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Public Protection:

Domestic Abuse

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Contents

1. Domestic Abuse	5
1.1 Terms Used in Relation to Domestic Abuse, Stalking and Harassment	5
1.2 Definition of Domestic Abuse	6
1.3 Types of Domestic Abuse	8
1.4 Indicators and Aggravating Factors of Domestic Abuse	13
1.5 Victims' Responses to Domestic Abuse	15
1.6 Barriers to Reporting Domestic Abuse	16
1.7 Why Victims Find it Hard to Leave an Abusive Relationship	16
1.8 Potential Links between Domestic Abuse and Child Abuse	18
1.9 First Responder Actions	20
1.10 Identifying and Managing Risks Factors	26
1.11 Domestic Violence Disclosure Scheme	29
1.12 Domestic Violence Disclosure Notices (DVPNs) and Domestic Violence Disclosure Orders (DVPOs)	30
1.13 Controlling or coercive behaviour in an intimate or family relationship	34
1.14 Practical Information for Victims of Domestic Abuse	36
1.15 Support for Victims of Domestic Abuse	39
1.16 Revision Questions	43
2. Key Legislation	44
3. E-learning	44
4. Appendix A: The Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH) checklist 2009	45
5. Appendix B: DASH 2009 Non-Domestic Stalking and Harassment Risk Identification Checklist	54

Authorised Professional Practice

These notes are aimed at learners completing their Initial training to meet the learning outcomes specified on the National Policing Curriculum. The primary source of content is the Authorised Professional Practice (APP) and the supporting evidence based research of “what works” in policing.

APP can be found at: <http://www.app.college.police.uk/>

1. Domestic Abuse

This chapter provides an introduction to domestic abuse. One in four of the incidents police respond to are domestic abuse. It affects children, the wider family, and often the community, in direct and indirect ways.

1.1 Terms Used in Relation to Domestic Abuse, Stalking and Harassment

Victims and Survivors

The term 'victim' is used within these notes to refer to people who experience domestic abuse, stalking and harassment as this is the term most commonly used by those who work within the criminal justice system. Some agencies view the term 'victim' as demeaning and prefer to use the term 'survivor' as it recognises the strength of those individuals who experience these types of crime.

Victims can have a range of possible reactions to domestic abuse. Some may not want to believe that it is happening, and may try to rationalise the incident as a one-off in response to some provocation or extenuating circumstance, for example, the perpetrator is suffering from stress or depression. Many victims blame themselves or assume responsibility for provoking the behaviour, and the perpetrator may well deliberately reinforce this idea. Some perpetrators of domestic abuse intentionally target vulnerable people and those who have previously been abused, later using this information to justify their behaviour, for example, 'it must be something that you are doing wrong'. Victims are not to blame and no one ever deserves such abuse. Whatever problems exist within any relationship, domestic abuse is never justified or acceptable.

Although some individuals may be more vulnerable to domestic abuse as a result of disability, mental ill health or age, domestic abuse can and does occur in all communities, regardless of age, ethnicity, sexual orientation, social class, or disability and so it is always important to avoid making generalisations or judgements about others based upon stereotypes.

Gender issues

Both perpetrators and victims of domestic abuse can be men or women in straight, gay, bisexual and transgender relationships and from different communities. The police service is

committed to providing the same high quality of service and protection to all victims, as well as holding all perpetrators accountable through the criminal justice system.

1.2 Definition of Domestic Abuse

The Home Office definition of Domestic abuse is:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.”

This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional.

Controlling behaviour: is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour: is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

This definition includes so called ‘honour’ based abuse (HBV), female genital mutilation (FGM) and forced marriage may also be domestic abuse where it fits the definition as above. Victims of domestic abuse are not confined to one gender or ethnic group.

Anyone may offend or be a victim, but the Crime Survey for England and Wales 2011/2012 found that women are more likely than men to experience threats, to be repeatedly assaulted, and to need medical help as a consequence of domestic abuse. Men commit the majority of violent offences, including the majority of domestic abuse. However, there may be more male victims of domestic abuse than had previously been acknowledged, as domestic abuse is a vastly under-reported crime for all victims. The secrecy and shame surrounding the issue mean that we cannot appreciate the full extent of the problem of domestic abuse.

Domestic abuse can sometimes occur as a consequence of an unequal power relationship. An unequal power relationship is when one person has, or is perceived to have, the ability to get their own way within a relationship despite resistance. Even if that ability is based on threats rather than actions. Examples of unequal power relationships could include, but are not limited to, when one person within a relationship:

- has complete control over the other person's finances
- uses physical force to control the actions of the other person
- uses the threat of violence (implicit or explicit) to control the actions of the other person.

There is, however, a growing body of research which indicates that some domestic abuse may occur as a consequence of a situation or trigger within equal relationships. This is known as situational violence and is committed by men and women in equal measures. Examples of triggers or situations which may lead to situational could be, mental ill health, substance misuse, or financial difficulties.

Differences Between Domestic Abuse and Assault by a Stranger

Whilst domestic abuse is no more acceptable or inevitable than assault or abuse by a stranger, there are differences which must be understood in order to deal with the issues raised. In cases of domestic abuse:

- The victim and the perpetrator have an existing or previous relationship with each other, so feelings of a betrayal of trust may be present
- There is likely to be a continuing pattern of behaviour which can begin with verbal abuse which may escalate in frequency and severity or into other types of abuse
- The home is no longer a place of safety; it is the least safe place to be
- Abuse often occurs behind closed doors, potentially making it harder for the victim to disclose for fear of shame or criticism, and easier for the perpetrator to argue that the abuse is not as bad as claimed and that the relationship is no one else's business. A perpetrator may know how to harm the victim in subtle ways that would not be apparent to anyone outside the relationship
- The perpetrator is likely to have ongoing access to the victim, which makes it difficult to make a complaint without risking further abuse. Even if the relationship has ended, there may be ongoing contact, for example, by child contact arrangements

- There may be a lack of independent evidence to prove any case. One person's word against another's may not be enough for conviction; hence the need for effective evidence gathering procedures - perpetrators of domestic abuse can place injuries carefully, so they do not show
- There is evidence that domestic sexual assaults include more serious injuries than in stranger assaults but historically, domestic abuse was treated less seriously than stranger abuse and the credibility of the victim was frequently undermined with the suggestion that the victim was to blame or should have prevented the abuse
- Victims may blame themselves. Often they still care for the perpetrator and hope that they will change.

1.3 Types of Domestic Abuse

Domestic abuse can take many forms, but can be classified under distinct headings such as:

Making threats:

- to harm or kill the victim (as per section 16 of the Offences Against the Person Act 1861)
- to commit suicide
- to place a person with disabilities in a home or hospital care
- to report the victim to social services, immigration, or similar
- to take the children away
- to harm or kill others, including family members, friends, children, unborn children or pets
- to leave the victim
- to have the victim detained under the Mental Health Act 1983
- to make public, information which is private and personal
- to never leave the victim alone
- turn family, friends or children against the victim
- to force a gay person into a relationship with a person from the opposite sex
- to 'out' an LGBT person
- to inform others about the victim's health status (or lie about it)

- to force the victim to marry.

Intimidation:

- following the victim: stalking, watching or otherwise monitoring their movements
- damaging the victim's property
- harming pets
- displaying weapons
- reminding the victim of previous abuse or violence
- threatening communications including letters, emails, faxes, phone calls and text messages.

Economic or financial abuse:

- preventing the victim from getting or keeping a job
- denying the victim money, including money for things like transport
- stealing the victim's money
- gambling (in a way that threatens the family's standard of living)
- keeping records of the victim's expenditure in order to conduct surveillance of their activities
- making major financial decisions alone
- running up debts
- withholding money to enforce a course of action, dictating expenditure.

