external agency takes the lead, or is responsible for certain actions as part of the risk management plan;
- Include the review of actions from the risk management plan as part of ongoing safety planning;
- Be communicated to the victim(s) to ensure that they are kept up to date throughout the process, where appropriate and achievable.

Checklist 22 Reducing Risk in Identified Cases

Domestic abuse officers should use the following measures to reduce risk in identified cases, as appropriate by:

- Implementing legal interventions (for example, arrest of suspect, use of restraining orders under the PHA);
- Enforcing breaches of bail conditions;
- Implementing fast response systems in line with local police force policy;
- Investigating instances of witness intimidation promptly and thoroughly;
- Assisting the victim to improve security at their home, see **5.4 Crime Prevention Strategies;**
- Arranging for the victim to be taken to a place of safety, where suitable;
- Assisting victims to develop and implement their safety plans;
- Making appropriate referrals to support agencies, see **3.12 Referrals to Voluntary Sector Support Organisations;**
- Referring identified high-risk cases to a MARAC or local equivalent;
- Ensuring that property exchange or recovery can occur safely, see **5.3.8 Assisting with the Recovery of Property for the Suspect or Victim.**

Domestic abuse frequently continues post separation and victims and their children are often at more risk of further harm or homicide during and post separation.

6.2.3 MAKING REFERRALS TO MULTI-AGENCY RISK ASSESSMENT CONFERENCES

MARAC is a single meeting, attended by representatives from all agencies that have a role in a particular case, where the police or probation frequently take the lead role. The meeting combines up-to-date risk information with an assessment of the victim's needs. MARAC links the victim's needs to the provision of appropriate services for all those involved in the case: victim, children and perpetrator.

MARAC aims to share information to increase the safety, health and well-being of victims and others. The police take a significant role in MARAC as many of the referrals will come from the police. In these cases the risk identification and assessment will be carried out by the police prior to the MARAC taking place. The MARAC process establishes whether the offender poses a significant risk to any particular individual or to the general community.

A key product from the MARAC process is the construction and implementation of a multi-agency risk management plan. The risk management plan should provide professional support to all those at risk, reducing risk of harm and repeat victimisation. MARACs should also improve agency accountability and support for staff involved in high-risk cases.

See ***Co-ordinated Action Against Domestic Abuse (CAADA) (2007) Multi-Agency Risk Assessment Conferences – Implementation Guide.***

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6.2.4 SAFETY PLANNING

Safety planning should form part of a partnership approach between professionals, victims and children, and should take into account risk assessment and risk management processes. Supervisors should ensure that during the safety planning process, officers consider and facilitate the use of traditional crime prevention measures (locks, home security, mobile telephones and alarms) and police watch schemes. Domestic abuse officers should act as police advisers to victims developing safety plans and, wherever possible, this should be done in partnership with IDVAs or voluntary sector support groups. For further information on crime prevention see **5.4 Crime Prevention Strategies.**

Safety plans should use existing resources and protective factors to counteract risks to safety with measures to protect victims and any children. Safety planning provides victims and their children with the reassurance that they can widen their network of protection, while reinforcing knowledge of the dangers associated with domestic abuse. Such planning can facilitate a proactive approach to reducing risk of further harm. The plan should focus on the individual victim's and children's needs and circumstances, with their safety and protection taking precedence at every stage.

Many victims will already have safety planning measures in place. These plans can often be supported and developed by professional assistance. Voluntary sector groups and IDVAs have established expertise in carrying out safety planning with victims of domestic abuse and their children and families. Police officers should be available to give advice on reducing risk, and on additional safety measures that can be put in place by the victim, police and others (eg, housing providers). It is essential to build upon the safety measures developed by the victim, rather than insist on dramatic changes or make additional demands upon them.

Checklist 23 Principles of Safety Planning

Safety planning should be formulated to:

- Assist in reducing the risk of further harm;
- Reflect and supply information to any risk identification and assessment processes;
- Build on existing coping strategies;
- Reinforce the fact that abuse and violence may recur, and increase knowledge of the levels of danger the victim and children may face;
- Assist victims to focus on their own needs as opposed to the needs of the offender or organisations providing services;
- Give victims and children a wider range of options, particularly, for example, staying in their own home;
- Encourage victims and children to increase their own safety;
- Be kept confidential from the offender;
- Be part of a safety and protection process rather than a single occurrence;
- Be appropriate for all domestic abuse victims irrespective of their level of contact with the offender, eg, whether they are separated or living with the suspect.

Domestic abuse officers should provide practical advice to victims as an integral part of any safety planning process. In particular, if weapons have been used in the past, it may be possible to move them out of easy reach or to make them less dangerous. Domestic abuse officers should remind victims that computers (in particular, internet logs), telephone bills and mobile telephones provide records of people or organisations contacted. This might mean that contacts with support agencies need to be erased or made safe so that the offender cannot detect them.

Practical safety methods include changing locks on doors and windows, replacing wooden with steel doors, security systems and sanctuary schemes, where in operation (including additional locks, door chains, spyholes, window bars, alarms, smoke detectors, fire extinguishers, outside lighting and electronic sensors). Some police forces have home and/or personal alarm systems with direct connections to the emergency services. These devices often provide recorded evidence.

Checklist 24 Developing Safety Plans with Victims

Domestic abuse officers advising victims and maintaining safety provisions in plans should:

- Establish how the victim can be contacted safely, and ensure that all police officers in contact with the victim are aware of this information;
- Establish the location of the offender, if separated from the victim;
- Obtain the victim's views about the level of risk;
- Determine methods of facilitating any existing child contact arrangements safely;
- Ensure that the victim has the means to summon help in an emergency (this may include plans to summon help on their behalf when the offender is present);
- Ascertain where a victim might go if they have to leave quickly and what they will take with them;
- Encourage victims to report all incidents to the police or other organisation that will record the incident and maintain accurate and detailed records, including photographic evidence of injuries, body maps and details of the psychological effect of the abuse;
- Refer the victim to organisations that provide longer-term support and advice;
- Refer the case and details of the safety plan to a MARAC in cases identified as high risk;
- Encourage the victim to seek professional advice about legal and financial matters and child contact;
- Inform victims of criminal or civil law provisions such as occupation orders (which temporarily regulate who can live in the family home) and non-molestation orders granted under the Family Law Act 1996 and restraining orders under the PHA (**Note:** police officers should not provide the victim with civil legal advice but should inform them that civil sanctions are available). For further information on civil remedies and criminal sanctions see, ***Department for Constitutional Affairs (2004) Domestic Violence A Guide to Civil Remedies and Criminal Sanctions*** at **http://www.dca.gov.uk/family/dvguide04.pdf**
- Consider that victims with insecure immigration status, from minority ethnic communities, victims with disabilities or from socially isolated communities may fear contact with the police. Such individuals or groups might have additional barriers that need to be addressed in safety plans.

The victim may wish to consider applying for a civil court order to keep the offender away and consider changing their routine in terms of times and travel arrangements to work and shopping. These measures might make it more difficult for the victim to be followed by the offender. Victims may want to speak to their employers to maximise their safety at work. It may be necessary for the victim to inform childminders, nurseries and schools of who exactly is permitted to pick the children up and what action to take if attempts are made to take the children.

Checklist 25 Safety Planning and Children

Domestic abuse officers should encourage victims to:

- Include children in the safety planning process – the primary aim of any safety plan for children is to escape from any dangerous situation and avoid injury;
- Rehearse escape plans with children;
- Identify a safe place or person for children to go to if their parent is being attacked, preferably somewhere where it would be possible for them to contact the police;
- Ensure that children know how to contact the police, and provide them with details of useful telephone numbers to use, if it is safe to do so;
- Check that any children are not the subject of abuse themselves.

The following safety plan is included as an example of a plan and provides useful information for police officers in terms of practical safety advice for victims of domestic abuse.

EXAMPLE SAFETY PLAN

If you are staying with your abuser:

- Seek professional advice and support from local support and outreach organisations, domestic abuse services and helplines;
- Consider how agencies can make contact safely, eg, through a work number or at a friend's address;
- Consider where you can quickly and easily use a telephone and who are safe people to contact – memorise a list of numbers for use in an emergency, like friends, police, support organisations;
- Consider a signal (such as a codeword) with children, family, neighbours, friends or colleagues which will alert them to call the police when help is needed;
- Think through escape routes in advance, avoiding rooms with no exit or with weapons in (eg, bathroom or kitchen) where possible;
- Try to put by some money for fares and other expenses;
- Receive medical help for any injuries ensuring that they are recorded and if possible photographed. These may be used at a later date to support court cases or re-housing applications.

If you are planning to leave:

- Take care over whom to trust with any plans that you are making to leave;
- Consider whether or not a civil order is a viable option – seek legal advice;
- Make an extra set of keys for home and/or car and store them somewhere safe;
- Make up a bag with spare clothes, telephone numbers, keys, money and keep it safe so you can take it quickly, or keep it with a trusted friend;
- Have the following available in case you have to leave quickly:
  - important papers such as birth certificates, social security cards, driver's licence, divorce papers, lease or mortgage papers, passports, insurance information, school and medical records, welfare and immigration documents, court documents
  - credit cards, bank account number
  - some money

(continued overleaf)

  - extra sets of keys – for car, house and work
  - medications and prescriptions, including those for children
  - telephone numbers and addresses for family, friends, doctors, lawyers and community agencies
  - clothing and comfort items for you and the children
  - photographs and other items of sentimental value such as jewellery;
- Take identification that might help others to protect you from the abuser, such as a recent photo of the abuser and their car details;
- Talk to children about the possibility of leaving and try to take all the children, whatever long-term arrangements might be.

