

Lessons Learned from the Domestic Violence Enforcement Campaigns 2006

Police and Crime Standards Directorate

Lessons Learned from the Domestic Violence Enforcement Campaigns 2006

Police and Crime Standards Directorate

October 2006



Home Office



FOREWORD

Domestic violence (DV) is a huge problem for society, and for the police. DV accounts for around 15% of all violent crime, and will involve one in four women and one in six men at some point in their lives. Tragically, two women are murdered every week as a result of DV, accounting for a staggering 35% of all murders. DV also has the highest rate of repeat victimisation, a figure which the police and their partners need to work together to reduce.

To tackle this horrendous crime, the Government has produced a National Delivery Plan for Domestic Violence which set out a strategic framework ranging from early intervention and prevention through to the rehabilitation of perpetrators and resettlement of victims. This plan has provided direction to local partnerships, agencies and communities on how to protect adult and child victims and bring perpetrators to justice.

Key programmes within the plan are the Tackling Violent Crime Programme (TVCP) and the Specialist Domestic Violence Court (SDVC) Programme. Both programmes have been catalysts for an improved response to DV locally through the fast-tracking of innovative practice aimed at tackling DV.

The recent Domestic Violence Enforcement Campaigns (DVECs) which have taken place in the TVCP and SDVC areas have highlighted the need for effective investigation of DV incidents. All those involved have a part to play here, especially police call handlers and those officers who are first on the scene. The Association of Chief Police Officers (ACPO) *Guidance on Investigating Domestic Violence* is a key document, as is the guidance on harassment, but other work from the Police Standards Unit, such as the investigation pack and aide-memoire for call handlers (which were sent to areas as part of the DVEC), are also useful.

The results from the two campaigns are encouraging as they show that during the second campaign there was a higher tendency for offenders to be charged rather than merely cautioned, and a subsequent increase in the rate of sanction detections. There was also a lower rate of 'no further action', and in 'bail of over four weeks'. Although these results are positive, it is clear that there is still plenty of room for improvement, for example in the number of offenders arrested.

Our second campaign was timed to coincide with the FIFA World Cup Finals. The results from this campaign support research which suggests a link between sporting events, alcohol consumption and DV. This is something all forces and partners need to be aware of and include in their planning for such events.

FOREWORD

This document, which includes numerous examples of good practice which came out of the two campaigns, should be considered alongside the guidance for the SDVC Programme and the recently published progress report for DV. These guidance documents and reports will help forces, Basic Command Units and local partnerships deal more effectively with DV as part of a *coordinated community response*, and we commend it to you.



Vernon Coaker

Vernon Coaker MP



Patricia Scotland

Rt Hon Baroness Scotland

CONTENTS

Foreword by Vernon Coaker MP and the Rt Hon Baroness Scotland	1
1. Background to the Domestic Violence Enforcement Campaigns	4
2. National definition of domestic violence	6
3. Call handling	7
4. Evidence gathering	10
5. Targeting of prolific offenders	14
6. Other issues	18
Partnership working	18
Domestic violence risk assessments	18
Crown Prosecution Service	19
Media and marketing	21
7. The way forward	22
Multi-Agency Risk Assessment Conferences (MARACs)	22
Specialist Domestic Violence Courts (SDVCs)	22
Clear leadership	23
National Intelligence Model (NIM) problem profiles	23
DV Champions and training	23
Specialist investigators	24
Evidence of bad character	24
Hearsay evidence	24
Cautioning domestic violence offenders	25
8. Relevant legislation	26
9. Data returns	30
Appendices	
A: List of participating BCUs	41
B: Call taker checklist	43
C: Letter from DCC Brian Moore to all forces prior to FIFA World Cup	46
D: NCPE and ACPO risk assessment model (SPECIAL CASES)	47
E: Recommendations for the preparation of NIM problem profiles for domestic violence	49
Acknowledgements	53

Section 1

BACKGROUND TO THE DOMESTIC VIOLENCE ENFORCEMENT CAMPAIGNS

Domestic violence (DV) has been steadily moving up the political agenda and has been recognised as a cross-government priority. This priority has been formalised through the formation of an Inter-Ministerial Group for Domestic Violence.

Domestic violence (DV) occurs across society, regardless of age, gender, ethnicity, sexuality, wealth and geography. The figures show, however, that it consists mainly of violence by men against women. Children are also affected; not only are many traumatised by what they witness, there is also a strong connection between DV and child abuse.

Therefore, the scale of the problem that confronts the police and partner agencies is vast:

- Domestic violence accounts for approximately 15% of violent crime nationally, accounting for 31% of all violence against women and 5% of all violence against men.¹
- On average, two women a week are killed by a current or former male partner.²
- One in four women will be a victim of DV in their lifetime and women experience a greater risk of repeat victimisation and serious injury.³
- Eighty-nine per cent of those suffering four or more incidents of DV are women.⁴
- One incident of DV is reported to the police every minute.⁵

The Tackling Violent Crime Programme (TVCP) aims to reduce violent crime nationally by tackling both alcohol-fuelled night-time economy issues and DV. As part of this campaign, the Police Standards Unit (PSU) has provided extra resources in key areas concerning violent crime performance. The first strand of this enforcement work was directed towards alcohol misuse and was called the Alcohol Misuse Enforcement Campaign (AMEC). Following the success of this approach, the idea of utilising a similar format was introduced for DV.

The first Domestic Violence Enforcement Campaign (DVEC) ran from 3 February to 31 March 2006. The 46 Basic Command Units (BCUs) (see Appendix A) that participated were either TVCP or SDVC programme areas. Before the campaign began, two planning conferences were held; these allowed for the sharing of ideas and also assisted the BCUs to identify their individual campaign intentions. The campaign was prescriptive around three key areas, but also allowed funding for innovative thinking outside this remit.

The three main areas were:

1. improved investigation at call receipt/control room;
2. improved evidence gathering at the scene; and
3. targeting of offenders.

¹ *British Crime Survey, 2005/06*

² <http://www.crimereduction.gov.uk/dv/dv01.htm>

³ *Ibid*

⁴ *Ibid*

⁵ *Ibid*

Section 1

BACKGROUND TO THE DOMESTIC VIOLENCE ENFORCEMENT CAMPAIGNS

At the conclusion of the first DVEC, participating BCUs attended a 'lessons learned' conference in London to share good practice and to review the overall effect of the campaign. This learning was then implemented within a second DVEC held from 9 June to 9 July to coincide with the FIFA World Cup. This DVEC was held in 56 BCUs that were part of the TVCP (including newly integrated BCUs) and SDVC programmes (see Appendix A).

The basis for this campaign was that some research⁶ indicated that there is a link between large-scale sporting events and increased alcohol consumption, leading to increases in violent crime – a proportion of which is DV.

The DVECs were directed solely at improving police performance in relation to evidence gathering and enforcement and, through such efforts, to increase the number of offenders brought to justice (OBTJ). This is in support of government targets and also recognises the fact that intervention of this type can be an effective tool in the safety planning of victims. Furthermore, it is acknowledged that the police alone cannot resolve the issues around DV and that other agencies are also key partners in this work.

⁶ Sivarajasingam, V, Moore, S C and Shepherd, J P (2005) *Winning, Losing and Violence. Injury Prevention*, Cardiff University. <http://ip.bmjournals.com/cgi/content/full/11/2/69>

Section 2

NATIONAL DEFINITION OF DOMESTIC VIOLENCE

The ACPO *Guidance on Investigating Domestic Violence* (2004) (hereafter referred to as the ACPO Guidance) defines DV as:

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults, aged 18 or 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 or indirectly related, in-laws or step-family.⁷

The national definition of DV applies to cases where a victim and perpetrators are over 18. There may be cases where a victim who is under 18 years of age is being subjected to abuse by a partner or former partner who is over 18 years. Such a case falls within the ACPO *Guidance on Investigating Child Abuse and Safeguarding Children* (2005),⁸ which defines a child as a person under the age of 18. There may, however, be cases where it will be appropriate to apply the principles of the ACPO Guidance as well as the above guidance.