Using isolation:

- locking the victim in the house or other place (false imprisonment under Common Law)
- denying the victim access to a car or any transport
- following the victim
- preventing the victim from using the telephone or receiving mail
- controlling who the victim sees or what they do, e.g. what TV programmes are watched

- humiliating the victim in front of friends, family or in public
- denying access to medication, mobility aids or outside assistance
- preventing the victim from learning whatever language necessary for social functioning
- using immigration status to control the victim's actions – preventing them from seeking aid
- preventing the victim from seeing friends or family
- denying the victim access to the internet or email services
- forcing the victim to marry.

Emotional abuse:

- calling the victim names
- constantly accusing the victim of having affairs
- humiliating the victim
- convincing the victim that they are experiencing mental ill health
- criticising the victim's sexual performance
- withholding affection from the victim
- belittling the victim's gender or transgender status
- criticising the victim's domestic or parenting skills
- constantly denigrating, questioning or interrogating the victim
- making the victim feel guilty
- undermining the victim's confidence e.g. telling them that no one else will ever want them
- telling the victim that no one will believe them if they report domestic abuse
- telling the victim that no one will believe them, owing to characteristics such as their race, disability or sexual orientation
- convincing the victim that no one will help them if they leave
- threatening suicide.

Taking a domineering role in the relationship:

- treating the victim like a servant
- forcing a gay or bisexual person to act 'straight'
- making all the decisions
- encouraging or forcing the victim to drop criminal charges
- forcing the victim to commit crime
- forcing the victim to be involved in prostitution
- forcing the victim to watch pornography or perform sexual acts
- controlling when the victim sleeps and eats, what they watch on television
- forcing the victim to use illegal drugs
- controlling when and where they have sex
- controlling whether or not they have safe sex.

Using the children to exert control or power:

- making use of child contact arrangements to harass the victim
- threatening to deny the victim access to children or take them away or abroad
- forcing the victim to watch physical or sexual abuse to the children
- involving the children in criticism
- telling the children lies about the victim
- claiming that social services will take the children away
- claiming that children will be bullied at school.

Playing down or denying own behaviour:

- blaming the victim for causing the abusive behaviour (e.g. saying 'you made me do it') or claiming that the abuse is deserved and justified
- denying that abuse has occurred (for example, telling the victim that they are imagining or exaggerating the abuse, e.g. 'It was only a little tap...')

- playing down the effects of the abuse
- saying that injuries were caused by the victim's own behaviour or clumsiness
- blaming the abuse on alcohol or drugs
- blaming transferred anger in response to a negative experience, for example, 'I had a bad day and took it out on you'
- apologising to the victim and saying it will never happen again.

Physical and sexual abuse:

- murder
- rape and sexual assault (or other sexual offences under the Sexual Offences Act 2003)
- causing miscarriage
- female genital mutilation
- smothering
- strangling
- drowning
- stabbing
- burning
- starving
- withholding medication
- throwing objects
- pinching
- punching
- kicking
- biting
- pulling hair.

Some of these behaviours may be seen in a relationship where the perpetrator is otherwise not abusive. The question as to whether it is 'domestic abuse' is perhaps to do with the motivation that lies behind the activity, the effect it has on the victim, and the context of the relationship and behaviour. Remember that one of the main issues that characterises domestic abuse is the exercise of power to affect control over their victim.

As a result of isolation, difficulty in accessing suitable services and discrimination, people from minority groups may experience additional effects to those experienced by people from the majority population. With a smaller community from which to draw support and understanding, victims of domestic abuse from minorities may need additional support from specialist local or national groups.

1.4 Indicators and Aggravating Factors of Domestic Abuse

When keeping victims safe and assessing the level of risk they may be in it is important to be aware of the risk indicators and aggravating factors that may indicate that domestic abuse may escalate and result in serious abuse or even homicide. Generally these risk factors refer to the risk of further assault, although some are also linked to the risk of homicide.

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 abuse against women present a particularly high risk. Abuse of animals by the suspect may also indicate a risk of future abuse.

2. Previous sexual assault by the suspect

This is a risk factor for future abuse and for abuse. The injuries sustained by domestic sexual assault victims are often more serious than those experienced in sexual assaults by strangers.

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

A common precursor to domestic homicide is escalating domestic abuse, but this is not always the case. Abuse may previously have remained at a constant level and still result in homicide. It is important that escalating abuse, including the use of weapons and attempts at strangulation, is recorded for the purposes of assessing risk. Strangulation or choking and stabbing are common methods of killing in domestic homicides. Various common household objects are often used to inflict injury, as are the hands.

4. Child abuse by the suspect

Concurrent child abuse and adult domestic abuse is common. Common precursors to domestic homicide include a prior 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 is required and vice versa.

5. Suspect's possessiveness, jealousy or stalking behaviour

Possessiveness, coercive control, jealousy and stalking behaviour include following the victim, paying unwanted attention, making persistent telephone calls and visits and 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

Coercion, and or threats by a suspect to commit suicide have been highlighted as a factor in domestic homicide and child homicide.

7. Threats or fantasies of committing homicide by the suspect

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

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

Previous breaches of a criminal or civil court order, bail conditions, or a history of criminal behaviour suggest that a domestic abuse suspect is a high risk. 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. 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

Psychological and emotional abuse, in particular dominance and isolation of the victim and others, is a useful sign in predicting repeat and severe abuse. This type of abuse may not necessarily constitute an offence, but as a first responder understanding that this type of abuse could escalate to violence is essential and this information should inform all risk assessments.

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

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 ill health may be relevant to cases of abuse.

11. Economic Abuse

Victims of domestic abuse may find themselves being financially controlled by suspects. Having little or no financial control can significantly impact on a victim's decision making and the safety options available to them. They may feel they are unable to leave an abusive relationship because they have no means to support themselves and/or their family.

12. Children and Pregnancy

Pregnancy and the presence of children can increase the risk of domestic abuse for the mother. Children may also get caught up in the violence and directly suffer emotional or physical abuse as a result. Physical abuse can occur for the first time in a relationship during pregnancy. Suspects may use children as a means to further control the victim.

1.5 Victims' Responses to Domestic Abuse

Domestic abuse is traumatic and distressing to the victim. You may visit a family home when the assault is taking place or when the victim is severely injured. The suspect of the assault may continue to threaten violence or may be distressed and pleading for some form of reconciliation.

Research has found that victims often report being assaulted an average of 35 times before they first seek help (Yearnshaw (1997) 'Violence Against Women'). The main reason that victims dial 999 is for immediate protection and help from the police. There may have been an escalation in the abuse, and they fear for their own or their children's safety. It may be that the perpetrator has left the victim on their own for long enough to allow them an opportunity to call for help.

The victim may also have had enough of the abuse and want someone to intervene and stop it, although once the police arrive, they may minimise the situation and claim things have calmed down. Victims of domestic abuse are far more likely to deny or minimise the abuse than exaggerate it. It is important to be patient and sensitive to their needs, recognising that they are likely to be distressed.

In all cases, the police response should be immediate. You should see the victim alone in a secure and private place, and always reassure them about confidentiality.

1.6 Barriers to Reporting Domestic Abuse

In some instances, victims may not report domestic abuse, or may deny that it is happening when asked. Sometimes a victim is reluctant or unwilling to assist police investigation. This can be for many reasons:

- embarrassment or shame at being a victim of domestic abuse
- a desire to maintain a 'normal' family life
- fear of retaliation and reprisal from the suspect, either now or in the future
- concern at the distress it might cause to their family or children - there may also be a cultural concern about bringing perceived 'shame' on their family
- not wanting anyone else to find out, for example, if the suspect is married to someone other than the victim or that their sexual orientation will be disclosed
- fear that they will not be believed for example the perpetrator may be somebody of good standing e.g. Judge, doctor, police officer etc.
- fear of the legal system and court process
- lack of confidence in the authorities' power to help
- not wanting to give evidence
- Lack of understanding about what constitutes domestic abuse. For example, many LGBT victims may not recognise their experience as domestic abuse as most information regarding domestic abuse relates to the experiences of heterosexual women.

It is therefore essential that all available avenues of enquiry are identified and pursued (for example, 999 calls, crime scene photographs and medical evidence) and that the victim's statement is not solely relied upon, in case it is withdrawn.