If you are living without your abuser after separation (in your own home or after moving):

- Seek expert legal advice on child contact and residence applications, and about options for injunctions;
- Change telephone numbers to ex-directory, screen calls and pre-programme emergency numbers into the telephone;
- Change the locks and install a security system, smoke alarms and an outside lighting system;
- Notify neighbours, employers and schools about any injunction, and ask them to call the police immediately if they see the abuser nearby;
- Make sure that schools and those who care for your children know who has authorisation to collect them;
- Employ safety measures before, during and after contact visits with children;
- Consider changing children's schools, work patterns – hours and route taken – and the route taken to transport the children to school;
- Avoid banks, shops, and other places frequented when living with the abuser;
- Make up a codeword for family, colleagues, teachers or friends, so that they know when to call the police for help;
- Keep copies of all relevant paperwork (including civil injunctions) and make written records of any further incidents.

6.2.5 INDEPENDENT DOMESTIC VIOLENCE ADVISERS

Schemes that use IDVAs, working alongside the police and other criminal justice agencies, other statutory agencies and the voluntary sector have been shown to produce positive outcomes in domestic abuse cases. Such schemes should work together with the fast-track or first response and domestic abuse officers to provide independent support, including risk assessment and safety planning within a multi-agency environment through a casework approach.

IDVA schemes should normally operate independently from criminal justice agencies and should, ideally, be located in a voluntary sector or community sector organisation. IDVAs should, preferably, be supervised by a non-statutory organisation and should have access to clinical supervision to ensure that case management is monitored effectively.

Generally, IDVAs provide intervention assistance to victims of domestic abuse, identified as high risk, whose cases are referred to a MARAC and are progressing through the criminal justice system. IDVAs should maintain current information about victims and witnesses in domestic abuse cases. They should also update police officers responsible for the case, and attend and contribute to MARACs, as required.

The IDVA allows police officers to carry out essential policing functions at the fast-track and investigative development stages, while providing a support mechanism for the victim.

Checklist 26 Main Duties of an Independent Domestic Violence Adviser

- Provide proactive service and advice to victims to keep them and their children safe;
- Risk assess and deliver service in keeping with the result;
- Explain housing and civil and criminal legal options to clients;
- Conduct safety planning with clients to secure practical safety measures;
- Develop an individual service plan to meet individual risks the client faces;
- Refer high-risk clients on to a MARAC;
- Ensure that clients receive the services to which they are entitled;
- Understand the legal framework relating to the protection of children, including the policy and procedures of the Local Safeguarding Children Board (LSCB);
- Support clients through the criminal justice system, explaining the procedures and their role and rights within that system;
- Help clients to develop their own support networks;
- Refer on and arrange meetings with other agencies and services as necessary, eg, solicitors, benefit agency;
- Manage a caseload;
- Maintain and update records of all cases;
- Follow procedures and protocols with other services so that the safety of the clients remains central to any process;
- Keep other relevant agencies informed about important changes in the client's situation;
- Participate in the MARAC framework by referring clients, attending and participating in meetings, and following-up on actions agreed at a MARAC;
- Refer regular difficulties clients are having to manage and contribute to efforts to improve procedures and services;
- Note and feed back to other agencies any consistent difficulties clients are having accessing their service.

Adapted from the ***Home Office, Independent Domestic Violence Advisers Invitation to Bid for Grant – 2007/08.***

The role of IDVAs in providing additional evidence, and as expert witnesses to support prosecutions should be considered. The CPS should be informed of an IDVA's involvement in a case. Arrangements should be made to ensure the safety of IDVAs during the course of their work. Police domestic abuse coordinators should ensure that accurate and timely information is given to IDVAs to make certain that they will be as safe as possible when carrying out their role.

Police domestic abuse coordinators working with IDVAs should ensure that communication links between IDVAs and police officers are maintained. IDVAs should be consulted over changes in police working practices, and routinely included in briefings and update meetings.

6.2.6 PARTNERSHIP WORKING

Police domestic abuse coordinators should develop clear information-sharing protocols, that meet national standards, with partner agencies. These protocols should be regularly reviewed, and supervisors should monitor police sharing of information to ensure that it corresponds with the protocol. All requests for information from other agencies containing sensitive and personal details should be reviewed by the police domestic abuse coordinator.

Police domestic abuse coordinators should develop agreements with partner agencies that state the methods of collecting, recording and securing of intelligence and evidence. They should ensure that such processes comply with legislation and that agreements include guidance on correctly preserving, handling, documenting, storing and presenting evidence. See ***ACPO (2006) Guidance on the Management of Police Information.***

Police domestic abuse coordinators and supervisors of child abuse investigations should ensure that all referrals to children's social care departments are made by CAIUs. They should dip-sample domestic abuse cases to ensure that child abuse and safeguarding issues have been identified and properly notified to child abuse investigation officers. See ***ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition.*** Similarly, any child abuse cases containing domestic abuse should be referred by child abuse investigation officers to the police domestic abuse coordinator for further scrutiny.

6.2.7 INFORMATION SHARING

One of the functions of the police domestic abuse coordinator is to provide a filtering and monitoring system to assess which police information should be shared with specialists and other agencies. In many cases it is only when information from a range of sources is put together that risk to adults and children can be identified and properly assessed. The effective sharing of information about individuals in the context of domestic abuse enables agencies to identify, assess, manage and reduce the risk that is inevitably associated with such cases. See ***Co-ordinated Action Against Domestic Abuse (CAADA) (2007) Multi-Agency Risk Assessment Conferences – Implementation Guide*** for example forms and processes involving cases identified as high risk where there is a referral to a MARAC.

For general guidance on information sharing for practitioners working with children and young people, see ***HM Government (2006) Information sharing: Practitioners' guide.*** For more detailed guidance about sharing information, see ***Home Office (2004) Safety and Justice: Sharing Personal Information in the Context of Domestic Violence – An Overview.*** This document includes information about gaining consent from victims, sharing information when consent is refused, and suggested components of information-sharing protocols. A useful summary of these issues in the context of child abuse can be found in ***HM Government (2006) What To Do If You're Worried A Child Is Being Abused.***

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6.2.8 SHARING INFORMATION WITH THE CIVIL COURT SYSTEM

Evidence gathered within a criminal investigation should also be regarded as evidence that may be appropriate for the Family Court to consider for use in child contact hearings and civil court order hearings. Where possible, officers should inform victims of domestic abuse that records of incidents (including recordings of 999 calls, withdrawal statements, interviews, photographs and forensic medical reports) may provide evidence of domestic abuse in situations where suspects are not charged or prosecuted with an offence, eg, child contact hearings or applications for civil court orders.

If there are current criminal proceedings, the CPS should be involved in any decision to pass information on to the Family Court as this might have implications for the criminal case. Information sharing might assist the safety planning process for victims and any children, and should also assist the court to make informed judgements. This requires that police forces maintain information-sharing protocols and structures for sharing information with the Children and Family Court Advisory and Support Services (CAFCASS).

See ***ACPO (n.d.) Disclosure of Information in Family Proceedings: Police/Family Disclosure Protocol*** at **http://www.dca.gov.uk/family/metpol-protocol.pdf** and ***ACPO, CAFCASS CYMRU and CAFCASS (forthcoming) ACPO Information Sharing Protocol with CAFCASS & CAFCASS CYMRU in Private Law Cases.***

Information might be sought by agencies involved in the civil system in relation to the victim, suspect, children and other previous partners or family members. For further information about the interface between family and criminal proceedings, see ***Law Society (2007) Related Family and Criminal Proceedings: A Good Practice Guide.***

Checklist 27 Sharing Evidence for Family Court Hearings

When assisting Family Court hearings, officers should:

- Use ***ACPO (n.d.) Disclosure of Information in Family Proceedings: Police/Family Disclosure Protocol;***
- Compile information efficiently, as delays might lead to the Family Court postponing its decision relating to a child's future;
- If there are current criminal proceedings, consult the CPS before passing information on to the Family Court;
- Provide police reports detailing incidents of domestic abuse that have come to police attention, particularly information relating to any children normally resident at the address and any observations made by attending officers;
- Provide relevant witness statements;
- Provide photographic or videotaped evidence to the court, when available;
- Provide first accounts made by the officer attending the incident, including the seriousness and the effect of the incident upon the victim and any children.

ACPO (n.d.) Disclosure of Information in Family Proceedings: Police/Family Disclosure Protocol has been developed to facilitate disclosure of police information in family proceedings in courts. The purpose of the protocol is to provide the court with early information to enable it to properly determine any necessary direction(s) which need to be made. The directions relate to documents, records or other evidential material held by the police in relevant criminal proceedings or investigations, which may help the Family Court (and the parties) to determine any factual or welfare issue within family proceedings. The protocol aims to:

- Provide timely advance notice to the chief officer of the existence of the family proceedings, and the nature and detail of the information sought from the police;
- Enable the police, through the chief officer, to indicate, in advance, which documents, records or other evidential material (including both used and unused material) is, or may be, available to be disclosed to the Family Court, and whether there is any objection to, or difficulty in, the immediate disclosure of the same;
- Assist the court (and the parties) in framing standard directions for the chief officer, which will act (if necessary) as the conduit to process and deal with all such directions for disclosure, without any undue delay;
- Encourage early disclosure of full and frank information between the police, the parties and the court, subject only to the avoidance of prejudice to the proper conduct of ongoing police enquiries at the time of the request.