⁷ <http://www.acpo.police.uk/asp/policies/Data/Guidance%20on%20DV.pdf>

⁸ <http://www.acpo.police.uk/asp/policies/Data/Child%20Abuse%20-%20ACPO%20guidelines.pdf>

Section 3

CALL HANDLING

Background

Section 2 of the ACPO Guidance and the Centrex modular training for DV provide guidance for staff working in police communication rooms. The priority for communication room staff in DV incidents is to ensure the safety of the victim and any other person at risk from the incident.

Call handlers should also be mindful that they are the first contact the victim or caller will have with the police and that they will therefore be receiving the first account of the incident which may provide valuable evidence for any subsequent investigation.

Intentions

Training for call takers

Participating BCUs aimed to ensure that call handlers within force control rooms and call centres would receive training to enable them to recognise and undertake first-line investigation during their conversations with victims. Module 2 of the Centrex 'Responses to Domestic Violence' modular training programme is designed to meet the needs of call handlers and report takers.

Call taker checklist

From the ACPO Guidance a 'call taker checklist' (see Appendix B) was created to remind call takers in both control rooms and call centres of the appropriate questions to ask in order to secure the safety of the victim and others, as well as to obtain evidential information and a victim's first account. In some force areas, additional information was included on force intranet pages to assist with the giving and obtaining of information by call takers.

Evidential use of 999 tapes

In all control rooms and police call centres, recordings are made of phone conversations with people reporting crimes and incidents. These recordings can be used as first complaint evidence. Participating BCUs were asked to utilise these tapes within their investigations to establish their effectiveness.

Lessons learned

Through receipt of the training, the call takers reported that they were able to recognise their function as first-line investigators and, as such, their key role within the criminal justice system. They understood the importance of recording information from the victim, not only through the voice recordings on the control room or call centre systems, but also with regard to the level of detail that was placed onto written command and control logs.

Investigators noted that the enhanced actions of the call takers further assisted with the interview process and enabled Crown Prosecution Service (CPS) decision makers to have the fullest possible picture of the incident.

Section 3

CALL HANDLING

Recommendation: Control room and call-taking staff should receive effective training to ensure that they increase the level of detail recorded on control logs to ensure the best possible investigation.

The call taker checklist was assessed by participating BCUs as a useful tool to help call takers to complete their investigative role. The checklist enabled the call taker to have easy access to relevant questions, though in some areas the sequence of questions was identified as building a delay into the deployment cycle while the call taker worked their way through the list.

Durham Constabulary and Merseyside Police adapted the original checklist onto their command and control system as a 'drop-down menu' of questions, giving call-handling staff easy access to them.

South Wales Police adapted the checklist to ensure that all relevant information was obtained while minimising the time taken. The adapted checklist has been included on their command and control system for access by control staff through the computer. They developed two different checklists, enabling the call taker to respond in one way where the incident was ongoing and a 'real time' deployment was required, and in a different way where an incident had concluded and the deployment could be in 'slow time'.

Recommendation: Call takers should have ready access to a suitable set of prompts to enable them to support the victim and gather evidence, but questioning should take place after deployment through agreed local procedures. This must not delay deployment of officers to the scene where the offender is still present or the victim is still at risk.

Copies of recordings from call-handling or 999 systems were accessed by investigators in a variety of ways in different force areas. In some cases this involved production of a cassette tape that was available on the day of the offence, while several other areas were able to create a computer file that could be emailed to the investigating officer.

The advantages of the electronic version of the 999 or call centre recording over the cassette version were identified as:

- ease of access for investigators;
- ability to play instantly during disclosure and in interview; and
- ability to forward to 'CPS Direct' decision makers.

Recommendation: Where possible, call recordings should be available to investigators through an electronic system.

Control rooms were also able to assist in the effective investigation of domestic abuse in the following ways.

Durham Constabulary deployed dedicated control room staff at identified 'hot times' (Friday and Saturday, between 19.00 and 03.00 hours) to respond to victims of DV throughout the campaign. This enabled key trained staff to assist with the initial call taking, again enhancing the investigative process.

Section 3

CALL HANDLING

Prior to the campaign, the North Staffordshire BCU Divisional Superintendent produced a local instruction guideline for all Area Communications Rooms (ACRs) and Public Service Desks (PSDs) on how to deal with domestic abuse incidents. This included the Duty Officer having to review all domestic abuse incidents prior to closing and ensuring that the online Domestic Intelligence/Assessment Log (DIAL) form had been completed. Duty Officers were then to report back in each morning divisional briefing to the Superintendent, updating any incidents that were outstanding. This increased level of supervision was felt to be key in driving up standards of response and initial investigation through the accountability for actions of all staff.

West Midlands Police employed the 'retel' system that enables the force control room to play the content of the 999 recording down the phone to an officer at the BCU. This is recorded locally by the officer in charge (OIC) and can then be used during the interview. This process overcomes the problem of obtaining the 999 call from the force control room – something which can take up to 10 days.

The following case from West Midlands Police highlights the benefits of this type of system. A husband and wife in the Wolverhampton area had a considerable previous history of domestic abuse. The husband located his wife in her car and began to make threats towards her, so she phoned the police using 999. While she was still on the line he made further threats, smashed the window with his fist and pulled her out of the car before further assaulting her. The tape of the call was used in interview and at the remand hearing. Needless to say, he was not bailed, and has since changed his plea from not guilty to guilty.

The value of the tape at the remand hearing was described by the investigating officer as 'significant' and had a notable impact on the court clerk and bench.

The 'Marathon' recording system has been utilised in some force areas to allow for immediate download of the 999 call. This has proved to be a valuable tool in the investigative process, as it allows the OIC to play the recording in interview with the offender. The system allows for remote downloading of the call data, which removes the need for officers to travel to the control room or to order a tape that can take a minimum of 24 hours to be despatched.

The system works by installing software onto a particular desktop computer, which enables the call to be listened to remotely, saved to the desktop and then recorded onto a disk. There are training implications for staff to use the software, but these are minimal and staff are able to use the Marathon system with a training input of approximately half an hour. The opportunities for use in the investigative process are great and the saving on police time is considerable, especially when a 999 recording is required immediately.

Section 4

EVIDENCE GATHERING

Background

Sections 3 and 4 of the ACPO Guidance provide guidance for first response staff and identify 'fast-track' actions for consideration.

The role of the first officer in attendance is to safeguard victims and any children, uphold their human rights as set out in the European Convention on Human Rights and to secure and preserve evidence as investigators.

Intentions

DVEC car

In support of the above responsibilities, one element of the campaign was to deploy a dedicated DVEC patrol vehicle to attend all incidents during the busiest periods of reported DV. It was the responsibility of the BCU to identify through temporal analysis the times and days of week that would lead to the most effective deployment of their resources. The BCU also decided what staff to deploy on the vehicle and the roles that they would undertake.

Improved evidence recovery and investigation

The ACPO Guidance recommends recovery of physical as well as forensic evidence and maximising opportunities around these areas. The aim of the campaign was for BCUs to develop opportunities to do this. Many BCUs sought to improve their levels of evidence gathering by the use of digital image capture. Another proposal from the Police Standards Unit (PSU) was for consideration to be given to the DVEC vehicle being staffed by a police officer along with a Crime Scene Investigator (CSI) dedicated to DV offences. Other methods included a DV aide-memoire, dedicated investigation units, vulnerable victim one-hour CSI response and use of digital cameras and body-worn video systems.

DV investigation pack

To set a standard for DV investigations, the PSU produced a comprehensive investigation pack based on the ACPO Guidance. It contained all the elements required for the investigation as well as allowing participating police forces to insert their own risk assessment and identification models. This was made available to all BCUs, the intention being that it would be introduced to standardise the investigation process.

Lessons learned

The DVEC car was staffed and utilised in various ways. Some BCUs deployed only dedicated DV staff on the vehicle, while others deployed a specialist DV officer alongside patrol officers, which allowed for knowledge about DV to be disseminated to patrol staff. Additionally, some BCUs trained front-line shift members as 'DV Champions' to ensure that there was quality input into the investigation when the DVEC vehicle was not deployed or immediately available. One BCU actually reported 100% victim satisfaction when its DVEC car attended incidents.