1.7 Why Victims Find it Hard to Leave an Abusive Relationship

Many victims often make repeated attempts to leave abusive relationships but are prevented from doing so by increased violence and controlling and coercive tactics by the perpetrator of the abuse. The insensitive questioning of a victim, for example, asking them why they remain in a relationship where they are being abused, can make them feel like they are being judged or blamed for the abuse. It is important to understand and consider the reasons why a victim might not leave an abusive relationship when to the observer looking in it, it

appears to be the logical decision. Victims of domestic abuse may be weighing up the gains and losses of leaving their relationship on a regular basis. Some victims may simply be too exhausted from daily survival to be able to make a decision or consider their options. First responder actions at the scene, such as the provision of information, or taking safeguarding action may give victims the support they require to consider what they want to do.

The following outlines some of the losses and gains a victim may be weighing up:

Possible losses as a result of leaving could include:

- financial security
- companionship
- a home
- stability for children regarding school, friends and surroundings
- support networks of friends, family and neighbours
- employment
- personal safety, as victims can be at a higher risk when they leave violent partners or families (particularly in cases where there is a risk of Honour Based Abuse)
- the investment in a relationship if the victim feels that they have 'given the best years of their life'
- social acceptance - victims may feel that there is a social stigma attached to divorce and single parenthood, especially in some communities
- Family - for some victims, the perceived 'shame' of marital breakdown, domestic abuse or 'coming out' about sexuality may have far reaching implications for the victim, their children and wider family.

Possible gains as a result of leaving could include:

- Perceived or actual personal safety, although there is evidence that victims can be more at risk when they leave violent partners.
- Freedom, a new start and an opportunity to regain control of their lives, although perpetrators of domestic abuse often harass victims when they leave, and escalate physical abuse in an attempt to regain control.

- Children's safety, although child contact proceedings in civil courts can be used by perpetrators of domestic abuse as a way of gaining control over their partner.
- Self respect, although single parenthood and divorce can still lead to feelings of shame or failure, particularly in some religions and cultural communities, despite changes in society as a whole.
- Independence, although a victim may have to live in a refuge, leave their job, become homeless, rely on relatives or friends or government benefits and may also have to leave family, friends and support networks. People from minority communities, including LGBT people, may experience a greater impact upon their independence as they may have a smaller community from which to draw support.

A victim can perceive the gains of leaving a relationship as long-term, intangible and in no way guaranteed. In contrast, the losses associated with leaving can be perceived as more immediate, for example, loss of home, loss of children's school and loss of belongings. The losses associated with leaving are certain, whilst the gains of leaving are uncertain. It is worth noting also that many contemplating leaving may not think in terms of gains at all, but may only compare the relative losses of staying and leaving.

The decision-making processes faced by people who experience domestic abuse are complex. You may not understand why a victim responds the way they do. It may not be what you think you would do. The decision to stay is often reasoned and logical, not the product of an irrational or hysterical mind.

1.8 Potential Links between Domestic Abuse and Child Abuse

Children may suffer both directly and indirectly if they live in households where there is domestic abuse. The danger posed to children is given specific mention as a factor that the Crown Prosecution Service (CPS) take into account when considering whether to prosecute a domestic abuse suspect without the support of the victim. Children's rights should be considered and safeguarded in every domestic abuse case that you deal with. To enable the CPS to make an informed decision about a particular case, you must provide them with detailed information including:

- The direct and indirect effect of domestic abuse on any children in the household.
- Victims' views on their own and their children's personal safety if a prosecution does or does not follow.

Where the police are required to take a retraction statement from a victim, the statement should include information about the impact of the domestic abuse and the impact of a prosecution on the victim's life and that of any children.

The effects of domestic abuse on children

Both girls and boys are affected by domestic abuse, as are children from all socio-economic and ethnic groups. Witnessing abuse can have a negative effect on children's emotional and behavioural development, but there is no uniform response to living with domestic abuse. Children may feel they are to blame for the domestic abuse, they may develop behavioural problems as a result of what they have witnessed, be directly harmed during the abuse or exhibit abusive behaviour themselves once domestic abuse between adults has stopped. Each child will have a unique experience and reaction. The police are under a duty to respond to that individual need.

Children may be physically abused or injured in a number of ways for example; they could be injured because they are caught up in the abuse directed at their parent. Discipline used on the children can be too harsh; they may suffer unlawful levels of physical chastisement by the offender or the over-stressed parent who is the victim of domestic abuse. They may also be subjected to intentional physical abuse aimed directly at them.

An abuser's control strategy can include threats to harm, kill or abduct children. Children are likely to be at increased risk of actual physical, sexual or emotional abuse from domestic abuse perpetrators. Domestic abuse can start or escalate during pregnancy, possibly causing injury, disability or death to the unborn child, and has been a significant feature in many cases involving the deaths of children (contrary to Section 5 of the Domestic Violence, Crime and Victims Act 2004). If a parent is experiencing abuse, it may reduce their ability to care for and protect children. Most affected children are in the same or adjoining room when domestic abuse happens, and directly or indirectly witnessing abuse towards a parent can have a detrimental impact on children, for example:

- witnessing their parents or siblings being hurt by the abuse
- being injured during an attack by one partner upon the other
- intervening and being injured as a result
- being emotionally harmed, for instance, by being blamed by one or both parents for their situation or by being helpless to make any difference
- being exposed to fear and anger

- being used by either or both parties as a tool of attack or defence.

Some of these effects will be observable whilst others will not, so it is essential to speak with the non-abusing carer, the child and professionals, and for the child to be involved wherever possible to identify the extent to which the children are being (or are at risk of being) harmed.

It is important you remember to focus on the protection of the victim and the children.

Locating the children and ensuring that they are seen, spoken to and listened to is a first step. Children who have witnessed domestic abuse or the aftermath of domestic abuse will also want to know what the police are going to do to help. Officers should explain to children why they are there and what they intend to do to make things better.

1.9 First Responder Actions

Identifying Domestic Abuse Incidents

It is important to attend domestic abuse incidents promptly, to determine whether there is a reported history of domestic abuse at the address and whether there are any identifiable factors that may endanger officers or the victim. The Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH 2009) Risk Model which is explored later in these notes will help you identify any risk factors.

A delayed response can result in serious harm or even loss of life. Identifying domestic abuse incidents will help you ensure that you deal with them correctly, and enable you to provide the best and most appropriate support to the victim(s). The following scenarios will offer some insight into what constitutes a domestic abuse incident:

Example

- A 25 year old woman has contacted the police after receiving death threats to kill her from her 30 year old ex boyfriend. They have been separated for 18 months and have never lived together.

This is a domestic abuse incident, even though the relationship ended before the allegation and the couple do not live together. There may be other underlying issues or previous incidents which could raise the risk of future harm; for example, stalking or harassment, which if not dealt with could lead to repeat offences or an escalation in risk and harm.

Example

- Police are called to an address where it is alleged that a father has beaten his 14 year old son. There is a previous history of violence against a previous partner.

This is not domestic abuse; it is a child abuse matter because of the age of the victim. However, a response is still required and it should be dealt with by the police public protection team. Remember that there are close links between child abuse and domestic abuse; therefore it is essential that the relevant police units work closely to ensure information is shared and that a joint, coordinated response is put into place where there are child protection and domestic abuse concerns.

Treat all victims with sensitivity and try to meet their individual needs without making assumptions regarding the nature of those needs. You should ask a victim what has happened, the history of domestic abuse and the victim's view of their situation. Ask the victim what they have been doing to ensure their safety up until this incident and what else the police can do to compliment this. Victims may have developed their own tactics, for example, avoidance, to minimise their risk. As a result victims may not want the suspect to be arrested. This could be because of their relationship with and feelings for the suspect, fear of reprisals, or shame and embarrassment that they have 'allowed' themselves to be a victim of abuse. In all cases, however, the decision to arrest remains with the officer, not the victim, and any decision to charge is the responsibility of the CPS. The fact the victim does not have any choice in making decisions to charge should be made clear to the victim and suspect. This is imperative, as the suspect may blame the victim for police action and this could place the victim at further risk of harm.