6.2.9 ROLE OF POLICE DOMESTIC ABUSE COORDINATORS IN PARTNERSHIP WORKING

1. Monitoring the police response to domestic abuse and joint monitoring of multi-agency response

Police domestic abuse coordinators should take an active role in establishing strong multi-agency links locally through local domestic abuse forums, MARACs and specific project initiatives undertaken to improve responses to domestic abuse.

Domestic abuse coordinators should monitor the service delivered to victims of domestic abuse with the development of SLAs or joint action plans, see **8 Multi-Agency Working.** Joint action plans can be either on a case basis or as a partnership protocol. As with SLAs, they should be set out clearly and include levels of intervention, agreed actions, respective agency responsibilities and the timescales for action. These agreements can be applied internally between police units and/or externally between police and other relevant agencies.

2. Managing service user consultation

Domestic abuse forums should include representation by voluntary sector groups providing support, refuge and advocacy to victims of domestic abuse. Police domestic abuse coordinators should facilitate the participation of such groups to assist with service user consultation on both multi-agency services and the police response. Police domestic abuse coordinators should formally agree and resource any service user consultation carried out through voluntary sector services. Service user consultation should be carried out safely through IDVAs and voluntary sector service providers. Any new domestic abuse reduction initiative, police or multi-agency, should be examined by service users to establish its viability. Police domestic abuse coordinators should also use opportunities within existing consultative structures to obtain user feedback, for example, through crime and disorder audits and strategies, and best value reviews.

3. Providing information for Multi-Agency Public Protection Arrangements

Police domestic abuse coordinators should continually update those responsible for managing sexual and violent offenders and PDPs, and contribute to MAPPA with information and intelligence on offenders convicted of domestic abuse-related offences. They should also monitor all individuals who are referred into the MAPPA process for domestic abuse-related offending; this will include providing intelligence on those offenders convicted for other violent or sexual offences or referred to MAPPA because of non domestic abuse-related concerns. See ***ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders.***

6.2.10 ROLE OF DOMESTIC ABUSE OFFICERS IN PARTNERSHIP WORKING

1. Sharing information with relevant agencies

Domestic abuse officers should develop strong links with service providers in other relevant agencies and should share information with them according to locally agreed protocols and national standards, see **6.2.7 Information Sharing.** Requests received to share information with other agencies should be monitored by the police domestic abuse coordinator. When risk assessments have been undertaken and there is agreement for this information to be shared, domestic abuse officers should ensure that representatives of other agencies have a common understanding of risk in the context of domestic abuse.

2. Child abuse investigation procedures

Domestic abuse officers should maintain close working links with CAIUs and ensure that domestic abuse cases involving children (including those not present at an incident but known to be normally residing at the home) are identified and notified. In some cases officers will need to collaborate to prepare information for review by domestic abuse forums, MARACs, LSCBs and MAPPA, or similar, to ensure that reports reflect both the domestic abuse and child abuse issues within a case.

6.3 CHILD ABUSE INVESTIGATION UNITS

CAIUs consist of police officers supported by other staff who are specially trained and experienced both in working with other agencies to protect children, and in conducting investigations into allegations of physical and sexual abuse of children. As child protection is the responsibility of a number of other agencies, especially local authority children's social care departments, procedures are prescribed to ensure that appropriate and timely information is exchanged between them, and that decisions and actions to protect children are effectively coordinated.

For details about the particular functions of a CAIU, see ***ACPO (forthcoming) Guidance on Investigating Child Abuse and Safeguarding Children, Second Edition.***

6.3.1 ROLE OF CHILD ABUSE INVESTIGATION OFFICERS IN DOMESTIC ABUSE CASES

Managers and supervisors should ensure that notifications of children present at, or ordinarily resident at, premises where domestic abuse takes place are routinely received and assessed by the CAIU. They should then be forwarded to local authority children's social care departments, as necessary. These departments determine whether a home visit should take place; the police domestic abuse coordinator should be informed before such a visit takes place so as to ensure that victim issues are managed appropriately.

Information regarding local protocols, or arrangements for the exchange of information, should be readily available to all operational staff. See **6.2.7 Information Sharing.**

Domestic abuse officers should maintain routine contact with the CAIU. Every effort should be made to coordinate investigation activity where child abuse and domestic abuse investigations coincide, for example, where both occur in the same family. In particular, referrals informing children's social care departments of the details of children (as per local protocols) should be made while ensuring that victims of domestic abuse do not fear the consequences of their involvement. The way in which referrals are made should not put domestic abuse victims at further risk, or serve to dissuade them from supporting a prosecution. Wherever possible, victims of domestic abuse should have the referral system explained to them as soon as is practicable, so that they are prepared for any contact with children's social care departments.

Where dual investigations are ongoing, the CAIU should assume responsibility for acting as a conduit for information from other agencies. They should also secure the attendance of domestic abuse coordinators, or other appropriate officers, at case conferences or similar meetings.

MANAGEMENT ISSUES

- Developing systems to ensure that only appropriately trained staff carry out risk assessments which include the categorisation of risk, and that they are supervised by police domestic abuse coordinators. See ***ACPO (2005) Guidance on Identifying, Assessing and Managing Risk In the context of Policing Domestic Violence.***
- Developing deployment models to ensure the accessibility of domestic abuse officers to fast-track or first response teams for the provision of tactical investigation advice and investigation development.
- Ensuring that contact with CPS DVCs is facilitated through police domestic abuse coordinators.
- Incorporating additional measures to manage domestic sieges and hostage-taking incidents, taking into account local emergency procedure guidelines.
- Ensuring that domestic abuse officers take responsibility for managing or carrying out serious and complex cases.
- Developing the role of the police domestic abuse coordinators to manage domestic abuse officers, and to carry out multi-agency functions.
- Engaging with multi-agency initiatives through forums, MARACs, LSCBs and other relevant groups.
- Applying best value considerations to the administrative work associated with policing domestic abuse.
- Managing repeat victimisation and risk assessment through targeted policing measures, supervised by the police domestic abuse coordinator.
- Ensuring that intelligence, particularly in relation to persistent offenders, is passed to intelligence officers.
- Implementing independent domestic violence adviser schemes, where possible.
- Supporting voluntary sector groups that provide safety-planning advice to victims.

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Section 7
MANAGING POLICE OFFICERS, STAFF AND INFORMATION SYSTEMS

This section highlights supervision and management issues of particular significance to domestic abuse. It is relevant to all police domestic abuse coordinators and their managers. It is also relevant to ACPO officers nominated with leadership responsibility for cases involving police suspects in domestic abuse cases.

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7.1 POLICE OFFICERS WHO COMMIT DOMESTIC ABUSE-RELATED CRIMINAL OFFENCES

Police officers who commit domestic abuse-related offences should not be treated as distinct from any other suspect. They should be investigated and held accountable through the criminal justice system in the same way as any other person.

ACPO (2004) Policy on Police Officers who Commit Domestic Violence-Related Criminal Offences provides detailed policy guidance for police forces.

7.1.1 FAST-TRACK ACTION, REFERRALS AND RESPONSIBILITIES

The following immediate action should be taken in cases where the suspect is a police officer:

- The first recipient of information reporting a domestic abuse incident involving a police suspect should refer the information at once to a supervising officer, normally of the rank of inspector or above;
- The supervising officer should pass the information to all of the following:
  - basic command unit (BCU) commander
  - nominated ACPO officer
  - police domestic abuse coordinator, and where applicable, to the CAIU
  - professional standards;
- If the suspect is the nominated ACPO officer, information should be passed to the chief officer. If the suspect is the chief officer, the information should be passed directly to a nominated person within the police authority.

7.1.2 INTER-FORCE ARRANGEMENTS

In a case of reported domestic abuse where the suspect is a police officer from a different police force area, the nominated ACPO officer from the 'reporting force' is responsible for providing a report to the nominated ACPO officer in the 'employer force'. The nominated ACPO officer in the reporting force is also responsible for ensuring that the professional standards department in the employer force are regularly updated about the progress of the investigation and any prosecution process.

7.1.3 REVIEWS OF THE INVESTIGATION

IOs should prepare a report, under the direction of the nominated ACPO officer, for the consideration of chief officers, professional standards departments and any specialist scanning group that collects intelligence, and reports and assesses cases.

The report should review the following issues:

- Risk factors relating to the case;
- Public protection;
- Community impact assessment;
- Public confidence and reassurance;
- Media strategies.

7.1.4 ACCESS TO RECORDS

Depending on the nature of information and record-keeping systems in each police force area, appropriate safeguards about access to records are necessary to ensure the integrity and effectiveness of the investigation.

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Such safeguards might include that:

- A supervising officer should be notified of any attempt to access records relating to a domestic abuse case involving a police officer as a suspect;
- A particular identifying 'flag' might be used for cases involving police suspects.

Any special provisions relating to access to records should ensure that access is not limited in a way which jeopardises the protection of the victim, children or any other person. Consideration needs to be given to ensuring the privacy of victims, but this should be proportionate to the duty to protect them from further harm.