Section 4

EVIDENCE GATHERING

In some areas the DVEC car undertook an investigative role at the scene of DV incidents, whereas in other areas the role of the DVEC car was to advise and direct investigations carried out by other front-line staff. Both uses of the DVEC car were considered to be beneficial in enhancing the investigation.

Chapelton BCU (West Yorkshire Police) deployed two DVEC cars so that there was always a dedicated response available. They subsequently commented that if they were to run the campaign again, they would stagger the shifts the vehicles covered.

Plymouth BCU (Devon and Cornwall Constabulary) also ran two vehicles, one of which was an enforcement vehicle staffed by police while the other acted as a support vehicle and included both victim advocates and police.

Northern BCU (Cambridgeshire Constabulary) ensured that its DVEC vehicle was role-ready and was equipped with exhibit kits, statement forms and a visual evidence gathering kit, which included digital camera and video equipment. At the station there was a CD burner and mini-printer to allow immediate reproduction of the images.

Recommendation: BCUs should consider deploying a dedicated DV response vehicle when local intelligence assessments indicate a likelihood for increased DV incidents, as this results in an improvement in the standard of the investigation by providing a 'premium service'. In real terms, a dedicated DV resource can be achieved by way of DV officers attending incidents or by having DV Champions trained to the same standard attached to response teams. If DV Champions are utilised, they must have primacy for attending DV incidents.

The campaign quickly identified that a dedicated CSI within the same vehicle as the police officer was not cost-effective and was extremely restrictive. A majority of scenes did not require CSI input and there were additional safety and risk assessment implications should the DVEC car be the first on scene as many CSIs did not have personal protection equipment or personal safety training for operational incidents. Some BCUs reported that this arrangement of providing a CSI for the DVEC car could not be managed logistically. Benefits were, however, obtained from the CSIs who participated in the campaigns through the provision of training in digital photography and forensic recovery of exhibits.

To supplement and assist CSI work in this area, Metropolitan Police DVEC vehicles also carried early-evidence kits to assist with the recovery of forensic evidence in cases of alleged sexual assault in a domestic setting.

Recommendation: Use of a dedicated CSI in a dedicated DV response vehicle is not a cost-effective use of resources, although there remains a clear need for CSIs to continue to attend the more serious incidents. Regular training of officers in scene preservation and recovery of exhibits proved successful and useful. If possible, all injuries should be photographed by a trained CSI.

A majority of BCUs purchased digital cameras via the campaign. These enabled evidence capture when a CSI was unable to attend – perhaps because it was a 'low-level' offence or because of other commitments – and the opportunity to capture quality evidence would otherwise have been lost. All the BCUs that used digital image capture reported a vast improvement in the standard of the product and the overall quality of the evidence available for the CPS and the courts.

Section 4

EVIDENCE GATHERING

The use of digital images by way of still photographs and video footage was tried in a majority of the participating BCUs. In general, they were well received by the CPS and proved a very useful tool when liaising with CPS Direct via email.

Recommendation: Digital photographic equipment should be made available to patrol staff to be used in DV offences, enabling images to be produced without delay to enhance the evidence available for first interview.

Rhondda, Cynon and Taff BCU (South Wales Police) utilised hand-held video cameras and trained evidence gatherers to produce high-quality evidence from scenes during the second DVEC. They found them useful but, as the officer had to hold the camera, additional resources had to be deployed to the scene.

An innovative idea trialled by some BCUs (Plymouth and Coventry) was the use of body-worn video systems. This involved staff on the DVEC car wearing a small, lightweight but overt video camera on the head and recording all that happened at the incident from time of arrival. This has led to the preservation of good-quality first disclosure evidence from the victim by clearly showing the 'raw' emotional impact of the incident and any damage or disruption in the home environment. The evidence could be considered as the victim's first statement and be useful in supporting prosecutions if the victim is reluctant to give evidence, changes their evidence or does not support the prosecution through the court process.

At the time of going to press, there are still cases involving body-worn video evidence going through the judicial process and this type of evidence is yet to be fully tested in court. There is recognition that evidence gathering utilising this equipment has the potential radically to enhance the police performance at the scene of a wide range of incidents including DV. A full evaluation of the effectiveness, benefits and drawbacks of the body-worn video camera system is currently being conducted by the PSU in conjunction with ACPO, the CPS, the National Centre for Policing Excellence (NCPE), the Home Office Scientific Development Branch (HOSDB), the Police Information Technology Organisation (PITO) and the Information Commissioner's Office (ICO). The aim is to produce a practice guide in relation to this technology for the information of all BCUs.

Recommendation: BCUs and forces should await the completion of formal trials of body-worn digital video systems and consider the results and their evaluation when planning capital expenditure in order to enhance evidence gathering at DV and other violent crime incidents.

Birmingham (West Midlands Police) has undertaken a small-scale trial with 'memo cams' placed in the homes of prolific DV offenders. These are covert digital cameras which are sensor-activated and capture the image of anyone who triggers the camera. They are often placed in the homes of victims of distraction/bogus official burglaries but have recently been utilised in repeat DV cases to assist with evidence capture. As this is covert equipment, appropriate Regulation of Investigatory Powers Act 2000 (RIPA) authority is required before use.

The investigation pack was a useful tool that proved to be flexible. Forces were able to select the parts that were useful to them and discard anything that it was not realistic to implement or that they already had in place. Forces reported that the pack gave structure to the investigation process and improved the quality of the enquiries conducted. This resulted in comprehensive arrest packs being completed, leading to more effective ongoing investigation.

Section 4

EVIDENCE GATHERING

The Metropolitan Police have a comprehensive incident booklet (form 124D) relating to the investigation of DV, including a risk assessment tool. In Newham BCU the use of this booklet was supplemented by a pocketbook-sized memory card to remind officers of key points at the scene of domestic incidents.

Merseyside Police have produced a localised DV form that requests the information required for data input in relation to the incident. The form includes a tear-off section for the officer to give to the victim showing all local victim support service contact details.

Recommendation: Forces should utilise a suitable investigation pack to standardise and quality-assure the process involved in DV investigations. Investigating officers must undertake prompt and thorough investigations by obtaining all available evidence from the scene, witnesses and other sources to effectively protect the victim and any children.

Section 5

TARGETING OF PROLIFIC OFFENDERS

Background

At the initial DVEC workshop, the role of the police in domestic abuse cases was considered to be the protection of the victim and any children and the enforcement of the law through positive action towards offenders.

While the protection and support of the victim and any children are critical to success in multi-agency working, it is important to remember that the police function in partnership arrangements, after the initial action to protect life and property, is to prosecute offenders.

Through action to effectively target and prosecute known or current offenders, police can increase the safety of the victim and send strong messages to offenders that their actions will not be tolerated.

Intentions

Positive action policy

Section 3 of the ACPO Guidance provides a positive obligation on officers attending scenes of DV to safeguard the human rights of the victim and any children, thereby protecting them from any further harm. The guidance states that 'in cases where a power of arrest exists it will normally need to be exercised to allow the investigation to be completed and/or to prevent further offences' (p.19). The campaign sought to monitor and encourage wider use of a positive action policy as recommended within the ACPO Guidance.

Prior to the World Cup DVEC, DCC Moore (Surrey Police and ACPO lead for DV) circulated a letter (see Appendix C) to all forces reminding them that Section 110 of the Serious and Organised Crime Police Act 2005⁹ adequately provides for arrest in cases of common assault and is an effective means of enabling officers to comply with their duty of positive action.

Offender profiling

It was recommended at the initial DVEC conference that analytical work was undertaken to identify the top 10 DV offenders in each BCU. These offenders could be targeted for preventative measures or for enhanced response in the event of further offending.

National Intelligence Model (NIM)

Through level 1 Tasking and Coordinating Group (TCG) meetings and NIM-driven briefing documents, prolific offenders could be highlighted to all operational staff with the aim of using neighbourhood beat managers and staff to obtain community intelligence about abusive relationships within the community and guiding police action in respect of prolific offenders.

Additional monitoring of offenders

The DVEC aimed to ensure that, when offenders were subject to conditional bail, compliance with bail conditions would be rigorously checked both with the original victim of crime and through monitoring of the offender.