Positive Police Action

Positive police action enables the best evidence to be collected and challenges abusive behaviour. Police intervention takes the power out of the perpetrator's hands, showing the victim that they do not have to suffer and the perpetrator that their actions will not be tolerated. Positive action means that officers must look at the incident as a whole, not just the oral or written evidence of the victim, and a prosecution can be undertaken without the support of the victim or without their evidence being used. Used properly, this will increase the likelihood of successful prosecutions, especially in cases where victims are unlikely to give evidence. Victims are more likely to give evidence and suspects are more likely to enter a plea that reflects actual events if it is not just a case of one person's word against

another's. It is always possible that a victim may decide to provide a statement and give evidence at a later stage, especially if they see that the authorities are prepared to go ahead and support is offered consistently throughout. The Youth Justice and Criminal Evidence Act 1999 includes special measures that can help witnesses who are fearful of giving evidence.

When attending incidents of domestic abuse, you should establish as soon as possible whether:

- the suspect is still present or in the locality
- the suspect is on bail and if so whether there are any conditions attached
- the suspect has a history of abuse
- there are any injunctions or child contact restrictions in force
- any party has previous convictions
- previous incidents have been reported at a particular address
- there is a history of assaults on police or the use of firearms or other weapons
- the suspect has a firearms licence, as it may be necessary for action to remove firearms, ammunition and certificates in the interest of preventing avoidable or foreseeable harm
- whether any diversity issues exist that may be relevant to service delivery (e.g. language barriers and the need for interpreters, disability and the requirements of reasonable adjustments)
- whether any children are subject to child protection plans
- if the suspect has left the scene, a description of the suspect and, if applicable, a description of the vehicle and its registration.

When attending domestic abuse incidents it is also important to remember that the victim may not have called the police, or they may have only called the police in order to stop that particular argument or abuse. They may decline to take part in any investigation, verbally or indicate this through their body language or general demeanour. They may appear uncooperative and hostile towards the police. This could be because they fear the repercussions of the police presence from their abuser and this is their attempt to keep the abuser stable. As such it is important to keep this in mind when dealing with the victim. You should ensure you explain all your actions and decisions to the victim; as whilst they may not agree with them they will at least understand your reasoning.

Upon arrival, you should re-assess victim and officer safety, including immediate risk, particularly in respect of access to weapons, blood or other body fluids. 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 the parties, including any children, confirm the identity of the suspect and if they are no longer at the scene circulate a full description via the radio system.

You should conduct a needs assessment to decide whether the victim falls into one of the three priority categories as laid out by the Code of Practice for Victims of Crime. Victims of domestic abuse are likely to fall into the 'victims of the most serious crime' priority category.

Note that in domestic abuse incidents, the victim is the primary scene: this means that their body or clothing may be the main source of forensic evidence (for example, any DNA samples or injuries to be photographed). In this sense, the suspect is also a scene, and other persons at the premises may also be scenes. You should advise or take action as necessary to prevent victims or others from taking actions that may destroy evidence (e.g. washing, changing clothes).

Establish who is or was present. Request appropriate checks on the suspect and household, including warrants, bail conditions, civil orders, and child protection register. Make accurate records of everything said by, and the demeanour of the suspect, victim and any other witnesses. Consider taking photographs or using a video camera to record evidence. You should report your findings to your supervisor who will inform the public protection specialist. 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, for example, 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.

Ensure that information relating to the suspect is included in any risk assessment processes. It is worth remembering that in cases of domestic abuse, suspects who leave the scene before the police arrive are known to pose a greater risk to the victim. This might be because they have not been reprimanded by the police or other agencies for their abuse.

Protecting children at domestic abuse incidents

When investigating domestic abuse, you should identify whether a child was present at the time of the incident, or whether a child is ordinarily resident at the address where it occurred. Ask if children are resident at the address, look for signs such as clothing and toys, and

check all bedrooms. Parents may be evasive when questioned about the presence of children in the house; you will therefore need to think carefully about how you will deal with this and clearly explain your reasons for needing to check on the children. Reassurance may need to be given that children will not be taken anywhere if they are safe and well. It may be necessary to repeat requests to see the children. Some parents may be openly hostile to the police and professionals from other agencies as they are afraid of the actions you may take.

Where there is any concern as to the welfare or safety of a child, you should notify your supervisor. Who may I contact a public protection specialist officer. You may need to make a referral to social services. Whilst there is no requirement to get the parent's consent, it is preferred that consent has been obtained to share the relevant information. You should discuss your concerns about a child with the parent or carer and seek their agreement to making a referral to social services, unless such a discussion would place the child at risk or jeopardise a criminal investigation. It is important that when attending domestic abuse incidents, you:

- find out if there are children in the home
- take the opportunity to see the children
- ensure that the children are safe.

Recording information about children

When attending domestic abuse incidents, you should record the following details of children present at the time of the incident or ordinarily resident at the address.

- 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 you, 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.

If child abuse is suspected immediate action should be taken to safeguard the child. You may have to use your powers to take the child into police protection. You should notify your supervisor who will contact your force public protection specialist so that the circumstances can be investigated with the help of other agencies, where appropriate. It is your duty to act in the most appropriate manner according to the situation, remembering that the overriding consideration must always be that the rights and welfare of the child are paramount.

Counter Allegations

You may be confronted with conflicting accounts of what has taken place, with each party claiming to be the victim. The suspect may make a false counter allegation or both parties may exhibit some injury and or distress. In these cases, you should examine whether one party may have used justifiable force against the other in self defence. Counter allegations require immediate further investigation at the scene, or as soon as is practicable, to attempt to establish whether there is a primary aggressor. You should note that the primary aggressor is not necessarily the person who was first to use force or threatening behaviour. Ways in which you might determine whether there is a primary aggressor in the context of a counter allegation include considering:

- the comparative severity of any injuries inflicted by the parties
- whether either party has made threats against another party, child or another family or household member
- whether either party has a prior history of abuse
- whether either party has made previous counter allegations
- whether either party acted defensively to protect themselves or a third person from injury.

It is also important to remember that some suspects are skilled manipulators and they may attempt to use their manipulation techniques on the attending officers. As a result, it is important to investigate allegations of substance misuse, mental ill health or poor parenting ability made by the suspect against the victim. The suspect may have made these allegations in attempt to divert the investigation into abuse onto the victim. It is imperative the police do not collude with this kind of manipulation.

Using Interpreters at the Scene

Use an interpreter if required. A telephone interpreting service should be considered (for preliminary inquiries only), rather than using a child or family member. Any use of a family member or child as an interpreter at the scene should only be a last resort for the purpose of establishing facts that might secure the immediate safety of all parties.

1.10 Identifying and Managing Risks Factors

By identifying risk factors and who is at risk, you can decide what level of intervention is required. You should complete a risk assessment for all domestic abuse incidents. The National Decision Model (NDM) will assist you in making decisions and assessing risks, however, there are other models that are also applicable specifically in cases of domestic abuse, stalking and harassment.

The Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH 2009) Risk Model consists of a series of questions that are used to identify and record risk factors. The questions in the checklists have been carefully put together, informed through research, focus groups and years of piloting and evaluation. The order in which they appear is just as important as the questions themselves, and should not change.

There are two parts to the DASH 2009 model:

- Primary risk assessment at the scene
- Secondary Risk Assessment Completed by the Public Protection Specialist.

Risk assessment is based on structured professional judgement - it structures and informs the decisions that you will already be making, but it is only a guide and does not provide an absolute or relative measure of risk using cut off scores.

Assessment of risk is complex. The imminent risk posed to the victim or others in a particular situation will be dependent upon what the risks are and how they apply in that context, not just the number of risks identified.