7.1.5 PROVISION OF SUPPORT TO VICTIMS

Police forces should ensure that victims of police officers who commit domestic abuse-related criminal offences are given the same level of service as other victims of domestic abuse. They should have access to the same level of police support as provided to all victims. If necessary, arrangements should be made to access this from another police division or police force.

Police forces should also ensure that such victims are given a full explanation of the police force policy and are kept fully informed about the progress of internal investigation and misconduct processes. Police personnel providing such information should be of an appropriate rank and appropriately skilled and trained. Consideration should be given to domestic abuse or child abuse investigation and/or family liaison officers assisting a senior-ranking officer in providing such information and support.

See ***ACPO (2007) Police Officers and Police Staff that are Victims of Domestic Abuse.***

See also the Corporate Alliance Against Domestic Violence, which is a group of companies and organisations working individually and collectively to address the impact of domestic abuse in the workplace. It seeks to proactively address the issue in order that organisations can both reduce the costs to their business, and, most importantly, help prevent domestic abuse in society at large. The Corporate Alliance Against Domestic Violence aims to raise awareness and reduce the human and economic impact of domestic abuse through taking action in the workplace.

See **http://www.corporateallianceuk.com**

7.2 MEETING THE WELFARE NEEDS OF DOMESTIC ABUSE OFFICERS

Police domestic abuse coordinators and managers should closely monitor the workload of domestic abuse officers. In order to fulfil responsibilities to the public and to ensure the welfare, health and safety of individual staff members, domestic abuse officers should be provided with adequate administrative and intelligence-led support to enable them to carry out their duties.

In addition, they should only be required to manage a reasonable number of domestic abuse cases. Manageable workloads are essential for the safety and welfare of officers, resilience during periods of sickness, leave and other absences, and for ensuring effective and proactive risk management.

Force structures should recognise the importance of domestic abuse and the connections with a number of other policing areas, including public protection, the investigation of sexual offences, child abuse, vulnerable adult abuse, hate crime and missing persons.

Monitoring should focus upon the amount and nature of work being undertaken. In recognition of the distressing nature of domestic abuse cases, managers should consider implementing mandatory or voluntary counselling and welfare support for domestic abuse officers. Police domestic abuse coordinators should ensure that domestic abuse officers and other police officers or staff do not provide pseudo counselling to victims of domestic abuse.

7.3 PERFORMANCE MANAGEMENT

Effective management of performance in domestic abuse policing relies on comprehensive performance measurement processes. These require mechanisms to identify, record, link and analyse domestic abuse information fully and accurately.

Performance management in domestic abuse policing enables the identification of both good and poor performance and practice. It also assists in identifying gaps in service provision and provides a structure for ownership and accountability. The recognition and sharing of good practice and performance, and the mechanisms to improve poor performance all fall within the performance management framework.

Domestic abuse performance should be an integral part of the overall performance management regime that police forces implement. The requirement to measure domestic abuse performance should be clearly stated in policy documents. Performance should be monitored and reviewed at force, divisional and individual levels. Particular managers should be identified to take responsibility for domestic abuse performance at force and divisional levels.

7.3.1 ASSESSMENTS OF POLICING AND COMMUNITY SAFETY

Assessments of Policing and Community Safety (APACS) is the name of the performance management framework which will replace the existing Policing Performance Assessment Framework (PPAF). It will provide the Home Office and partners with the capability to monitor and assess performance in policing and community safety by:

- Geographic area – eg, local, regional, national;
- Organisation – eg, police force;
- Partnership – eg, crime and disorder reduction partnerships (CDRP);
- Policy area – eg, neighbourhood policing.

The framework is based on performance indicators and professional judgements, which are relevant to the police working on their own or in partnership. A number of frameworks currently exist to do this. They measure and assess performance in various areas of policing and community safety. There is, however, an agreed need to simplify these arrangements since separate frameworks can place competing pressures on different agencies, making it harder to secure improvements which require joint-working. For further details of APACS see **http://police.homeoffice.gov.uk/performance-and-measurement/assess-policing-community-safety/apacs-faqs-intro/**

The current assessment framework (PPAF) provides measures of public satisfaction and overall trust and confidence in the police, as well as measures that put performance into context in terms of efficiency and organisational capability.

The PPAF statutory performance indicator (8a), which is linked to domestic abuse is:

> Of domestic violence incidents, the percentage where an arrest was made related to the incident.

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Forces should consider other measures or themes for performance review, they might include:

- Domestic abuse incident statistics;
- Domestic homicide statistics;
- Domestic abuse arrest and charge statistics;
- Domestic abuse-related crime statistics and detections;
- Repeat victimisation statistics (relevant to victims and repeat offending);
- Case tracking and attrition rates;
- Policy compliance information;
- Service user feedback on service provision;
- Feedback from other domestic abuse service providers;
- Successful outcomes as a result of MARACs;
- Performance information resulting from CDRP working, such as crime audits.

All staff should be informed of domestic abuse performance measures and should be actively involved in maintaining and improving upon performance levels. Close supervision and performance management should be employed by line managers to ensure that their staff comply with domestic abuse policy and procedures. See also ***Home Office (2005) Domestic Violence: A National Report*** and ***Home Office (2007) National Domestic Violence Delivery Plan: Annual Progress Report 2006/07.***

7.4 TRAINING PROVISION

Training managers should review all current police domestic abuse training arrangements to ensure delivery of the ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme.*** Police forces using any other training programme should demonstrate that training meets the same standard. The programme contains training materials for all police officers, CPS prosecutors and staff engaged in policing and prosecuting domestic abuse. This programme is a shared resource between police and CPS; it is regularly updated and is linked to this guidance.

Officers should undertake awareness training, enabling them to understand domestic abuse issues. They should be co-trained with staff from voluntary sector local support services and, where possible, IDVAs so that the learning is consistent across all agencies. Consideration should be given to the delivery of multi-agency training, an outcome of which should be the review or development of local SLAs.

Domestic abuse investigations may be identified as either volume or priority, or as serious and complex according to force investigations policy and strategy. The level of training and/or competency required of officers depends upon the type of investigation. Those cases identified as serious and complex investigations will need to be led and conducted by an investigator competent in the NOS defined within level 2 of the PIP. Domestic abuse officers who are new to role should be offered suitable training and assessment to ensure that they are fully competent to carry out volume and priority investigations and are competent, or working towards assessment as competent, in serious and complex investigations. See **6.1 Investigation.**

7.5 INFORMATION TECHNOLOGY SYSTEMS

Information technology (IT) systems should ensure that domestic abuse information is recorded, stored, flagged, linked, analysed, shared and presented, both in statistical and case file format. IT systems should be developed so that they can perform these functions in an effective and timely manner.

7.5.1 ACCESSING DOMESTIC ABUSE INFORMATION

Domestic abuse information should be retrievable quickly and without excessive use of resources. Police forces should, where possible, store this information on IT systems where only single search access is required.

Such information should include:

- History of previous incidents, including those with previous partners;
- Risk assessments;
- Intelligence.

7.5.2 ACCESSING DOMESTIC ABUSE SUSPECT INFORMATION

If systems do not exist already, police forces should strive to store information that assists in taking immediate and positive action against domestic abuse suspects.

Such information should be retrievable from a single search access, where possible, and should contain details of:

- Bail conditions;
- Bind overs;
- Civil injunctions or orders;
- Warnings or previous conduct under the PHA;
- Restraining orders;
- Outstanding warrants;
- Wanted/missing information;
- Previous convictions.

The PNC holds some of this information and should be considered for its suitability in retaining the remainder. Information systems should be linked so that checks can be made on the following internal databases:

- Command and control;
- Custody;
- Domestic abuse;
- Child protection;
- Crime recording;
- Criminal justice;
- Intelligence.

7.6 DOMESTIC ABUSE AND THE INTELLIGENCE PROCESS

Information relating to domestic abuse is likely to emanate from a range of sources. The police domestic abuse coordinator and domestic abuse officers should be aware of the intelligence opportunities available through police sources, the public and the exchange of information with other agencies.

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Analysis of information relating to domestic abuse by the domestic abuse officer or the police domestic abuse coordinator, in consultation with intelligence officers and analysts, enables the identification of patterns of offending by persistent offenders. Effective analysis of such information can provide intelligence.

Through the application of information management and National Intelligence Model (NIM) processes, tactics and risk assessments can then be developed to reduce or remove any threats. The issues relating to domestic abuse should be considered in the relevant control strategy. Analysis can also determine gaps in knowledge which can be reported as intelligence requirements and communicated to staff so that they may be tasked when engaged in daily duties, such as attending scenes and incidents. Such intelligence requirements should form a small but significant part of the overall strategy for protecting victims and investigating domestic abuse-related crimes.

Intelligence regarding domestic abuse should feature in strategic and tactical assessments, where necessary. Such assessments should be used to make decisions about the most appropriate strategies for the prevention of abuse, and the most appropriate method of enforcement.

Similarly, Tactical Tasking and Co-ordination Groups (TT&CGs) can commission subject profiles, which can be used to identify particular individuals who are suspected of serial offending or carrying out other criminal activities. Risk analysis should be used to assess the risk posed by, for example, a MAPPA offender or PDP, and to identify the most appropriate tactics to use to reduce or remove any threat posed.