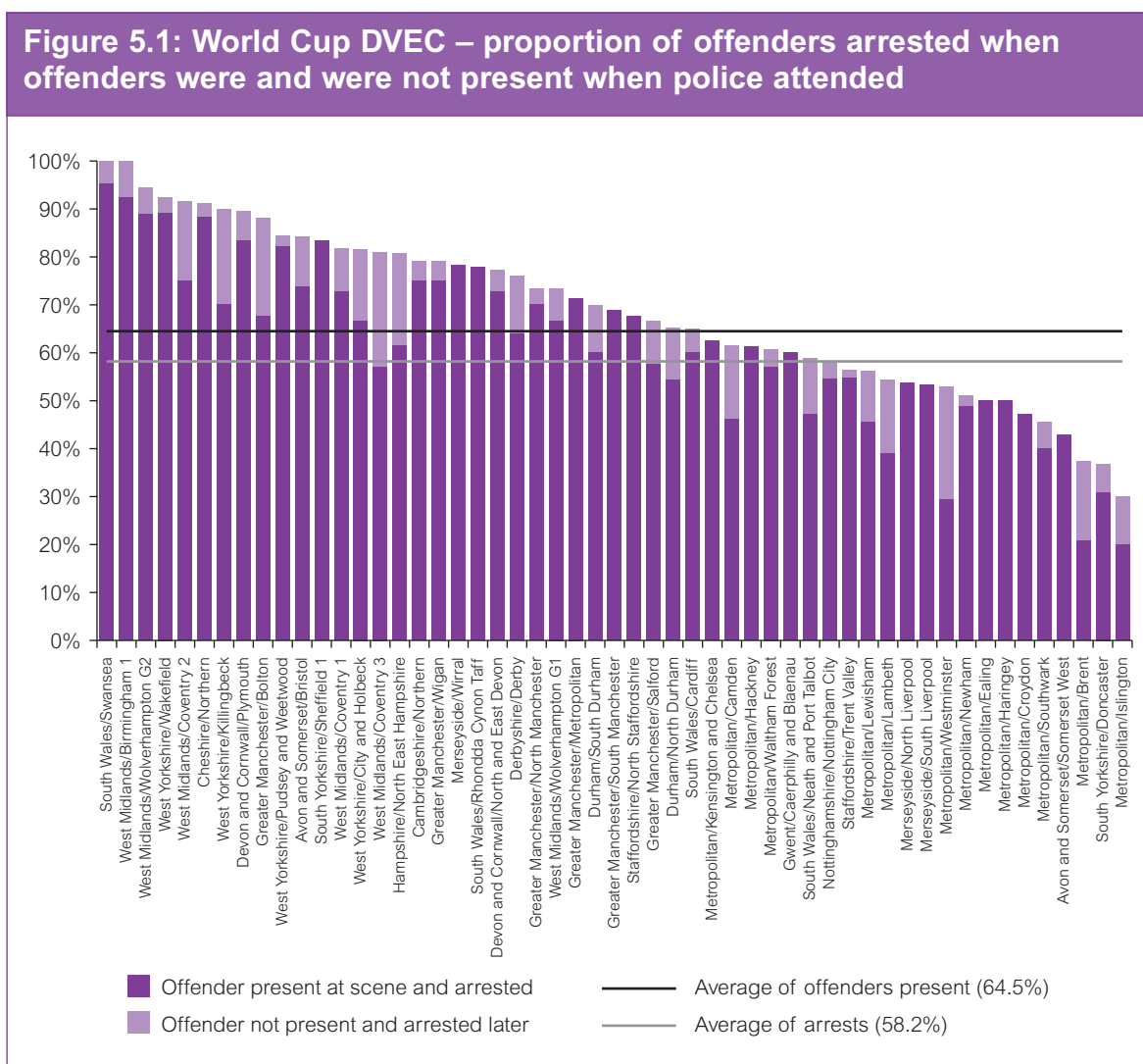
⁹ <http://www.opsi.gov.uk/acts/en2005/2005en15.htm>

Section 5
TARGETING OF PROLIFIC OFFENDERS

Lessons learned

During the first campaign, data returns indicated that, overall, in 66.2% of cases where an offence was committed arrests were made. This figure rose significantly to 92% in cases where the offender was still present at the scene when the police officers attended.

The area that needs improvement is the percentage of arrests made in incidents where the offender was not present when the police arrived, thus showing offenders that their behaviour will not be tolerated. In Coventry BCU (West Midlands Police), outstanding offenders were subject to hand-over from one shift to another, ensuring that the arrest was made at the earliest possible opportunity – with a target for the arrest to be made within 72 hours. Sergeants are held to account for the actions taken to trace the offenders at daily TCG meetings. Consequently, their overall arrest rate during the first campaign was 91%.



Recommendation: Officers should undertake enquiries to ensure that outstanding offenders not present at crime scenes are arrested at the earliest opportunity and cases are subject to dynamic and robust, accountable management by front-line supervisors.

Section 5

TARGETING OF PROLIFIC OFFENDERS

Intelligence analysts on participating BCUs were able to identify their top offenders and offending locations, and various tactics were employed in order to take a proactive stance towards these individuals and locations. For the first DVEC, BCUs were asked to submit NIM¹⁰ problem profiles for DV in their areas. These have been subject to review and assessment by the Jill Dando Institute of Crime Studies and the recommendations are included at Appendix E.

Haringey BCU (Metropolitan Police) undertook research into DV during the Euro 2004 football tournament and contacted the individuals involved ahead of the 2006 World Cup campaign. Their aim was to reduce re-offending. None of those visited offended during the World Cup DVEC.

A number of areas utilised neighbourhood beat managers or teams in order to manage and monitor targeted individuals and to provide reassurance patrols in those streets where DV was regularly reported.

Rhondda, Cynon and Taff BCU (South Wales Police) identified its prolific offenders as the 'critical few'. These were domestic abusers who had been identified by the Multi-Agency Risk Assessment Conferencing (MARAC) and/or Multi-Agency Public Protection Arrangements (MAPPA) processes and who were regarded as particularly dangerous. A detailed intelligence package was collated and held with each area intelligence office, including character detail suitable for CPS decisions. Each offender who met the 'critical few' criteria was highlighted on the police national computer (PNC) and on the local custody computer system to inform custody sergeants that the detained person was a serial domestic abuser. This process was of direct benefit during DVEC as a number of the 'critical few' were arrested out of normal hours, were processed as critical and accordingly remanded.

D Division of Derbyshire Constabulary developed a Domestic Abuse Unit (DAU) with an enforcement vehicle operating specifically to target prolific domestic abuse offenders. They produced an offender pack on 28 prolific offenders in their area. During the first DVEC, 10 of these offenders were arrested as a result of the positive approach adopted by the DAU.

Many areas did not already include DV as part of their level 1 NIM processes. The campaign highlighted the level of offending and reportedly increased the awareness level of officers.

Variably, BCUs utilised the NIM process to good effect to bring offenders to the notice of front-line officers. Coventry BCU utilised its intranet briefing to provide ongoing details of the highest risk domestic abuse offenders (similar to a Persistent and Priority Offender strategy) and officers are directed to use disruption tactics and interventions where applicable.

Wolverhampton BCU (West Midlands Police) undertook a proactive approach and sent letters to prolific DV offenders who were highlighted through their TCG processes. Through the positive impact of this initiative, the local MARAC now sends letters to DV offenders and victims, based on the assessed level of risk, to ensure that offenders are aware of the consequences of future offending and that victims are aware of the support available from local services.

Neath and Port Talbot BCU (South Wales Police) sent letters to their DV offenders who were subject to bail conditions, advising them of the campaign and that the bail conditions would be subject to positive checks by the DVEC vehicle. The checks were carried out and no breaches were identified.

¹⁰ <http://www.acpo.police.uk/asp/policies/Data/nim2005.pdf>

Section 5

TARGETING OF PROLIFIC OFFENDERS

Several BCUs conducted 'arrest days' or 'days of action' either at the beginning or end of the campaign to arrest outstanding domestic abuse offenders. In Wakefield BCU, this coordinated action reportedly reduced the number of outstanding offenders from 80 to just 10 during a week. In Coventry these arrest days were timed to coincide with their Specialist Domestic Violence Court so that offenders and victims were dealt with more efficiently.