Primary Risk Assessment at the Scene

Ensure that when you ask these questions, the victim is comfortable and understands why you are asking them - it is about their safety and protection. Particular sensitivity and attention is required when asking about whether the victim has been assaulted physically and/or sexually by the suspect. The vulnerability of victims cannot be overstated, and could be further compounded by issues such as traditional gender roles, literacy, language and/or

immigration or refugee status. Do not just record a 'yes' or 'no' answer - you must identify and record what is happening - and remember that victims can and do minimize the threat to themselves or others in cases of domestic abuse. The questions covered by a DASH risk assessment can be found in Appendix A. The full DASH risk assessment highlights the need to give special consideration to factors linked to honour based abuse, the seriousness of which must never be underestimated.

When completing either checklist, ask yourself 'am I satisfied that I have done all I can?' Record what steps you have taken to ensure the safety of the victim(s) and any children. The risk process must remain dynamic as events and circumstances may undergo rapid and frequent change. Where this is the case, the assessment must be kept under review.

Once the primary risk assessment has been completed the victim must be told what level of risk they are assessed to be at. This will enable a victim to take measures to ensure their own safety, in addition to the support provided by the police. Officers must safeguard the victim and any children present until the secondary risk assessment has been completed.

Secondary Risk Assessment Completed by the Public Protection Specialist

The public protection specialist will review the primary risk assessment completed at the scene, depending on the level of risk recorded. The purpose of the secondary risk assessment is to revisit the information, add to it where possible, and refer the case to the Multi-Agency Risk Assessment Conference (MARAC) where necessary. The specialist officer may also be able to refer the victim to other sources of support at this stage.

The Role of the Multi-Agency Risk Assessment Conference (MARAC) and Referral Process

A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the risks of what may happen are outlined and the representatives discuss options for increasing the safety of the victim. These are turned into a coordinated action plan.

The primary focus of the MARAC is to safeguard the victim and children and ultimately address the behaviour of the suspect. The MARAC will also make links with other fora in terms of safeguarding children and managing the behaviour of the suspect.

At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. Neither the victim, children or suspect attend the meeting but the victim is represented by an IDVA who speaks on their behalf. The police role at MARAC is often to chair the MARAC but also to attend as a representative. The information brought to the MARAC from the police should cover the risks to the victim and children and the risks the suspect presents. This will include recent and relevant involvement police have had with the family or the individuals concerned, relevant intelligence about the family and associates, arrest and disposal decisions and bail conditions. PNC and PND checks results relevant to the family, warning markers and impending prosecutions would also be shared. Information such as full names and dates of birth of the victim children and perpetrator and any licences such as firearms or door staff will be important along with any specialist skills the suspect has, or disabilities or language difficulties of either party. In short it will be important to share any information which highlights the risks and assists in the devising of an action plan to minimise those risks.

Actions offered by the police unit will focus on victim safety and the management of the suspect.

Cases are referred to MARAC which are identified as high risk by police officers and other frontline workers such as health visitors, social workers housing officers and schools using the DASH risk indicator checklist (RIC) Cases are referred to MARAC under three criteria:

1. **Visible high risk:** usually 14 yes ticks on the DASH risk indicator checklist
2. **Professional judgement:** if a professional has serious concerns about a victim's safety, they should refer the case to MARAC, even if the victim has been unable to disclose the information that might highlight the risk more clearly
3. **Escalation:** the number of police callouts to the victim as a result of domestic abuse, stalking or harassment in the last twelve months. If the checklist does not provide an identification of the number of risk factors, but the abuse appears to be escalating and it is appropriate to assess the situation more fully, a MARAC should be called. It is common practice to start with three or more callouts in a twelve month period: make sure you know your force's policy.

Where an officer judges the victim to be at high risk, using the DASH form the case is likely to be referred to MARAC via the secondary risk assessment process.

Proceeding without the Support of the Victim

There are many reasons why victims of domestic abuse may seek to withdraw their complaints. Do not assume that cases will be automatically dropped if the complaint is withdrawn. If the abuse is serious or there is a real and continuing danger to the victim, children or any other person, the public interest in continuing a prosecution may outweigh the wishes of the victim. In such circumstances the CPS may prosecute cases without the victim's evidence or against the victim's wishes.

1.11 Domestic Violence Disclosure Scheme

'Clare's Law'

Clare Wood met George Appleton online. Unbeknownst to Clare, Appleton had a history of violence against women.

They had a relationship between April 2007 and October 2008, which Clare ended after learning that Appleton had been repeatedly unfaithful.

Between October 2008 and January 2009, Clare made repeated complaints to police about Appleton, claiming that he had caused criminal damage, harassed, threatened to kill and sexually assaulted her. She had a panic alarm installed at her home after making an allegation of attempted rape against Appleton.

In February 2009, Appleton killed Clare at her home before hanging himself.

The tragic murder of Clare Wood by her former partner in 2009 brought to national attention the issue of disclosing information about an individual's history of domestic abuse to a new partner. As a result the Domestic Violence Disclosure Scheme (DVDS) has been introduced it aims to:

- protect those at risk from domestic abuse
- reduce incidents of repeat perpetration, victimisation and prevent harm
- enable individuals to make informed decisions about their safety
- provide help and support to potential victims
- inform practical actions necessary to safeguard potential or actual victims.

Anyone has the right to access the DVDS but information will only be disclosed to the party best placed to protect a potential victim. There are two entry routes into the scheme:

“Right to ask”

This entry route allows anyone in an intimate relationship with another person, where they are concerned that the individual may harm them, to make an application to the DVDS. These people could be potential or actual victims of domestic abuse.

“Right to know”

The police may receive indirect information from a third party or agency and make a decision to disclose this information to the party best placed to protect them.

1.12 Domestic Violence Disclosure Notices (DVPNs) and Domestic Violence Disclosure Orders (DVPOs)

Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) enable police and magistrates to put in place immediate short-term protection for victims in the aftermath of a domestic abuse incident, where no other options for removal of an alleged perpetrator exist; such as arrest. Essentially when there is insufficient evidence to bring criminal charges against perpetrators they offer a means of protection to victims as they can:

- prohibit a person, aged 18 or over, who has threatened or caused harm to a victim from returning to a residence and from having contact with the victim for up to 28 days
- allow a victim of domestic abuse time to consider their options and get the advice and support they need.

The DVPN/DVPO process can be pursued without the active support of the victim, and even if the victim is against the action. It is a two stage process. A DVPN can be served on a suspect and the police must then apply, within 48 hours for a DVPO.

DVPNs can be used where the following criteria is met:

- the suspect is over 18
- there are ‘reasonable grounds for believing’ that the suspect has been violent or has threatened violence towards an associated person AND

- the DVPN is necessary to protect the associated person from violence or threat of violence by the suspect.

Section 62(3) of the Family Law Act 1996 people are considered associated persons if they:

- are or have been married to each other
- are or have been civil partners of each other
- are cohabitants or former cohabitants
- live or have lived in the same household, otherwise than merely by reasons of one of them being the other's employee, tenant, lodger or boarder
- are relatives
- have agreed to marry one another (whether or not that agreement has been terminated)
- have or have had an intimate personal relationship with each other which is or was of significant duration
- have entered into a civil partnership agreement
- are parents of a child, or have parental responsibility for a child
- are parties to the same family proceedings.

An 'Authorising Officer' e.g. Superintendent or above is able to take the decision whether or not to issue a DVPN. In taking this decision the Authorising Officer should consider:

- the welfare of any relevant persons under 18
- the opinion of the person who is to be protected
- any representations made by the suspect
- where both parties live at the same address, the opinion of any other associated person who also lives at the address.

The Authorising Officer will also decide who is a 'relevant' person. Steps should be taken to find out the victim's opinions but their consent is not required. The police cannot detain the suspect whilst seeking authorisation.

The terms included in a DVPN can vary depending on the circumstances, however, in all cases it will include a prohibition on molesting the victim, either generally or with regard to

specific behaviours or actions. If the suspect and victim live at the same address the DVPN can also:

- prohibit the suspect from evicting or excluding the victim from the premises
- prohibit the suspect from entering the premises
- require the suspect to leave the premises
- prohibit the suspect from coming within a specified distance of the premises.