Further information about NIM may be found in ***ACPO (2005) Guidance on the National Intelligence Model, ACPO (2006) Guidance on the Management of Police Information, ACPO (2006) Practice Advice on Tasking and Co-ordination*** and ***ACPO (2008) Practice Advice on Analysis.***

7.7 DOMESTIC ABUSE-RELATED MEDIA STRATEGIES

At the investigation stage, officers should be aware of the potential dangers of uncontrolled or inappropriate media reporting on future criminal proceedings. There is a possibility of defence submissions of abuse of process and the inability of the defendant to have a fair trial because of the level and nature of media reporting. There are many legal restrictions governing what might be said to the media during the course of criminal and/or care proceedings, this includes information about any court orders that may be in force.

Whenever it is apparent that a particular case has attracted the interest of the media, advice should be sought from the CPS and force press office, and a media strategy agreed. Strategies should involve participation from other relevant agencies conducting domestic abuse functions. This should ensure that agreed, consistent, statements are issued by designated spokespersons, and that staff in each agency have a clear line of referral.

When responses are given to questions posed by the media, the following considerations should guide these:

- Sensitivity to the victim(s), any children and their families;
- Avoiding further harm to any person;
- Providing lawful, evidence-based information;
- Recognising the potential for harm to future criminal proceedings;
- Providing the media with consistent messages from all agencies involved;
- Sensitivity to the alleged offender(s) and their families;
- Using the opportunity to reinforce messages about the unacceptability and criminal nature of domestic abuse, the existence of police positive action policies, the role of other agencies and the availability of support services for victims and children.

It is important that the victims and their families are protected from the potential trauma that may be associated with media interest. Any press releases should avoid identifying victims, children and their location so that they may be shielded from media attention, unless, and until, they need to attend court.

MANAGEMENT ISSUES

- Implementing ***ACPO (2004) Policy on Police Officers who Commit Domestic Violence-Related Criminal Offences*** and ***ACPO (2007) Police Officers and Police Staff that are Victims of Domestic Abuse.***
- Implementing NIM to take account of domestic abuse issues.
- Updating force policies to ensure compliance with ***ACPO (2008) Guidance on Investigating Domestic Abuse, Second Edition.***
- Providing welfare support to specialist officers and other officers affected by policing domestic abuse.
- Providing appropriate investigative skills training for all domestic abuse officers and police domestic abuse coordinators.
- Providing relevant training using the ***NPIA (update forthcoming) Responses to Domestic Abuse Modular Training Programme*** to train all specialist police officers and other police and police staff roles.
- Ensuring that IT systems are developed with the capacity to link to all relevant information.
- Incorporating domestic abuse into force media strategies and monitoring local media reporting.
- Ensuring compliance with the Human Rights Act 1998, Race Relations Act 1976 (as amended), Sex Discrimination Act 1975, Disability Discrimination Act 1995 (as amended) and the Equality Act 2006 and other anti-discrimination legislation.

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Section 8
MULTI-AGENCY WORKING

This section provides an outline of multi-agency responsibilities and the range of ways in which they might be discharged. It will be useful to any officer engaged in partnership working, particularly police domestic abuse coordinators, domestic abuse officers and those working at a strategic level in CDRPs.

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8.1 CRIME AND DISORDER REDUCTION – STATUTORY RESPONSIBILITIES

The Crime and Disorder Act 1998 (as amended) places a statutory duty on a number of responsible authorities, including the police, to work in partnership to reduce crime and disorder.

Local Strategic Partnerships (LSPs) are non-statutory, multi-agency bodies which match LA boundaries for the purposes of bringing together the different parts of the public, private, community and voluntary sectors at a local level.

LSPs also provide a single coordinating framework to prepare and implement a community strategy with the aim of improving the economic, social and environmental well-being of an area. They aim to bring together local plans, partnerships and initiatives with the CDRP by improving links, simplifying arrangements, and, where possible, reducing the number of duplicating initiatives.

CDRPs are required to conduct comprehensive audits and develop strategies at least yearly, which set the direction for the partnership working.

8.2 CRIME AND DISORDER AUDITS AND COMMUNITY SAFETY STRATEGIES

8.2.1 CRIME AND DISORDER AUDITS

In terms of domestic abuse, all partner agencies should fully participate in the audit process to ensure that the data collected is comprehensive and accurately reflects the scale of the problem. Audits should be structured to monitor levels of reporting and indicators of offending, measure the effectiveness of existing domestic abuse service provision and identify any gaps in service provision.

Police forces should ensure that processes are in place for the accurate and ethical collection of data relating to domestic abuse which assists in the:

- Identification of the scale and nature of domestic abuse;
- Identification of gaps in service provision;
- Measurement of the effectiveness of existing service provision.

Information on domestic abuse may not be as readily available as for other crime types.

The key reasons for this are:

- Under-reporting and recording;
- Lack of data collection (many agencies do not systematically collect information on the number of cases where domestic abuse is an issue);
- Domestic abuse is not a recorded offence type – so no separate data is collected;
- Because of the personal and hidden character of domestic abuse, public surveys – whatever their methodology – will not reveal the true extent of domestic abuse.

The nature of domestic abuse means the principles of 'hot spotting' are of little value when applied to the policing of domestic abuse. This is because it is difficult to assess reported levels compared with actual levels of offending. Any hot spotting activity measures reported domestic abuse only. Voluntary sector agencies, such as outreach services and refuge providers, may hold valuable information from victims of domestic abuse who might not contact the police or other statutory service providers. This information could be aggregated to assist in the assessment of the extent of domestic abuse.

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Any service user consultation should prioritise the safety of service users and should be anonymised, see **6.2.6 Partnership Working.**

8.2.2 COMMUNITY SAFETY STRATEGIES

Community safety strategies have to be produced for each local government district. CDRPs must produce a strategy after conducting the crime audit of the local crime and disorder problems, which should include domestic abuse.

Each strategy is specifically designed to help reduce local crime and disorder in communities, through the joint effort of all the partners. For further information see ***Home Office Violent Crime Unit (2004) Developing Domestic Violence Strategies – A Guide for Partnerships*** at
http://www.crimereduction.gov.uk/domesticviolence/domesticviolence46.doc

8.3 MULTI-AGENCY DELIVERY OF CRIMINAL JUSTICE SERVICES

The police will usually have representation at every level of partnership working. The BCU commander (or equivalent) should represent the force at strategic CDRP level and should have responsibility, together with the key strategic partners, for allocating resources and providing the strategic direction to ensure that the CDRP strategy is delivered. Officers representing police in partnerships should have a clear understanding of the partnership purpose, processes and structures for delivery and targets.

For further information about CDRPs in England and Wales see
http://www.crimereduction.gov.uk/regionsaz.htm

8.3.1 DOMESTIC VIOLENCE/ABUSE FORUMS

The core purpose of a domestic violence/abuse forum is to assist in the delivery of crime and disorder targets. Multi-agency working should be recognised as a means to an end, not as an end in itself. Domestic violence/abuse forums should establish clear aims, objectives and plans against which their progress can be assessed. All agencies involved in the forum need to have specific domestic abuse policies and procedures that can be coordinated and monitored by forum members.

The main activities of forums are:

- Liaison and networking;
- Coordination of local services;
- Developing and improving local service delivery;
- Coordinating domestic abuse training for agencies;
- Engaging in public education;
- Establishing direct services for victims and children;
- Consulting victims;
- Review of identified cases;
- Public education and prevention projects.

Domestic violence/abuse forums often have rotating chairpersons from a range of different agencies. Representatives of statutory agencies should ensure that this does not lead to the marginalisation or exclusion of key voluntary sector groups. These groups often have particular expertise in the field of domestic abuse.

Each domestic abuse forum should develop the following:

- Statement of policy;
- Information for victims of domestic abuse;
- Resource pack, including detailed guidance for service deliverers;
- Training for service deliverers in meeting the needs of victims and holding offenders accountable;
- Protocol on information sharing between organisations;
- MARAC process.

For further information see ***Home Office (2006) Break the Chain Multi-Agency Guidance for Addressing Domestic Violence*** at **http://www.crimereduction.gov.uk/dv/dv08d.htm**

8.3.2 LOCAL SAFEGUARDING CHILDREN BOARDS

Safeguarding and promoting the welfare of children requires effective coordination in each area. For this reason, each LA has been required to establish an LSCB. The LSCB is the key statutory mechanism for agreeing how the relevant organisations in each local area will cooperate to safeguard and promote the welfare of children in that locality, and for ensuring the effectiveness of what they do.

Members of LSCBs are senior managers from different agencies and services in the local area, including the independent and voluntary sectors. Domestic violence forums are one example of organisations that should be represented on the LSCB, given their particular role in service provision to children and families.

Further information about the responsibilities and functions of LSCBs are set out in ***HM Government (2006) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*** at **http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/**

8.3.3 MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS

The Criminal Justice Act 2003 (sections 325-327) requires the Police, Probation and Prison Services to work jointly as the Responsible Authority in each area of England and Wales. This is for the purposes of establishing and reviewing arrangements for the assessment and management of risks posed by relevant violent and sexual offenders, and 'other persons' who, by reason of offences committed by them (wherever committed), are considered by the Responsible Authority to be persons who may cause serious harm to the public.