Chapelton BCU (West Yorkshire Police) checked known DV offenders against other databases such as the PNC, non-appearance and fine warrant databases to ensure that, where possible, these arrests were made during the campaign periods. This was intended to reduce offending opportunities for prolific offenders.

North Staffordshire BCU utilised specialist DV officers to attend court for hearings to report directly to the court regarding compliance or otherwise with bail conditions and to ensure that any revised or amended bail conditions were appropriate through closer liaison with CPS prosecutors.

During the campaign, all BCUs reported utilising the enforcement vehicle staff to check compliance with bail conditions by both checking on the whereabouts of offenders and by checking with victims that offenders had not contacted them. In some areas this was supported by neighbourhood policing teams providing additional checks. Croydon BCU ensured their DVEC vehicle visited vulnerable victims during non-investigation periods. Such proactive policing is recommended as being achievable core business through wider involvement of neighbourhood officers.

In Coventry (M3) BCU (West Midlands Police) post-conviction anti-social behaviour orders (ASBOs) were utilised where DV offenders were 'not of the same household' as their victims. This was considered to be a further safeguard for victims and, while not every case is suitable for this type of action, the use of ASBOs either post-conviction or as direct application by partnerships is considered to be a useful and innovative preventative measure for prolific DV offenders.

Recommendation: BCUs should utilise the NIM processes to monitor local trends in DV offending patterns and to monitor and robustly manage prolific DV offenders. Where bail or ASBO conditions are utilised to control the behaviour of offenders, they must be effectively monitored through positive action.

Section 6

OTHER ISSUES

This section contains other emerging themes from the original DVEC. Local BCUs found these practices effective in moving forward issues involved in the investigation of DV offences.

Partnership working

The policing priority within DV is the immediate protection of life and the subsequent prosecution of offenders. DV is an issue that probably has a more significant impact on victims and any children than any other offence type, due to the long-term emotional nature of the surrounding issues. It is therefore crucial that BCUs work in partnership with other agencies in their locality and ensure that they undertake their key roles in supporting the victim and any children and challenging the offender's behaviour.

During the campaign, a number of BCUs approached the voluntary and community sector specialist support services, including Independent Domestic Violence Advisers (IDVAs) and outreach workers, in order to have specialist workers deployed within their enforcement vehicles. While this particular method of real-time access to support services for victims was not ultimately considered a success by BCU evaluators, due to the differing priorities of police investigators and victim support services, access to real-time support services for victims via call-out or telephone was considered a beneficial practice. In some areas the specialist support workers were available at local hospital Accident and Emergency departments and this was considered very useful by the partners as it afforded access to more victims than would have been possible through deployment with the police.

Gwent Police undertook magistrate training provided by the Geese Theatre Company (www.geese.co.uk). This was aimed at highlighting the power relationship and long-term issues surrounding domestic abuse in order to better inform subsequent sentencing decisions.

A number of BCUs have local multi-agency help and advice centres for DV victims. Such 'one-stop shops' are ideal resources for victims of domestic abuse and should be given strong local partnership support.

Domestic violence risk assessments

There are several DV risk assessment models in current use by police forces. They are a useful tool for identifying the risk of further and escalating domestic abuse. These have been reviewed by NCPE and ACPO and the recommended model uses the mnemonic SPECIAL CASES¹¹ (see Appendix D) to provide a deeper and more balanced tool to assist community safety units with risk identification and to inform action to avert any identified risks.

It is crucial that BCUs undertake risk assessment in relation to DV in order to prevent and reduce opportunities for homicide.

¹¹ <http://www.genesis.pnn.police.uk/genesis/Doc/0/4KQU5K6530JKHE6AUPILCTF46D/NCPE%20Update%20Briefing%201-06.pdf>

Section 6

OTHER ISSUES

Once the risk assessment has been completed, BCUs must ensure they have local arrangements in place to undertake quality assurance of the assessment itself and then to take action to reduce the level of risk. It is essential that risk levels are monitored and, in the case of repeat victims, any increase in risk must be carefully assessed. The most effective framework for completion of this risk monitoring is through Multi-Agency Risk Assessment Conferences (MARACs), whereby all local agencies can work together.¹²

Recommendation: Forces should adopt and utilise the NCPE and ACPO SPECIAL CASES risk assessment model when considering the likelihood of further offending/victimisation in cases of DV. Risk assessments should be completed in all DV cases at the earliest opportunity. If an offender is arrested, this must be completed prior to any decisions regarding bail or release. Supervisors must consider the assessed risk and take appropriate action.

Crown Prosecution Service

The CPS's *Policy for Prosecuting Cases of Domestic Violence*¹³ clearly states that an offence's 'domestic nature is an aggravating, rather than a mitigating, factor because of the abuse of trust'.

Each CPS area including CPS Direct has a CPS DV coordinator whose role is to implement policy, address problems, and identify and share good practice. Anecdotal reports from BCUs within the campaign varied greatly with regard to CPS decision making and it is recommended that if BCUs have any issues with regard to the CPS in their area that they make contact with their local CPS DV coordinator.

The CPS Guidance clearly indicates the considerations for the CPS in authorising a charge in a DV case, the procedure in instances where the victim withdraws their support for a prosecution and the kind of service that should be offered to victims and children experiencing DV. The guidance makes it clear that the decision to prosecute is made by the CPS based on evidence and public interest grounds.

The factors considered by police when carrying out a risk assessment using the SPECIAL CASES mnemonic are likely to be considered under the public interest heading. Other factors that will be considered are the risks of repeat offending or escalation.

The CPS relies upon the evidence presented to them by the police to make prosecution decisions. To this end, the policy recommends 'effective evidence gathering'. The type of evidence gathered could include 999 tapes, CCTV footage, forensic evidence, and police observations at the scene, for example furniture overturned and injuries sustained. This type of evidence gathering can lend support to the initial allegation. Such evidence is usually readily available provided it is noted and effectively recorded at the time by the officers at the scene.

The CPS recommends that victim personal statements be used in DV cases. These statements provide victims with the opportunity to explain to the court the impact the crime has had on their daily lives. Domestic violence is characterised by a pattern of controlling and coercive behaviour and the court should be able to take this into account when considering bail or sentencing an offender.

Consideration should also be given at an early stage to the special measures available to witnesses, particularly in DV cases where there is a high likelihood of intimidation. This can include giving evidence via video link or through use of video-recorded evidence. The CPS and Department for Constitutional Affairs (DCA) commissioned an independent review of the five specialist DV courts in existence in 2004.¹⁴ The following extract from that report emphasises the need to ensure effective evidence gathering by officers.

¹² See <http://www.caada.org.uk> and Component 2 of the SDVC Programme resource manual for further details

¹³ <http://www.cps.gov.uk/publications/docs/DomesticViolencePolicy.pdf>

¹⁴ <http://www.cps.gov.uk/publications/docs/specialistdvcourts.pdf>

Section 6

OTHER ISSUES

'Victim withdrawal is viewed as a key performance indicator by the CPS, and is almost universally viewed by criminal justice officials as a problematic outcome. Our research suggests that victim retractions in DV cases should *not* be used to measure the success, or otherwise, of specialist courts. Although some of the courts have indicated success in supporting victims to come to court, this issue needs to be located within the broader context of aiming to (wherever possible) *build cases using evidence other than that from the victim themselves.*'

Crucial to the success of a DV case is that there should be effective evidence gathering, which enables the prosecution to build a case that does not depend entirely on the victim. To this end, the development and use of risk assessment tools may prompt police officers to gather and present all of the relevant evidence available. In all the sites evaluated, the value of photographic evidence of injuries was emphasised, as was the need for training on effective evidence gathering. Once again, the courts provide a crucial focus for raising awareness of this need.

CPS Direct

Evaluations from participating BCUs reported concerns that CPS Direct lawyers often advised bail offenders to ask for further police enquiries when police officers felt that CPS Direct should have recommended charging.

After consultation with the CPS on this point, it was stressed that it is important for the police to remember that CPS Direct lawyers can only make decisions based on the information presented to them at the time. It is therefore vital that police investigators obtain the best possible evidence from all available sources. This will ensure maximum flexibility for the prosecutor in terms of what charges to authorise.