All DVPNs must:

- state the reasons for issuing the notice
- warn the suspect that he or she can be arrested if there are reasonable grounds to believe the notice has been breached
- state that an application for a DVPO will be made within 48 hours and that notice of the hearing will be given separately
- state that the DVPN will remain in force until a decision has been made on the application
- set out the likely terms of a DVPO.

The DVPN must be issued in person to the suspect. Where possible the notice of the hearing for the DVPO should be served in person at the same time. When serving the DVPN the address of the suspect must be ascertained and recorded on the DVPN. Where no address is provided, reasonable steps must be taken to give the suspect notice of the hearing.

The victim should be made aware that a DVPN has been issued and what it prevents the suspect from doing. They should also be provided with information about support they can access. Details of the DVPN and a high risk red flag should be added to the Police National Computer (PNC) so that if the suspect breaches the DVPN prompt action can be taken.

The breach of a DVPN is not a crime but there are consequences for the suspect. If there are reasonable grounds to suspect the DVPN has been breached the suspect can be arrested and held in custody until there is a court hearing for the DVPO. It is important at this point to highlight the time of arrest so that the breach is dealt with in time. If the suspect isn't brought before a magistrates' court within 24 hours no action can be taken and the suspect must be released.

The application for a DVPO must be heard within 48 hours of the issue of a DVPN. A court will make a decision to issue a DVPO if they find it is more likely than not that:

- violence or the threat of violence has occurred and
- the DVPO is necessary to protect the victim from further violence or threat of violence.

A court may adjourn a DVPO case until the next hearing, if this happens the DVPN remains applicable until then. The suspect may also be remanded in custody.

Where a court issues a DVPO it will last for a minimum of 14 days and a maximum of 28 days. The expiration date will be specified on the order. A court cannot vary or revoke a DVPO once it has been made.

Once a DVPO has been issued active management of the victim and suspect is required. The police should:

- keep the victim informed
- carry out ongoing risk assessment and management
- monitor compliance of the DVPO
- proactively police any breaches of the DVPO.

Victims should be told the outcome of the DVPO application, as soon as possible. Where a DVPO has been issued, they should be notified of the following:

- the details and duration of the order
- that DVPO obligates the perpetrator to comply, but that they should also cease any contact with them
- if there is a term which allows the perpetrator to attend a residence, on one occasion with a police officer to collect essential belongings
- if the DVPO allows contact with a child under specified conditions.

Where a DVPO has not been issued, officers should:

- ask the victim if they wish to reconsider support for criminal proceedings (where previously refused)
- provide the victim with a point of contact (within the Public Protection Unit) in case there are any further incidents

- ensure the victim is aware of all safety planning measures that are in place and how to access them.

Officers should ensure the PNC marker is kept up-to-date at all times. This means:

- removing the DVPN marker when a DVPO is issued or refused
- adding a DVPO marker when issued
- removing the DVPO flag at the end of the order.

If a perpetrator breaches a DVPO it is important that the police take prompt positive action. Failure to do so could damage a victim's confidence in the police and defeats the purpose of the order. Officers have no power of entry for breach of a DVPO but are able to exercise Section 17 of the Police and Criminal Evidence Act 1984; entry for the purpose of arrest, or the power relating to breach of the peace. As with any incident officers should also consider if any of the perpetrators conduct also amounts to a criminal offence.

1.13 Controlling or coercive behaviour in an intimate or family relationship.

A person commits an offence under Section 76 of the Serious Crime Act 2015 if they use controlling and coercive actions towards another in an intimate or family relationship.

Specifically, person (A) commits an offence if they **repeatedly** or **continuously** engage in behaviour towards another person (B) that is controlling or coercive and at the time of the behaviour;

- A and B are personally connected,
- the behaviour has a serious effect on B, and
- A knows or ought to know that the behaviour will have a serious effect on B.

Explanatory notes

a. A and B are 'personally connected' if:

- A is in an intimate personal relationship with B, or
- A and B live together and:
 - they are members of the same family, or
 - they have previously been in an intimate personal relationship with each other.

- b. A's behaviour has a 'serious effect' on B if:
- it causes B to fear, on at least two occasions, that violence will be used against them, or
 - it causes B serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities.
- c. It is accepted in law that A "ought to know" that which a reasonable person in possession of the same information would know.
- d. A and B are 'members of the same family' if:
- they are, or have been, married to each other
 - they are, or have been, civil partners of each other
 - they are relatives
 - they have agreed to marry one another (whether or not the agreement has been terminated)
 - they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
 - they are both parents of the same child
 - they have, or have had, parental responsibility for the same child.

'A' does not commit an offence under this section if at the time of the behaviour in question:

- A has responsibility for B, for the purposes of Part 1 of the Children and Young Persons Act 1933 (see section 17 of that Act), and
- B is under 16.

Defence

In proceedings for an offence under this section it is a defence for A to show that:

- in engaging in the behaviour in question, A believed that he or she was acting in B's best interests, and
- the behaviour was in all the circumstances reasonable.

However, this defence is not available to A in relation to behaviour that causes B to fear that violence will be used against B.

Penalty

A person guilty of an offence under this section is liable:

- on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both
- on summary conviction, to imprisonment for a term not exceeding 12 months, or a fine, or both.

1.14 Practical Information for Victims of Domestic Abuse

Access to information regarding the available options and support is of crucial importance to victims of domestic abuse, stalking and harassment. You may well be asked one or more of the following questions by a victim:

- where can I go?
- what are my rights?
- how will the police protect me?

You should ensure that you are aware of refuges for victims of domestic abuse in your area, and both central and local government departments where victims can apply for any financial support or accommodation that they may be entitled to. A number of options are available to victims of domestic abuse through the courts, such as DVPOs, depending on various factors, including:

- the severity and/or nature of the abuse
- the relationship between the victim and the suspect/perpetrator of abuse
- financial implications, e.g. eligibility for legal aid
- the stricter burden of proof required by the criminal courts compared to the civil courts (in criminal proceedings a case has to be proved “beyond reasonable doubt” whereas in civil proceedings the court will arrive at its decision on the “balance of probabilities”)
- the wishes of the victim about the protection they require from the law; and

- the actual and perceived protection the law can deliver in practice, as well as the availability of appropriate support services.

Victims may also ask you what precautions or safety measures they can take. There are some safety measures victims can take depending on their circumstances. These can include, but are not limited to:

Remaining in an Abusive Relationship

- seeking professional advice and support from local and national agencies
- considering how support agencies can contact them safely e.g. via work contact details or through a trusted friend
- considering where they could quickly and easily access and use a telephone and who they could contact safely e.g. by memorising telephone numbers for emergency use
- coming up with a signal, such as code word, for use with children, family, neighbours or the police which will alert them to call the police
- thinking through escape routes in advance, avoiding rooms with no exit or with potential weapons
- putting aside money
- seeking and obtaining medical help for any injuries, ensuring they are recorded and photographed - such evidence could be useful in the future
- regularly changing online passwords, especially for social media accounts but this may not be appropriate if the suspect accesses these accounts as means to coercively control the victim.

Planning to Leave an Abusive Relationship

- be careful who they trust with any plans they are making to leave
- seek legal advice and consider the use of a civil order
- make up a bag with spare clothes and the following items, important documents and information relating to themselves and/or any children or dependents. Store it somewhere safe:
 - birth certificates
 - passports

- welfare and social security information
- driver's licence
- marriage certificate
- divorce papers
- lease or mortgage papers
- insurance documents
- education records
- medical records
- immigration documents
- court documents
- credit/debit cards and bank account information
- money
- extra sets of house, car and work keys
- medications and prescriptions
- telephone numbers and addresses for family, friends, doctors, lawyers and support agencies
- clothing and comfort items
- photographs and any other items of sentimental value e.g. jewellery
- take identification which may help others to protect you from the abuser such as a recent photograph or their car details
- talk to children and/or dependents about the possibility of leaving, try and take all the children with you regardless of whatever long-term arrangements might come to pass
- avoid making any unusual changes to routines which may raise the abusers suspicions that something is happening.