These arrangements are commonly referred to as Multi-Agency Public Protection Arrangements (MAPPA). The Criminal Justice Act 2003 also requires a range of other agencies to cooperate with the Responsible Authority in the delivery of the assessment and management of risk, to the extent that it is compatible with their statutory duties. For further details about MAPPA, see ***Ministry of Justice (2007) MAPPA Guidance, Version 2.0*** and ***ACPO (2007) Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders.***

MARACs are not part of the MAPPA structure (see ***Ministry of Justice (2007) MAPPA Guidance, Version 2.0***), but there should be links between the two systems. For further information see **8.3.4 Multi-Agency Risk Assessment Conferences for Domestic Abuse.**

There should be clear lines of communication and contact between MAPPA, public protection units, CAIUs and domestic abuse officers and staff. Domestic abuse officers should work with intelligence officers to provide information relating to the domestic abuse offending background of all offenders subjected to a MAPPA process. Domestic abuse and child abuse investigation officers should receive local training on the MAPPA process and the need to refer some domestic abuse offenders. For further information see **http://www.noms.homeoffice.gov.uk/protecting-the-public/**

8.3.4 MULTI-AGENCY RISK ASSESSMENT CONFERENCES FOR DOMESTIC ABUSE

In many areas MARACs, which are non-statutory arrangements for managing risk, have been established. They share information with a view to identifying victims of domestic abuse who are at very high risk of harm. They then construct a management plan to provide appropriate services for, and responses to, all those involved in a domestic abuse situation, including the victim, children and perpetrator. The role of MARACs is to facilitate, monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.

For further information see **6.2.3 Making Referrals to Multi-Agency Risk Assessment Conferences** and ***Co-ordinated Action Against Domestic Abuse (CAADA) (2007) Multi-Agency Risk Assessment Conferences – Implementation Guide.***

8.3.5 SPECIALIST DOMESTIC VIOLENCE COURTS

Specialist domestic violence courts (SDVCs) operate in a number of magistrates' courts in England and Wales. They specialise in dealing with domestic abuse cases. The new courts provide IDVAs for victims, and dedicated prosecutors, as well as magistrates, legal advisers and police officers who specialise in domestic abuse cases.

The SDVCs ensure that domestic abuse cases are fast-tracked and clustered together so that the courts run more effectively. There is not a single model for SDVCs but most aim to place the victim at the centre of all of the services. Some courts also have separate entrances and waiting areas so that victims do not encounter defendants outside the courtroom, others might have arrangements for childcare.

Core components of SDVCs are:

- Access to advocacy services, eg, IDVAs;
- Coordination of partner agencies;
- Victim and child friendly court;
- Specialist personnel, who have received training on domestic abuse;
- Integrated information systems;
- Evaluation and accountability;
- Protocols for risk assessment;
- Ongoing training;
- Compliance monitoring;
- Consistent sentencing.

The SDVCs programme aims to increase the number of domestic abuse incidents reported to police that result in a trial; reduce the number of cases dropped before a case comes to court, and increase the number of convictions. It also focuses agencies to improve the gathering of evidence, so that prosecutions can still be pursued even if the victim opts to withdraw from a case. For further information see ***Her Majesty's Courts Service, Crown Prosecution Service and the Home Office (2005) Specialist Domestic Violence Court Programme Guidance.***

8.4 MONITORING AND EVALUATION

In monitoring performance, agencies should ensure that their data are comparable. This should be achievable if, for the purposes of monitoring and evaluation, a shared working definition of domestic abuse is adopted. This should not prevent the use of more than one definition if agencies wish, for their own purposes, to collect additional information over and above the multi-agency core data set.

Monitoring and evaluation play an important role in ensuring the effective delivery of targets in crime and disorder partnership working. For effective monitoring to take place, clear performance criteria need to be set. Once these criteria are agreed, performance can be evaluated against the shared targets.

8.4.1 MONITORING THE WORK OF DOMESTIC VIOLENCE/ABUSE FORUMS

The work of these forums contributes to the CDRP strategy and will be evaluated when the annual strategy review takes place. The context of this monitoring is to improve the safety of victims of domestic abuse and their children.

The Home Office has developed the following criteria for monitoring and evaluating forums:

- Improvement in safety;
- Improvement in service use and delivery of services;
- Improvement in service provision;
- Improvement in policy and practice;
- Service user consultation and satisfaction;
- Development and adoption of comprehensive domestic abuse strategies.

8.4.2 USING SERVICE LEVEL AGREEMENTS

Service level agreement (SLA) is a term sometimes used interchangeably with the term 'contract'. In the context of multi-agency working, SLAs can be negotiated agreements or exchanges in terms of the type and quality of service that each agency should expect from the other. They can be used to refer to agreements by voluntary sector agencies to provide a service in return for funding from statutory agencies, or between statutory agencies for the provision of a service in return for a service.

SLAs and agency compliance with them should be monitored regularly and targets (including timescales) should be assessed and amended according to performance. Officers responsible for the development of SLAs between the police and voluntary sector agencies should ensure that police-led initiatives do not place unreasonable demands upon these agencies.

8.4.3 LOCAL CRIMINAL JUSTICE BOARDS

The Local Criminal Justice Boards (LCJBs) manage the criminal justice system at a local level. They report to the National Criminal Justice Board, which supports them in their work to meet demanding national targets and reduce crime.

Targets are set as part of the wider government strategy to reduce crime, bring more offences to justice, and increase public confidence in the criminal justice system. Performance against these targets is measured continuously and is published four times a year.

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The following areas of performance are measured locally:

- Narrowing the justice gap;
- Increasing confidence;
- Reducing ineffective trials;
- The persistent young offender pledge;
- Improving timeliness;
- Fine enforcement.

LCJBs can be used to monitor criminal justice responses to domestic abuse within agencies that have key responsibilities and targets.

For further information on LCJBs see **http://www.cjsonline.gov.uk/**

8.4.4 INSTITUTIONAL AUDITS OR SAFETY AND ACCOUNTABILITY AUDITS

These audits can be used to evaluate the services provided by each agency and to examine barriers that service users might experience with one particular service or a multi-agency service.

Participating agencies should:

- Set clear terms of reference for the audit;
- Agree how the process should be carried out;
- Consult practitioners working within participating agencies;
- Consult service users and non-users.

For further information about partnership working, see
http://www.crimereduction.gov.uk/regions00.htm

MANAGEMENT ISSUES

- Identifying levels of domestic abuse and child abuse within crime audits and then as priorities in local community safety strategies.
- Developing multi-agency SLAs.
- Developing systems for sharing aggregated data and monitoring levels of reported domestic abuse.
- Ensuring that domestic violence/abuse forums and LSCBs are linked, including some cross-membership.
- Providing multi-agency training for domestic abuse officers and police domestic abuse coordinators.
- Including service user consultation within the audit and strategy process.
- Ensuring that multi-agency intelligence products are included within the NIM process.
- Monitoring all suspects and offenders referred into MAPPA for risk factors associated with domestic abuse and child abuse.
- Monitoring referrals to MARACS.

Section 9
ROLES AND RESPONSIBILITIES OF OTHER AGENCIES

This reference section is relevant to all police officers involved in responding to domestic abuse. It provides a brief outline of the key domestic abuse functions of a range of statutory and voluntary sector organisations. It also provides website contact details where appropriate. Officers should note that the list of agencies in this section is not exhaustive. Many other agencies, particularly specialist ones, provide services to victims and witnesses. (The organisations are listed alphabetically.)

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9.1 CROWN PROSECUTION SERVICE

The CPS is the independent authority which prosecutes criminal cases investigated by the police in England and Wales. In undertaking this role, the CPS:

- Advises the police during the early stages of investigations;
- Determines the appropriate charges in all but minor cases;
- Keeps all cases under continuous review and decides which cases should be prosecuted;
- Prepares cases for prosecution in court and prosecutes the cases with in-house advocates or instructs agents and counsel to present cases;
- Provides information and assistance to victims and prosecution witnesses.

Before charging a defendant and proceeding with a prosecution, crown prosecutors must first review each case against the ***Code for Crown Prosecutors.*** The Code sets out the principles the CPS applies when carrying out its work. The fifth edition of the Code was published in November 2004 and reflects the current responsibilities for crown prosecutors to determine charges. This can be found at
http://www.cps.gov.uk/victims_witnesses/code.html

If a decision is made to discontinue a case, or substantially alter a charge, the CPS will communicate the decision and the reasons for it directly to the victim.

The CPS is responsible for the way in which cases are handled; this is done in consultation with the police, but ultimately that decision rests with the CPS. It is the role of the CPS to consider the evidence and provide the police with advice as to whether or not to charge. Many CPS areas have protocols and local SLAs with the police to reflect local arrangements.

The CPS issued a domestic violence policy and additional guidance to prosecutors on handling domestic violence cases in 2005. These set out key considerations in relation to issues such as victim withdrawal and charging, and can be found at
http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf

The CPS has a national network of DVCs. DVCs facilitate the implementation of the domestic violence policy, promote the exchange of information and good practice, and identify and address problems at an area level.

For further information on the CPS see **http://www.cps.gov.uk**

9.2 CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICES

The Children and Family Court Advisory and Support Services (CAFCASS) is a non-departmental public body, bringing together the services previously provided by the Family Court Welfare Service, the Guardian Ad Litem, and the Children's Division of the Official Solicitor's Office. CAFCASS works with children in Family Court proceedings to safeguard and promote their welfare. CAFCASS officers advise the courts on what they consider is in the child's best interests.

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CAFCASS only works in the Family Courts and this includes:

- Public law proceedings – mostly care applications by LAs;
- Adoption cases;
- Private law cases where there is family breakdown and parents cannot agree about residence or contact.