Should officers disagree with the decisions made by the CPS Direct lawyer, then they are reminded that they can challenge decisions through agreed channels of escalation. Consultations should be undertaken with supervisors and managers regarding such decisions. If it is intended to ask the CPS to review a charging decision, care must be taken to ensure suspects are not told that 'no further action' (NFA) will be taken as this will render the case subject to 'abuse of process' arguments should the review result in a decision to charge.

All CPS lawyers, including the CPS Direct staff, will receive a DV training package by March 2008. The training appears on the NCPE CD-ROM which also contains training for police officers. The training was designed to complement that being delivered to police officers and should ensure a consistent approach from investigation through to prosecution.

Evidence from intoxicated victims and witnesses

Data from the World Cup DVEC indicates that in 20.74% of incidents the victim was under the influence of alcohol. This is often seen by officers as a reason not to take statements and the absence of key evidence can obviously affect the ability of CPS Direct staff to make charging decisions.

Advice from the CPS is that officers should make a 'professional judgement' with regard to each witness as to how the level of intoxication will affect their ability to make a statement at the time of the incident. Where possible, an initial victim statement should be obtained, even if it amounts to an outline statement. Statements must not be taken from witnesses who are 'drunk' but those who are otherwise 'in drink' may give statements.

Section 6

OTHER ISSUES

In making a professional judgement about whether or not a victim or witness is able to make a statement despite a level of intoxication, the officer should consider and record in their notebook and at the beginning of any statement:

- the amount of alcohol consumed;
- the effect of consuming that amount of alcohol on the witness;
- the witness's understanding of the terms of the Section 9 certificate at the beginning of the statement; and
- whether or not the witness is able to give a coherent account of the events.

Taking statements from witnesses at this early stage will be useful for CPS Direct decision makers and will assist with taking forward victim-reluctant prosecutions.

In all cases, officers should endeavour to obtain corroborating evidence to support the victim's evidence. This can be either from the officer's own observations at the scene or through the evidence of other witnesses who may be able to provide actual or hearsay accounts of the incident. It is the prosecutor's role to establish what is and what is not admissible or useful in court; officers should assist the CPS by gathering as much information as possible.

Further information can be viewed in the *CPS Domestic Violence Good Practice Guidance* document.¹⁵

Media and marketing

Throughout, the participating BCUs utilised various media to publicise and promote both campaigns.

Coventry BCU (West Midlands Police) produced a series of posters aimed at DV offenders. In order to ensure these were seen by the intended audience, they were distributed to public houses specifically for display in the male toilets.

Somerset West BCU (Avon and Somerset Constabulary) undertook production of a radio advertisement which was played at key times through the local radio station, Orchard FM.

Plymouth BCU (Devon and Cornwall Constabulary) worked with the local bus company and purchased the advertising space on the back of bus tickets. One million tickets were printed with the local DV helpline number on the back, and this was considered to be a useful covert manner in which a victim could retain the helpline number – it not being unusual for a person to have a used bus ticket in a pocket or handbag.

Rhondda, Cynon and Taff BCU (South Wales Police) invited the local television station to film arrests made during its end of campaign arrest day to show that the BCU was taking a strong line against perpetrators of DV and to publicise the police action.

North East Hampshire BCU (Hampshire Constabulary) produced specific items for the World Cup DVEC by designing and distributing beer mats and posters. The beer mats were coloured red and yellow to match the football theme.

Wigan BCU (Greater Manchester Police) also undertook a specific media release to coincide with the World Cup, advising the public that action would be taken against offenders. Again the football theme of giving violence the 'red card' was utilised.

¹⁵ http://www.cps.gov.uk/publications/docs/dv_protocol_goodpractice.pdf

Section 7

THE WAY FORWARD

The Domestic Violence Enforcement Campaigns were centrally funded campaigns aimed at improving police enforcement performance in the area of DV. The end of the central funding for these targeted campaigns does not, of course, signal the end of the Government's commitment to dealing with this issue. Moreover, the campaigns themselves should be a catalyst for continued and wider improvement in this key violent crime area.

Multi-Agency Risk Assessment Conferences (MARACs)

MARACs usually focus on high-risk victims of DV as indicated through the use of risk assessment checklists. By sharing information, agencies get a better picture of victims' situations and so develop responses that are tailored to the needs and goals of individual victims and their children. Safe information sharing also allows agencies to manage the perpetrator in ways that reduce risk.

Traditionally, voluntary support services for those experiencing DV have focused on helping the victim make informed choices. With a MARAC, all relevant local agencies (including both statutory and non-statutory) share some of this burden and help manage the risk that the victim faces. They should link to Multi-Agency Public Protection Arrangements (MAPPA) and local Safeguarding Children's boards.

- In Cardiff, 42% of victims experienced no repeat incident and there were no police call-outs in the 12 months (phase 1: October 2003 to March 2005; phase 2: October 2004 to April 2005) following their case being heard at the MARAC.¹⁶
- Those who did suffer repeat victimisation typically called the police at a less severe level of abuse than had previously been the case, reflecting improved confidence in the services received and a significant step towards the goal of earlier intervention.
- The level of reported repeat victimisation dropped from 32% to below 10%. The number of children referred to the social services for extra support increased from 5% to 50% of cases. The number of victims refusing to make a complaint dropped from just under 60% to under 5%.

This approach in Cardiff has been externally evaluated by Cardiff University. For further information regarding MARAC please see www.caada.org.uk.

Recommendation: All BCUs should utilise the MARAC process.

Specialist Domestic Violence Courts (SDVCs)

The SDVC programme is not just about the practice of courts and their procedures. It is also not just about the physical location of a courthouse, or about tangible changes being made to an existing courthouse. It is about an approach which situates the court system, and the criminal justice system (CJS), as part of a community-wide response to DV.

¹⁶ Robinson, A L (2005) *Evaluation of MARACs*, Cardiff University

Section 7

THE WAY FORWARD

The programme aims to ensure that the courts themselves, both criminal and civil, recognise the difficulties and special concerns faced by victims of DV when using the system. We also want to develop court systems that put DV victims at the heart of the process.

Last year 25 specialist court systems were set up and the programme is being expanded in 2006/07.

To support the programme, a Domestic Violence Task Force has been assembled, made up of a wide range of voluntary, statutory and non-statutory experts, practitioners and consultants who have developed a particular expertise in one or more aspects of DV strategy delivery. Members of this task force have been deployed to assist both SDVC and TVCP areas, as the programme also has a DV remit, being a volume violent crime.

The task force drafted the comprehensive SDVC Resource Manual¹⁷ for local areas wishing to develop an SDVC. It contains a step-by-step guide to develop each of the core components of an SDVC.

Clear leadership

There has been very positive feedback from the participating BCUs. Those with strong leadership and enthusiasm at senior management team level have all reported that the DVEC had a very positive impact and was driven 'from the top', whereas BCUs that had little support from the command team struggled to implement the campaign fully. It is clear that, in the future, if there is to be a positive drive around police performance in DV enforcement, it requires overt ownership, support and championing from a member of the senior management team.

National Intelligence Model (NIM) problem profiles

It became clear through the campaigns that very few forces had any form of DV review or problem profile in place. This was in addition to the fact that some forces could not easily identify DV separately from the overall violent crime issue. In order to address the problem and target resources effectively, there needs to be an understanding of the problem and its scale as well as accurate profiling of priority offenders. BCUs need to work in accordance with the NIM and DV must become part of core tasking around priority offenders.

In many instances, the failing in this area was as a direct result of limited analytical capacity for DV. To this end, a dedicated DV analyst fulfils a key role in gaining an understanding of the problem and provides direction for future appropriate targeting of resources.

DV Champions and training

All forces must ensure that relevant staff participate in the NCPE modular training programme 'Responses to Domestic Violence'.¹⁸ This gives clarity of purpose to all roles involved in the process. It is acknowledged that, with limited staff resources, DV officers cannot attend all DV incidents as part of their core business. However, training DV Champions for each shift has proved extremely successful and provides sustainability for the future without the need to increase resources.