Once a Victim has Left an Abusive Relationship

- seek legal advice on child contact, residence applications and options for civil orders or injunctions

- change telephone numbers to ex-directory, screen calls and pre-programme emergency numbers into telephones
- change all online passwords and check privacy settings, especially for social media accounts
- change locks, install security systems, smoke alarms, and an outside lighting system
- notify neighbours, employers and schools of any injunctions, and ask them to call the police if they see the abuser nearby
- make sure schools and care providers know who has authority to collect any children/dependents
- employ safety measures before, during and after any contact visits with children
- consider altering routines, children's schools, work patterns
- avoid locations known to be frequented by the abuser
- make up a code word to signal an emergency for use with family, colleagues, teachers or friends so that they know to call the police for help
- keep copies of all relevant paperwork and keep a written record of any future incidents.

1.15 Support for Victims of Domestic Abuse

You should always provide victims with details of police specialist departments and of other voluntary and statutory agencies that are in a position to support them, regardless of whether criminal proceedings are pursued. Resources include (but are by no means limited to):

- Victim Support
- Refuge
- National Domestic Violence Helpline
- Men's Advice Line
- Broken Rainbow
- Imkaan

- National Association of Gypsy Women.

Alternative Accommodation

Most areas will have refuges who provide emergency accommodation for victims of domestic abuse. These are often accessible 24 hours a day, 7 days a week. Local housing providers also have a duty of care to provide accommodation in an emergency. Refuges may also offer further support to victims and their children and may be able to assist with reviewing longer term housing options.

Domestic Abuse Specialist Support

Independent Domestic Violence Advisors (IDVAs) and other domestic abuse specialists work with victims in the short and medium term to offer support, practical and emotional help.

Officers must ensure they are aware of the support agencies and mechanisms available in their force, community and area, as well as the criteria to access it as there may be restrictions based on gender, age of male children, alcohol and substance misuse, or a cost to those who are employed full-time.

Civil remedies

In the absence of being able to pursue criminal charges or being able to issue a DVPN or DVPO, the following civil remedies are provided by the Family Law Act (FLA) 1996:

- **Non-molestation Orders:** An order restraining a person, either directly or indirectly, from the molestation of an 'associated person' or relevant child, or from otherwise doing what the court orders him not to do. The FLA does not define molestation, but it can include intimidation, pestering, threats and harassment. An associated person includes current or former spouses/civil partners, cohabiters, a person with whom they have or have had an intimate relationship, relatives, or the other parent of their child
- **Occupation Orders:** An order regulating the occupation of the home shared by a couple (and any children) to protect any party from domestic abuse. The order can exclude a perpetrator of domestic abuse from the property altogether, or divide the property to exclude them from part of the accommodation. If the perpetrator has already left the property, an occupation order may, therefore, be used to prevent them from re-entering and/or coming within a certain area of the property.

Victims can instruct a solicitor to make an application directly to the court, although they can also apply themselves. There is a fee for issuing an FLA application in the county court, however, this may be waived by an officer of the court if the applicant is in receipt of certain benefits or is involved in a family case and receives Legal Help.

As a result of the Civil Partnership Act (CPA) 2004, same sex couples in civil partnerships have the same rights to apply for civil remedies under the FLA 1996 where there are provisions for a 'spouse'. In addition, the Domestic Violence, Crime and Victims (DVCV) Act 2004 impacts on the FLA 2006 in the following ways:

- Section 1 of the act makes breach of a non-molestation order a criminal offence, punishable by up to five years' imprisonment on indictment
- Section 2 sets out additional considerations if parties are cohabitants or former cohabitants and the nature of their relationship
- Section 3 gives cohabiting same-sex couples the same access to non-molestation and occupation orders
- Section 4 makes provision for some couples who have never cohabited or been married eligible for non-molestation and occupation orders
- Section 12 enables courts to impose restraining orders when sentencing for any offence (and on acquittal) and giving any person mentioned in a restraining order a right to make representations in court if an application is made to vary or terminate the order.

Other civil remedies include:

- Injunctions under the Protection from Harassment Act 1997: these protect a person from harassment by another person. They can prohibit a person from contacting the victim or going within a certain distance of the victim's home or workplace, for example. Breaching an order under the PHA 1997 is a criminal offence
- Violent Offender Orders (VOO) under Section 98 (1) of the Criminal Justice and Immigration Act 2008: VOOS are civil preventative orders designed to protect the public from the most dangerous violent offenders who the courts consider to pose a high risk of harm. VOOS may prevent the offender from going to any specified place or premises (either at all or between specified times), attending any specified event, or having any contact with any specified person. Breach of a VOO is punishable by up to 5 years imprisonment.

Sometimes, injunctions can be sought as a part of family law (divorce or custody) proceedings. The judge will consider the evidence of abuse against the victim, and whether:

- the suspect's behaviour is unlawful
- the suspect is likely to carry out the actions
- there is a likelihood of harm to the victim(s)
- the suspect's behaviour can be clearly explained so the suspect will understand what it is they are prohibited from doing
- the order or injunction is necessary for the victim's protection.

Unlike in the criminal courts, the abuse does not have to be proven 'beyond reasonable doubt'; the judge must be satisfied that it is 'more probable than not' that the abuse happened. The judge will then decide whether to make an order or injunction and, if so, what conditions to attach to it.

1.16 Revision Questions

- What types of behaviours which can be related to domestic abuse?
- What are the potential barriers to victims reporting incidents of abuse?
- What risk factors may make someone particularly vulnerable to domestic abuse?
- What is the appropriate action for you to take as a first responder in suspected/confirmed cases of domestic abuse?
- What is the role of the MARAC?
- What is the definition of domestic abuse?
- What is the potential impact of domestic abuse on victims and their families?
- When can DVPN and DVPO be useful in a domestic abuse case?
- How does an officer use the DVPN and DVPO process?
- If a victim wishes to remain in a violent relationship what support and advice can the first responding police officer provide?
- How may an individual's personal experience affect them when responding to a domestic abuse incident?
- How can an individual ensure they are offering a non-judgemental service to a victim?

2. Key Legislation

- Common Law
- Sections 16, 38 of the Offences Against the Person Act 1861
- Sections 39 & 42, 47 (2)-(3) & (6), (8), (9), 62, 63 and 63A of the Family Law Act 1996
- Section 1, 2, 3, 4, 5, 12 and 32 of the Domestic Violence, Crime and Victims Act 2004
- The Sexual Offences Act 2003
- The Protection from Harassment Act 1997 (Sections 1-5)
- Section 98(1) of the Criminal Justice and Immigration Act 2008
- Section 76 Serious Crime Act 2015

3. E-learning

In addition to this book the following e-learning is available via the College of Policing Managed Learning Environment (MLE):

- The 'Public Protection Abusive Relationship' e-learning includes key definitions and common risk indicators in relation to domestic abuse, stalking and harassment and child abuse. It allows learners to work through a scenario in order to check your knowledge about identifying and managing incidents.
- The 'Domestic Violence Disclosure Scheme' e-briefing provides an introduction to the scheme and describes the key parts of the process which enables the police to disclose information to potential or actual victims of domestic abuse.
- The 'Domestic Violence Protection Orders' e-learning explains the process of applying for a DVPO. It identifies the measures that fill the gap to safeguard victims in circumstances where no other enforceable restrictions can be placed upon a perpetrator.
- The MLE is regularly updated with new learning programmes and materials.

4. Appendix A: The Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH) checklist 2009

Please complete the searches below as this information will be relevant to risk identification, assessment and management. Please add further details where necessary.