It works with children and their families, and will be involved in many cases (public and private law) where domestic abuse is an issue. CAFCASS works within England, and a separate organisation – CAFCASS CYMRU – works in Wales.

Domestic abuse is frequently a feature in public and private law cases. CAFCASS is the agency which has a primary responsibility to safeguard and promote the best interests of children, by offering expert advice, assisting and reporting to the courts in family law proceedings.

There is a national process and a protocol concerning the disclosure of appropriate information in cases brought by agencies such as Local Authority Children's Services in civil courts (**http://www.dca.gov.uk/family/metpol-protocol.pdf**). This process does not adequately cover the situations in private law cases, where CAFCASS officers need information from the police to meet their responsibility (under section 16A of the Children Act 1989, as inserted by section 7 of the Adoption and Children Act 2006) to check whether children are at risk of harm. ACPO has, therefore, developed a protocol with CAFCASS to deal with the sharing of information that is required specifically in relation to private law applications made in court. The protocol sets out the legal basis, security arrangements and procedural processes that should be followed by all CAFCASS and CAFCASS CYMRU staff, and the Police Service when making decisions relating to the request for, and supply of, relevant information.

For further CAFCASS information see **http://www.cafcass.co.uk**

9.3 EDUCATION SECTOR

School staff are often a crucial link in the chain of identification of abuse of pupils and referral of cases to children's social care departments. If members of school staff suspect that a pupil is a victim of abuse, or if they have reason to believe that a pupil is at risk from abuse, they should follow local procedures for reporting their concerns.

Victims of domestic abuse and their children might leave their home and change residence and/or area of residence. Schools, colleges and LAs should have local arrangements in place to ensure that children continue to receive education either by tutoring or by placement in different schools. Schools and LAs should also seek to be involved fully in local CDRPs and other domestic abuse partnerships.

Advice to schools and the education service on safeguarding children is presently set out in ***Department for Education and Skills (2006) Safeguarding Children and Safer Recruitment in Education*** at **http://www.everychildmatters.gov.uk/search/IG00175/**

For more information on safeguarding children, see
http://www.teachernet.gov.uk/childprotection

9.4 HEALTH SERVICE

Health services have an essential role in reducing domestic abuse as health professionals may identify the first signs of abuse. The health service has been making significant progress in the early identification of, and intervention with, domestic abuse victims. Routine questioning has been used with all pregnant women. Health contributes to the early intervention/prevention workstreams within the cross-government National Domestic Violence Delivery Plan (**http://www.crimereduction.gov.uk**). In work on domestic abuse and children, there has been further progress on integrating an awareness of domestic abuse into wider work to safeguard children.

Child and Adolescent Mental Health Services (CAMHS) treats children with a diagnosable mental health disorder and supports universal services to provide help for those with less severe needs. The Department of Health is working with the National Institute for Clinical Excellence (NICE) on developing guidance on the identification and recognition of all forms of child abuse. Guidelines are expected late 2008. In April 2004, Primary Care Trusts (PCTs) became statutory partners in CDRPs, although many of these had already been involved at a local level.

A Domestic Abuse Training Manual for Health Professionals 2006 and the updated resource handbook (***Department of Health (2005) Responding to domestic abuse: A handbook for health professionals***) can be downloaded from the Home Office Crime Reduction website at **http://www.crimereduction.homeoffice.gov.uk/domesticviolence/domesticviolence56.htm** (see domestic violence mini-site for publications).

Victims of Violence and Abuse Prevention Programme (VVAPP) are working to create a package of measures to ensure that the best possible responses to domestic and sexual violence are available locally. The purpose of the VVAPP is to assist professionals and services to identify and respond to the needs of individuals affected by domestic abuse, childhood sexual abuse, rape and sexual exploitation in prostitution, pornography and trafficking. This programme involves victims, survivors and abusers, including adolescents and adults.

The VVAPP is developing national service guidelines, based on research reviewed and conducted by the programme, to document what is known about the nature, extent and needs of those who are victimised, and what is known to work in their treatment and care. These, together with research reports on the Systematic Review of Reviews, the Delphi Expert Consultation, and the Violence and Abuse Care Pathways mapping, are scheduled for publication by April 2008. A National Violence and Abuse Prevention Strategy is due to be published in 2008.

For further information, the following websites provide information for England and Wales respectively **http://www.dh.gov.uk/PublicationsAndStatistics/**
http://www.wales.nhs.uk/Publications/domviolence-e.pdf

9.5 LOCAL AUTHORITY CHILDREN'S SOCIAL CARE

Children experiencing domestic abuse can benefit from a range of support and services and protection. Children's Services Authorities have a duty under section 11 of the Children Act 2004 to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children.

More information about the duties of local authority children's social care can be found in ***HM Government (2006) Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children.***

Vulnerable adults who are the victims of domestic abuse can also benefit from a range of support and services. The Department of Health launched the ***Department of Health and Home Office (2000) No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse*** under section 7 of the Local Authority Social Services Act 1970. It is available from: **http://www.dh.gov.uk/en/index.htm**

In Wales the appropriate guidance is called In Safe Hands: Implementing Adult Protection Procedures in Wales. It is available from **http://wales.gov.uk/cssiwsubsite/cssiw/publications/1348909/safe_hands?lang=en**

In terms of accessing care services, see ***Department of Health (2003) LAC (2002)13 Fair Access to Care Services: Guidance on Eligibility Criteria for Adult Social Care.***

9.6 LOCAL AUTHORITY HOUSING SERVICES

Under the Housing Act 1996 and the Homelessness Act 2002, local housing authorities must ensure that suitable accommodation is available for applicants who fulfil the following three criteria: they are unintentionally homeless, they have recourse to public funds and they fall within a priority need group. This duty should normally cover domestic abuse victims and their households who need to leave their home because of actual or threatened violence.

Somebody is unintentionally homeless if they are not able to live in accommodation that they have a legal right to occupy, which is accessible and physically available to them (and their household) and in which it would be reasonable for them to continue to live. It would not be considered reasonable for someone to stay in their home if that was likely to lead to violence, or threats of violence against them or a member of their family.

LAs should not require applicants who are homeless, because of violence or threats of violence, to take out a court order as a precondition for receiving assistance. Where possible, LAs should ensure that there is a range of temporary accommodation available, such as self-contained accommodation and refuges. As the majority of victims of domestic abuse are women, LAs should ensure that they provide women-only accommodation and refuges. Children's well-being should also be central to decision making about accommodation. Any specific accommodation needs of particular groups of people and their households should be taken into account, for example, victims from minority ethnic groups.

For further information on housing, see **http://www.communities.gov.uk/corporate/**

9.7 NATIONAL PROBATION SERVICE

Probation Service areas work in partnership with police force areas (generally co-terminus) and have a chief officer accountable to a local Probation Board for performance, reporting centrally to the Director of Probation.

The aims of the National Probation Service (NPS) are to protect the public, reduce reoffending, punish offenders in the community, ensure that offenders are aware of the effect of their crime on victims and communities, rehabilitate offenders and enforce the requirements of the courts.

The NPS also has a duty, under section 35 of the Domestic Violence Crime and Victims Act 2004, for victims to have the right to make representations and receive information about release plans. In addition to enforcement and providing courts with information and pre-trial services, the NPS domestic abuse strategy also incorporates:

a) Accurate and effective assessment and management of risk and dangerousness

The NPS, with partner agencies, collates information to assist in its assessment of risk and dangerousness of individual offenders. Offenders, including domestic abusers, who are assessed as presenting a potentially high risk of serious harm fall within MAPPA. The NPS matches convicted offenders' needs with the interventions (including programmes) most likely to tackle offending behaviour and reduce reoffending. For domestic abuse, this involves multi-agency risk management and work with the known victims of offenders on the programmes, as well as structured group work.

b) More contact and involvement with victims of serious sexual and violent crimes

Section 35 of the Domestic Violence, Crime and Victims Act 2004 provides that where a court convicts a person of a sexual or violent offence and imposes a prison sentence of a minimum of twelve months or sentence of detention, the local probation board must take reasonable steps to establish whether the victim of the offence wishes to make representations about whether the offender should be subject to conditions on release (and if so, what conditions), or wishes to receive information about those conditions. Domestic abuse programmes, run by the Probation Service, always involve contact with the known adult victims of the participants, to inform them about the programme and direct them towards appropriate resources to improve their safety planning. Information about the offender's attendance on the programme will be given to the victim. Children's Social Care will be notified if there are children in the family.

c) Delivering offender programmes that have a track record in reducing reoffending

The NPS delivers accredited programmes to perpetrators of domestic abuse, which are based on research evidence as to what is most likely to be effective in reducing reoffending. There are two accredited programmes: Integrated Domestic Abuse Programme (IDAP) and Community Domestic Violence Programme (CDVP). These programmes include work with known victims and inter-agency risk management, as well as face-to-face work with the offender. Offender programmes are just one part of a package of interventions and include assessment, case management (including individual supervision), risk management, and reviewing and evaluating progress.

d) Valuing and achieving diversity in the NPS

The NPS reviews service delivery, in particular using ethnic monitoring, to ensure that services are available and meaningful to the full range of victims and offenders. This includes the recognition that domestic abuse can occur in all types of relationships regardless of age, race, sex, sexuality, disability, wealth, geographical location and lifestyle.