Rhondda, Cynon and Taff BCU (South Wales Police) has identified 32 officers (one per shift per section) to undertake specialist DV investigation training in order to be known as DV Champions within the BCU. These officers will also be trained in the use of body-worn video cameras to further enhance their investigative ability at the scene of DV crimes.

The Government's 'National Delivery Plan for Domestic Violence 2005/08' sets a target for all forces to have delivered this training by 2008.

¹⁷ <http://www.crimereduction.gov.uk/domesticviolence59.htm>

¹⁸ The 'Responses to Domestic Violence' training package is available on CD-ROM through Centrex Harrogate, Jim Neary or Kamni Missra, 01423 876999

Section 7

THE WAY FORWARD

Specialist investigators

Those areas that have dedicated DV units with an investigative capacity show clear results. There is a noticeable difference in the percentage of offenders brought to justice (OBTJ) if the investigation is conducted by specialist, trained staff when compared with patrol staff or other non-specialist officers. Senior management teams must, therefore, give consideration to who will investigate DV at BCU level and to whether it will be dedicated investigators in a specialist unit or DV officers attached to shifts. The ultimate aim is to secure a quality investigation at all stages of the process and, therefore, to increase the number of OBTJ.

Evidence of bad character

The Criminal Justice Act 2003 makes provisions for previous convictions, cautions or other reprehensible behaviour to be admitted into evidence. Admitting bad character gives an indication about the propensity of the defendant to commit certain types of offences. The use of this type of evidence in relation to DV investigations could be very useful as DV offences are rarely one-off incidents and there is a high repeat offending rate.

In order to assist prosecutors with the use of bad character evidence, investigators should label previous conviction lists clearly to indicate previous DV offences. Records that show a history of DV should always be included as part of the background report to the CPS. Officers should be mindful that the rules of bad character evidence apply to prosecution victims and witnesses as well as to the defendant and any defence witnesses. All of the relevant information relating to bad character should be presented to the prosecutor, who will make a decision about how the information can be used.

Rhondda, Cynon and Taff BCU (South Wales Police) pre-prepared evidence of bad character in relation to its prolific DV offenders in order that when they were arrested this information would be available to investigators. During the World Cup DVEC, one such offender was arrested and the bad character evidence utilised. The offender pleaded guilty at court and was sentenced to three and a half years' imprisonment.

Hearsay evidence

Sections 114 to 121 of the Criminal Justice Act 2003¹⁹ have relaxed the rules around the use of hearsay in criminal cases. The wider circumstances in which hearsay evidence can be admitted in a case are particularly significant for DV cases. Hearsay evidence can be used in circumstances where the victim is unable to attend for physical or psychological reasons, where there is a previous inconsistent statement and where the incident has been reported to a 'third party'. Issues about the admissibility of the hearsay evidence should be left to the prosecutor. Officers should gather as much information as possible to ensure the maximum flexibility in the use of that evidence.

Of particular interest in DV investigations would be statements from neighbours or family members who can report the first account of the aggrieved or who can provide supporting evidence to the background of DV cases. Where such evidence is admissible, it will be admitted as evidence of truth.

The multiple hearsay provisions allow that early statements taken from aggrieved or other parties that are supported by other evidence can be used as 'truth' for cases where a victim or witness gives a different account at a later date.

For further information with regard to the use of hearsay evidence, it is recommended that investigating officers make early contact with their local CPS.

¹⁹ See <http://www.opsi.gov.uk/acts/acts2003/20030044.htm>

Section 7

THE WAY FORWARD

One further advantage of effective evidence gathering is that it can provide the prosecutor with information to challenge mitigation presented to the court by the defence. The CPS has a duty to challenge mitigation that is 'unfair, misleading or derogatory' but can only do so when it is in possession of the evidence from the investigators. It is vital, therefore, that as much information as is available is presented to prosecutors.

Cautioning domestic violence offenders

Home Office Circular 30/2005²⁰ covers simple cautioning of offenders for criminal offences. The advice within the circular as it relates to DV is shown below.

The ACPO Guidance and CPS DV policy both advocate positive action in cases of DV to ensure the safety and protection of victims and children while allowing the CJS to hold the offender to account. The ACPO Guidance stresses that an effective and proactive investigation should be completed in all cases where a DV incident is reported. The CPS policy also stresses the need for a proactive approach to the prosecution of cases of DV. The drive is for consistency from investigation through to charge.

Taking forward a prosecution does not depend solely on the victim's wishes. The evidential and public interest tests need to be considered and it may be that although the victim does not support the prosecution, it can still go ahead. Where police forces are operating this positive action policy on DV, in some circumstances officers have experienced difficulty in securing a charge/summons when the victim does not want to proceed with a prosecution. Forces need to have a system in place to ensure that Simple Cautions are considered in preference to a No Further Action (NFA) decision, as a potential disposal in the absence of a charge/summons, for the following beneficial reasons.

- An admission of guilt is necessary for a Simple Caution, and the knowledge that someone has made this admission may provide the victim with some resolution.
- Once administered, a Simple Caution for a recordable offence appears on a person's criminal record and can be cited in future proceedings.
- A Simple Caution (for a recorded offence) is a sanction detection and an OBTJ, which reflects the effort and resources expended by police in investigating the offence, successfully identifying the perpetrator, and contributing to victim satisfaction.

²⁰ <http://www.knowledgenetwork.gov.uk/HO/circular.nsf/79755433dd36a66980256d4f004d1514/d820bbad9e5edd8680257013004d1ccf?OpenDocument>

Section 8

RELEVANT LEGISLATION

The Serious Organised Crime and Police Act 2005²¹

Section 110 of this Act amends the Police and Criminal Evidence (PACE) Act to allow for police officers to arrest without warrant anyone who:

- is about to commit an offence;
- is in the act of committing an offence;
- he has reasonable grounds for suspecting to be about to commit an offence;
- he has reasonable grounds for suspecting to be committing an offence;
- he has reasonable grounds for suspecting to be guilty of an offence he has reasonable grounds for suspecting may have been committed;
- is guilty of an offence;
- he has reasonable grounds for suspecting to be guilty of an offence.

However, the power of summary arrest in this Act applies only if the constable has reasonable grounds for believing that the arrest is necessary for any of the following reasons:

- To enable the name of the person to be ascertained (where the officer does not know and cannot readily ascertain the person's name, or where he has reasonable grounds for doubting whether a name given is the person's real name).
- To enable the person's address to be ascertained.
- To prevent the person:
 - causing physical injury to himself or another person;
 - suffering physical injury;
 - causing loss or damage to property;
 - committing an offence against public decency (where members of the public cannot reasonably avoid the person); or
 - causing an unlawful obstruction of the highway.
- To protect a child or other vulnerable person from the person in question.
- To allow the prompt and effective investigation of the offence or of the person's conduct.
- To prevent any prosecution for the offence being hindered by the disappearance of the person.

²¹ <http://www.opsi.gov.uk/acts/en2005/2005en15.htm>

Section 8

RELEVANT LEGISLATION**The Human Rights Act 1998²²**

The Human Rights Act has sometimes been quoted by perpetrators of DV to prevent officers from effectively responding to or investigating DV. The relevant article is Article 8, below:

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Officers should take note of paragraph 2, which essentially means that there is nothing in this Article that prevents officers from using whatever lawful powers they have to enter private premises to protect the safety of others or to prevent disorder or crime. As such, Article 8 of the Human Rights Act does not prevent an effective police response to DV.

Articles 2 and 3 of the Human Rights Act, however, provide that:

2. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
3. No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

It shall be the duty of a constable to preserve these rights and the first priority of the police is at all times to protect life and property. Therefore, the provisions in these two Articles outweigh the provisions of Article 2.

Criminal Justice Act 2003²³

This Act allows evidence of bad character and hearsay evidence to be used in court in certain circumstances.

Sections 98 to 113 cover the provisions for the admissibility of bad character evidence within a trial. The Act defines evidence of a person's 'bad character' as evidence of, or of a disposition towards, misconduct. Misconduct is defined as the commission of an offence or other reprehensible behaviour. So, in addition to previous convictions, it may include evidence in relation to, for example, concurrent charges or cautions.