Crime Reference Number:	Date:
Officers Name:	
Victim(s) Name:	
Child To Notice (CTN)	☐ Yes ☐ No ☐ Not known
Vulnerable Adult Details:	
Sources of Information:	☐ Victim ☐ Other sources, please state
Suspect(s) Name:	

ACPO/CAADA Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH 2009) Risk Model

Other names used (please specify) Other dates of birth (please specify)	
PNC Number:	
Does the suspect have a criminal record?	☐ Domestic ☐ Other (specify) ☐ None
Is there a history of violence, domestic or other?	☐ Violence ☐ Sexual ☐ Other (specify) ☐ None
Is there a history of violence with other partners or anyone else?	☐ Yes ☐ No ☐ Not known
Is there intelligence on suspect?	☐ Violence ☐ Sexual ☐ Other (specify) ☐ None
Does the suspect have access to firearms?	☐ Yes ☐ No ☐ Not known
ViSOR check and Nominal Number	☐ Yes ☐ No ☐ Not known

ACPO/CAADA Domestic Abuse, Stalking and Harassment and Honour Based Abuse (DASH 2009) Risk Model

	Nominal No:
DNA confirmed on database	☐ Yes ☐ No ☐ Not known
Harassment Letter/Police Information Notice (if yes, add detail)	☐ Yes ☐ No ☐ Not known
Existing Bail Conditions (add detail)	☐ Yes ☐ No ☐ Not known
Civil orders check i.e. injunctions, non-molestation etc. (Specify)	☐ Yes ☐ No ☐ Not known

CURRENT SITUATION THE CONTEXT AND DETAIL OF WHAT IS HAPPENING IS VERY IMPORTANT. THE QUESTIONS HIGHLIGHTED IN BOLD ARE HIGH RISK FACTORS. TICK THE RELEVANT BOX AND ADD <u>COMMENT</u> WHERE NECESSARY TO EXPAND.	YES ☒	NO ☒
1. Has the current incident resulted in injury? (please state what and whether this is the first injury)	☐	☐
2. Are you very frightened? Comment:	☐	☐
3. What are you afraid of? Is it further injury or violence? (Please give an indication of what you think (name of abuser(s)..... might do and to whom) Kill: Self ☐ Children ☐ Other (please specify) ☐ Further injury and violence: Self ☐ Children ☐ Other (please specify) ☐ Other (please clarify): Self ☐ Children ☐ Other (please specify) ☐	☐	☐
4. Do you feel isolated from family/friends i.e. does (name of abuser(s).....) try to stop you from seeing friends/family/Dr or others?	☐	☐

5. Are you feeling depressed or having suicidal thoughts?	☐	☐
6. Have you separated or tried to separate from (name of abuser(s)....) within the past year?	☐	☐
7. Is there conflict over child contact? (please state what)	☐	☐
8. Does (.....) constantly text, call, contact, follow, stalk or harass you? (Please expand to identify what and whether you believe that this is done deliberately to intimidate you? Consider the context and behaviour of what is being done)	☐	☐
CHILDREN/DEPENDENTS (If no children/dependants, please go to the next section)	YES	No
9. Are you currently pregnant or have you recently had a baby (in the past 18 months)?	☐	☐
10. Are there any children, step-children that aren't (.....) in the household? Or are there other dependants in the household (i.e. older relative)?	☐	☐
11. Has (.....) ever hurt the children/dependants?	☐	☐

12. Has (.....) ever threatened to hurt or kill the children/dependants?	☐	☐
DOMESTIC ABUSE HISTORY	YES	NO
13. Is the abuse happening more often?	☐	☐
14. Is the abuse getting worse?	☐	☐
15. Does (.....) try to control everything you do and/or are they excessively jealous? (In terms of relationships, who you see, being 'policed at home', telling you what to wear for example. Consider honour based abuse and stalking and specify the behaviour)	☐	☐
16. Has (.....) ever used weapons or objects to hurt you?	☐	☐
17. Has (.....) ever threatened to kill you or someone else and you believed them?	☐	☐
18. Has (.....) ever attempted to strangle/choke/suffocate/drown you?	☐	☐

19. Does (....) do or say things of a sexual nature that makes you feel bad or that physically hurt you or someone else? (Please specify who and what)	☐	☐
20. Is there any other person that has threatened you or that you are afraid of? (If yes, consider extended family if honour based abuse. Please specify who)	☐	☐
21. Do you know if (.....) has hurt anyone else ? (children/siblings/elderly relative/stranger, for example. Consider HBV. Please specify who and what)	☐	☐
Children ☐ Another family member ☐ Someone from a previous relationship ☐ Other (please specify) ☐		
22. Has (.....) ever mistreated an animal or the family pet?	☐	☐
ABUSER(S)	YES	No
23. Are there any financial issues? For example, are you dependent on (.....) for money/have they recently lost their job/other financial issues?	☐	☐

24. Has (.....) had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life? (Please specify what) Drugs ☐ Alcohol ☐ Mental Health ☐	☐	☐
25. Has (.....) ever threatened or attempted suicide?	☐	☐
26. Has (.....) ever breached bail/an injunction and/or any agreement for when they can see you and/or the children? (Please specify what) Bail conditions ☐ Non Molestation/Occupation Order ☐ Child Contact arrangements ☐ Forced Marriage Protection Order ☐ Other ☐	☐	☐
27. Do you know if (.....) has ever been in trouble with the police or has a criminal history? (If yes, please specify) DV ☐ Sexual violence ☐ Other violence ☐ Other ☐	☐	☐
Other relevant information (from victim or officer) which may alter risk levels. Describe: (consider for example victim's vulnerability - disability, mental health, alcohol/substance misuse and/or the abuser's occupation/interests - does this give unique access to weapons i.e. ex-military, police, pest control)		
Is there anything else you would like to add to this?		

In **all** cases an initial risk classification is required:

RISK TO VICTIM:		
STANDARD ☐	MEDIUM ☐	HIGH ☐
Please note that some agencies will automatically refer a case to the MARAC if it scores 14 ticks or more. 14 ticks or more (on their 24 item checklist) is believed to be a rational starting point for case referral to MARAC. However, if you believe a case to be high risk and there are less than 14 ticks, please rely on your professional judgement and mark it as high risk. Total Number of ticks:		

Investigating officer's signature:

Date:.....

5. Appendix B: DASH 2009 Non-Domestic Stalking and Harassment Risk Identification Checklist

THE CONTEXT AND DETAIL OF WHAT IS HAPPENING IS VERY IMPORTANT. THESE ARE ALL RISK FACTORS OF SERIOUS HARM. TICK THE RELEVANT BOX AND ADD COMMENT WHERE NECESSARY TO EXPAND ☒		
Name of Victim:	Date form completed:	
Name of Officer:		
Crime reference number:	Yes ☒	No ☒
1. Is the victim very frightened?	☐	☐
2. Has (insert name of suspect(s).....) engaged in harassment on previous occasions(s)? (this victim and/or other victims)	☐	☐
3. Has (insert name of suspect(s).....) ever destroyed or vandalised the victim's property?	☐	☐

4. Does (name of suspect(s).....) visit the victim at work, home, etc., more than three times per week?	☐	☐
5. Has (.....) loitered around the victim's home, workplace etc?	☐	☐
6. Has (.....) made any threats of physical or sexual violence in the current harassment incident?	☐	☐
7. Has (.....) harassed any third party since the harassment began? (e.g. friends, family, children, colleagues, partners or neighbours of the victim)	☐	☐
8. Has (.....) acted out violently towards people within the current stalking incident?	☐	☐
9. Has (.....) persuaded other people to help him/her? (wittingly or unwittingly)	☐	☐

10. Is (.....) known to be abusing drugs and/or alcohol?	☐	☐
11. Is (.....) known to have been violent in the past? (This could be physical or psychological. Intelligence or reported)	☐	☐
Other relevant information/additional observations made by Officer (e.g. level of fear in victim, details of threats and violence, duration of harassment, various harassing behaviours engaged in by suspect, victim's beliefs concerning suspect's motives, weapons owned by suspect, nature of unwanted 'gifts'/items left for victim, attitude/demeanour of suspect including mental health issues and whether victim has responded in any way to the suspect)		