For further information see **http://www.probation.homeoffice.gov.uk/output/page1.asp**

9.8 PRISON SERVICE

Following the introduction of the Criminal Justice Act 2003, the Prison Service now has statutory responsibilities, alongside the Police and Probation Services under the MAPPA. The Prison Service, therefore, has a duty to share risk management and other relevant information with MAPPA partners, and to participate in the planned release of those offenders subject to the management of a Multi-Agency Protection Panel.

A wide range of support is given to those in prison who report that they have experienced domestic abuse, and who ask for help. Individual establishments make their own arrangements about how this support is offered, depending on local circumstances. Various professionals with specialist knowledge of domestic abuse are involved. They offer individual support and advice, provide information about abuse and community agencies offering support, and refer victims to relevant agencies, when appropriate.

As part of the Safer Custody programme all prisons are required to have a strategy to reduce violence and prevent bullying. This underpins a consistent approach to anti-social and abusive behaviour and promotes personal safety. Her Majesty's Prison Service also delivers a range of accredited programmes to address offender behaviour, and now has a specific programme designed for domestic abuse offenders available in a small number of prisons. This includes work with known victims and inter-agency risk management as well as face-to-face work with the offender. Offender programmes are just one part of a package of interventions. These include assessment, risk management, and reviewing and evaluating progress. The Prison Service works closely with the NPS to implement these programmes.

Additionally, the Prison Service Victim Helpline provides a facility for victims to report unwanted contact (by letter or telephone) from a prisoner. These concerns are then notified, in confidence, to the appropriate prison governor and action is taken to prevent further contact.

For more information on the Prison Service see **http://www.hmprisonservice.gov.uk/**

9.9 REFUGE/OUTREACH SERVICES

Women's Aid

Four Women's Aid Federations operate across the UK providing refuge and support to victims of domestic abuse. They are in England, Wales, Scotland and Northern Ireland. They coordinate and support local Women's Aid organisations and other domestic abuse services, which provide refuges, helplines, outreach and advice services to women and children experiencing domestic abuse. Their work is built on a foundation of campaigning and developing new responses to domestic abuse. Women's Aid works in partnership with government departments, adult and children's services, police, health professionals and other voluntary organisations to provide an integrated approach to domestic abuse.

Women's Aid supports a network of local projects across the UK providing over 500 refuges, outreach services and advice centres. It also co-runs the National Domestic Violence Freephone Helpline with Refuge. Local organisations provide a range of services including refuges, resettlement and community-based advocacy and support for women and children affected by domestic abuse. These services are dependent on funding being available; providers vary from the largest national housing associations to local providers or other independent charities. Specialist refuges and advice services are available in some parts of the country for black and minority ethnic women and other victims with special needs. Note that some refuges are not affiliated to Women's Aid.

The following websites provide information for England, Wales, Scotland and Northern Ireland respectively
http://www.womensaid.org.uk/
http://www.welshwomensaid.org/
http://www.scottishwomensaid.co.uk/
http://www.niwaf.org/

Refuge

Refuge provides safe, emergency accommodation through a growing network of refuges throughout the country and runs the National Domestic Violence Freephone Helpline, in partnership with Women's Aid.

Along with services for children, Refuge offers individual and group counselling and IDVAs and community-based outreach services for women, including specialist services for minority ethnic communities. Refuge also runs award-winning media and advertising campaigns to raise public awareness, while campaigning and lobbying for better provision for women and children experiencing domestic abuse.

For further information see **http://www.refuge.org.uk/**

9.10 REGISTERED SOCIAL LANDLORDS

In some areas the LA no longer owns any housing stock and works in partnership with local RSLs, more commonly known as housing associations. RSLs do not have the powers to assess whether a person is statutorily homeless.

Many RSLs have procedures for staff to follow when dealing with various housing management, legal and tenancy issues relating to domestic abuse. These usually include arrangements to liaise with local police and other agencies that give support and advice to those experiencing domestic abuse.

Policies relating to domestic abuse, including details of agencies that provide support and advice to victims, are sometimes published through tenants' handbooks and newsletters.

For further information see **http://www.rsls.co.uk/**

9.11 VICTIM SUPPORT AND THE WITNESS SERVICE

Victim Support (VS) provides information, a free and confidential telephone support line, practical help and emotional support to victims who have experienced a crime (reported or unreported). This service also extends to their families and friends. VS ensures that its volunteers reflect the diversity of the communities in which they work, and that its services are equally accessible to all. Services are delivered locally by a network of volunteers, who are trained to help people to cope with the effects of crime, and who are supported and managed by paid staff. VS is an independent voluntary organisation that works alongside the criminal justice system, government and other organisations nationally and in local communities. VS promotes the rights of victims and witnesses. ***The Criminal Justice System (2005) The Code of Practice for Victims of Crime*** obliges the police to inform victims of domestic abuse about the services that VS can provide. If victims would like the services of VS, the police must pass their details to them within two working days of a criminal allegation being made.

VS's service to victims of domestic abuse is provided in the following ways:

- Risk and needs assessment. A victim care officer will contact the victim and assess their needs and any risks. This assessment will help tailor make the contact arrangements between VS and the victim of domestic abuse.
- Providing a volunteer to allow the victim to talk about their reaction to a crime (in a sympathetic environment). If help is wanted that is beyond the scope of VS, such as bereavement counselling or re-housing, VS will assist with finding that help.
- Providing practical help, including applying for criminal injuries compensation, providing support if the person wants to go to the police station, help with claiming benefits, access to crime prevention advice, and a range of other services.
- Providing information which might include information about the victim's rights, and if they have reported the crime, progress in the case.
- Arranging support at court through the Witness Service.
- Working in partnership with IDVAs and MARACs.

The Witness Service

The Witness Service is part of VS and helps victims, witnesses and their families and friends when attending any of the criminal courts in England and Wales. It assists prosecution and defence witnesses, but not defendants. All criminal courts in England and Wales now have a Witness Service, managed by VS. The Witness Service offers:

- Pre-court visits for witnesses so that they are familiar with the courtroom and the roles of the various people in court before they give their evidence;
- Support, including in the courtroom, if necessary, on the day of the trial and during sentencing, and afterwards;
- A separate waiting area;
- Information about court and legal processes;
- Special help and support for witnesses who are vulnerable or intimidated.

The Witness Service also works in partnership with specialist domestic violence courts and IDVAs to ensure that witnesses are supported appropriately through the court process.

For further information see **http://www.victimsupport.org.uk**

APPENDIX 1 ABBREVIATIONS AND ACRONYMS

ABBREVIATIONS AND ACRONYMS

ACPO ..... Association of Chief Police Officers
APACS ..... Assessments of Policing and Community Safety
ASBO ..... Anti-Social Behaviour Order
BCU ..... Basic Command Unit
CAFCASS ..... Children and Family Court Advisory and Support Service
CAIU ..... Child Abuse Investigation Unit
CAMHS ..... Child and Adolescent Mental Health Service
CCTV ..... Closed-Circuit Television
CDRP ..... Crime and Disorder Reduction Partnership
CDVP ..... Community Domestic Violence Programme
CPS ..... Crown Prosecution Service
CRB ..... Criminal Records Bureau
CSI ..... Crime Scene Investigator
DNA ..... Deoxyribonucleic acid
DVC ..... Domestic Violence Coordinator
ECHR ..... European Convention on Human Rights
FGM ..... Female Genital Mutilation
HBV ..... Honour-Based Violence
IDAP ..... Integrated Domestic Abuse Programme
IDVA ..... Independent Domestic Violence Adviser
INI ..... IMPACT Nominal Index
IO ..... Investigating Officer
IT ..... Information Technology
LA ..... Local Authority
LCJB ..... Local Criminal Justice Board
LSCB ..... Local Safeguarding Children Board
LSP ..... Local Strategic Partnership
MAPPA ..... Multi-Agency Public Protection Arrangements
MARAC ..... Multi-Agency Risk Assessment Conference
NHS ..... National Health Service
NICE ..... National Institute for Clinical Excellence
NIM ..... National Intelligence Model
NOS ..... National Occupational Standards
NPIA ..... National Policing Improvement Agency
NPS ..... National Probation Service
OIC ..... Officer in Charge

PACE . . . . . Police and Criminal Evidence Act 1984
PCT . . . . . Primary Care Trust
PDP . . . . . Potentially Dangerous Person
PEACE . . . . . Police Interview Training Model mnemonic
P-Preparation/Planning; E-Engage; A-Account; C-Close, E-Evaluation
PHA . . . . . Protection from Harassment Act 1997
PIP . . . . . Professionalising Investigation Programme
PLANBI . . . . . Proportionality, Legality, Accountability, Necessity and based on best intelligence/information at the time
PNC . . . . . Police National Computer
PPAF . . . . . Policing Performance Assessment Framework
RIPA . . . . . Regulation of Investigatory Powers Act 2000
RSL . . . . . Registered Social Landlord
RSO . . . . . Registered Sex Offender
SARC . . . . . Sexual Assault Referral Centre
SDVC . . . . . Specialist Domestic Violence Court
SLA . . . . . Service Level Agreement
SOCPA . . . . . Serious Organised Crime and Police Act 2005
STO . . . . . Specially Trained Officers
TT&CG . . . . . Tactical Tasking and Co-ordination Group
UK . . . . . United Kingdom
ViSOR . . . . . Violent Offender and Sex Offender Register
VS . . . . . Victim Support
VVAPP . . . . . Victims of Violence and Abuse Prevention Programme

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APPENDIX 2 REFERENCES

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