Section 116 (2)(e) allows for hearsay evidence to be given in cases where 'through fear the relevant person does not give (or does not continue to give) oral evidence in the proceedings, either at all or in connection with the subject matter of the statement, and the court gives leave for the statement to be given in evidence'. Section 116 (3) provides for a wide interpretation of 'fear' in this context, including fear of harm to another person. Hearsay might also be admitted even though the 'fear' does not relate to the offence in question, nor to action by or on behalf of the accused. A judge will consider the steps that have been taken to persuade the witness to attend to alleviate her fears.

²² <http://www.opsi.gov.uk/acts/acts1998/19980042.htm>

²³ <http://www.opsi.gov.uk/acts/acts2003/20030044.htm>

Section 8

RELEVANT LEGISLATION

Section 114 (1)(d) of the Act gives judges a general discretion to admit hearsay 'in the interests of justice', although Section 114 (2) sets out a number of factors to be considered before such leave is granted, such as probative value, importance, the circumstances in which the statement was made and the reliability of the witness and her evidence. Admission of hearsay under Section 114 (1)(d) will normally be considered only where admissibility under the other provisions is not allowed.

Section 120 (2) of the Act provides for the use of earlier written statements where that evidence is later contradicted either by oral evidence or other written statements. This means that the whole earlier statement becomes evidence of its truth, not just as evidence of the credibility of the witness.

Section 121 gives discretion to admit multiple hearsay, that is, a hearsay statement to prove an earlier hearsay statement, which may be relevant to a situation where information is relayed through more than one person before it is recorded. However, a judge must be satisfied that the evidence is of such high value, taking into account its reliability, that the interests of justice require the later statement to be admissible. The discretion in Section 121 is a higher test than the discretion in Section 114 (1)(d). This is because multiple hearsay is more likely to be unreliable. However, there may still be circumstances where it can be reliable.

Domestic Violence, Crime and Victims Act 2004²⁴

The Domestic Violence Crime and Victims Act 2004 added a number of new powers and amendments to existing ones to strengthen the victim's case when brought to the attention of the criminal justice system.

The Act has been rolling out in stages since January 2005. The remaining provisions will be implemented when funding becomes available and training is completed.

Measures impacting directly on DV include:

- Creation of an offence of causing or allowing the death of a child or vulnerable adult (commenced March 2005).
- Giving cohabiting same-sex couples the same access to non-molestation and occupation orders as heterosexual couples, and making couples who have never cohabited or been married eligible for non-molestation and occupation orders (commenced on 5 December 2005).
- Making common assault an arrestable offence by adding it to the list of offences for which this power applied (replaced by changes to arrest provisions within Section 110 of the Serious Organised Crime and Police Act 2005).
- Creating a requirement to conduct reviews into cases of domestic homicide (under consultation, with commencement planned for December 2006).
- Making breach of a non-molestation order a criminal offence. Breaches will be punishable, on indictment, by up to five years' imprisonment (awaiting commencement).
- Enabling courts to impose restraining orders when sentencing for any offence (awaiting commencement).

²⁴ <http://www.opsi.gov.uk/acts/acts2004/20040028.htm>

Section 8

RELEVANT LEGISLATION

- Giving any person mentioned in a restraining order the right to make representations in court if an application is made to vary or terminate the order (awaiting commencement).

Police forces should ensure an effective response to the aspects of this Act as they are brought into effect through commencement orders in due course.

Section 9

DATA RETURNS

BCUs participating in the campaigns were asked to submit data in respect of the DV incidents occurring during the course of the campaigns. For the first DVEC, data was requested for the entire period of the campaign. During the World Cup DVEC, data was requested for key match dates and the following day.

Due to the nature of the data collection, full detail of individual BCU detection rate performance is not reported in this document, as data was submitted throughout the campaign and in some cases was incomplete at the time the campaign and data collection concluded; for example, where offenders were bailed and the data was not updated with the results of the investigation after the offender returned on bail.

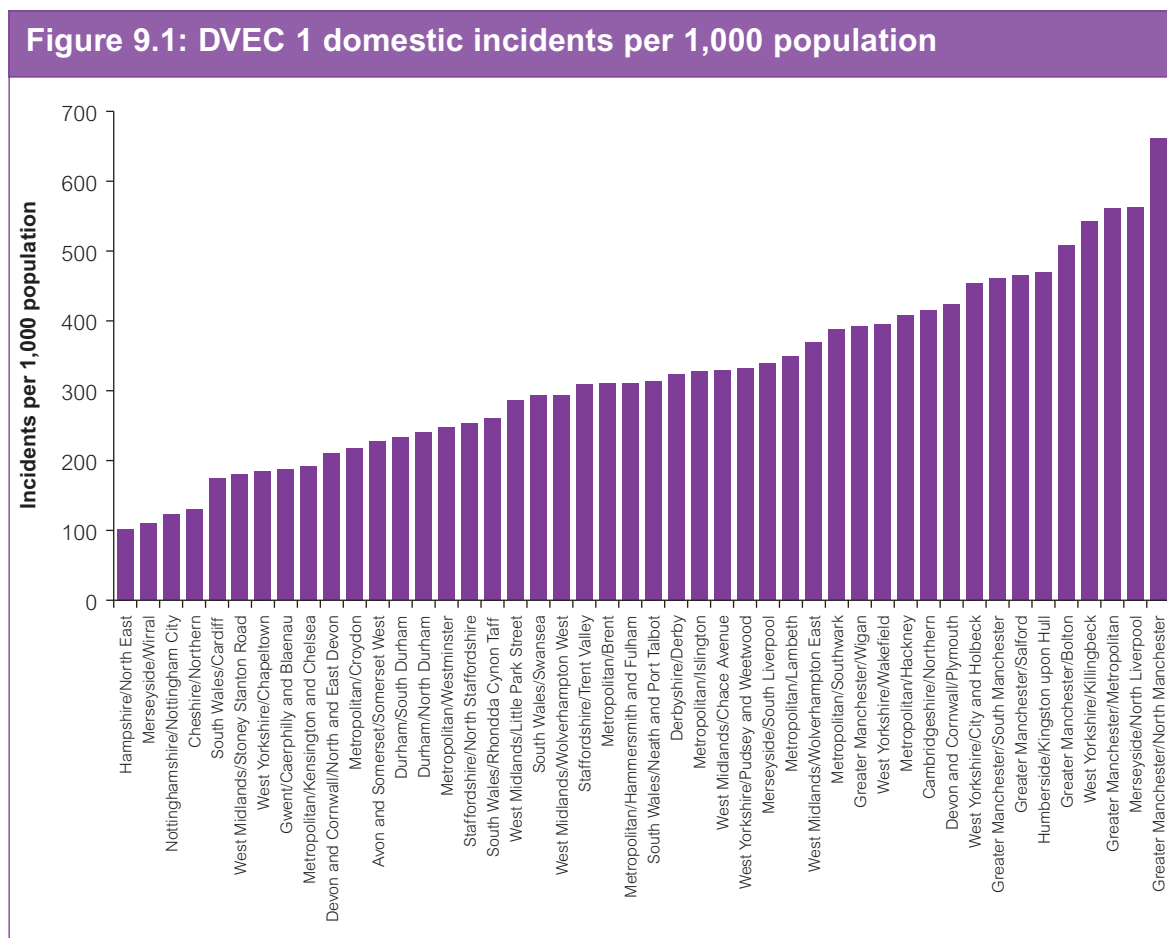
Data in the following figures and tables refers to either incidents or crimes; an incident being an occasion where the initial call to the police indicated a requirement to attend the scene of a dispute but where on arrival the action of the possible offender did not amount to a recordable crime.

In the following pages where comparisons are drawn between the first DVEC and the World Cup DVEC, the day shown is the 24-hour period from 06.00 on the relevant match day until 06.00 the following day.

Section 9 DATA RETURNS

Incident rates

The DVECs covered a number of different areas across the country. Figure 9.1 below indicates the number of incidents recorded per head of population in BCUs during the first campaign (February and March 2006).



Section 9
DATA RETURNS

Time and day

Figure 9.2: Average number of DV incidents recorded during DVEC 1 by 3-hour time period and day of the week

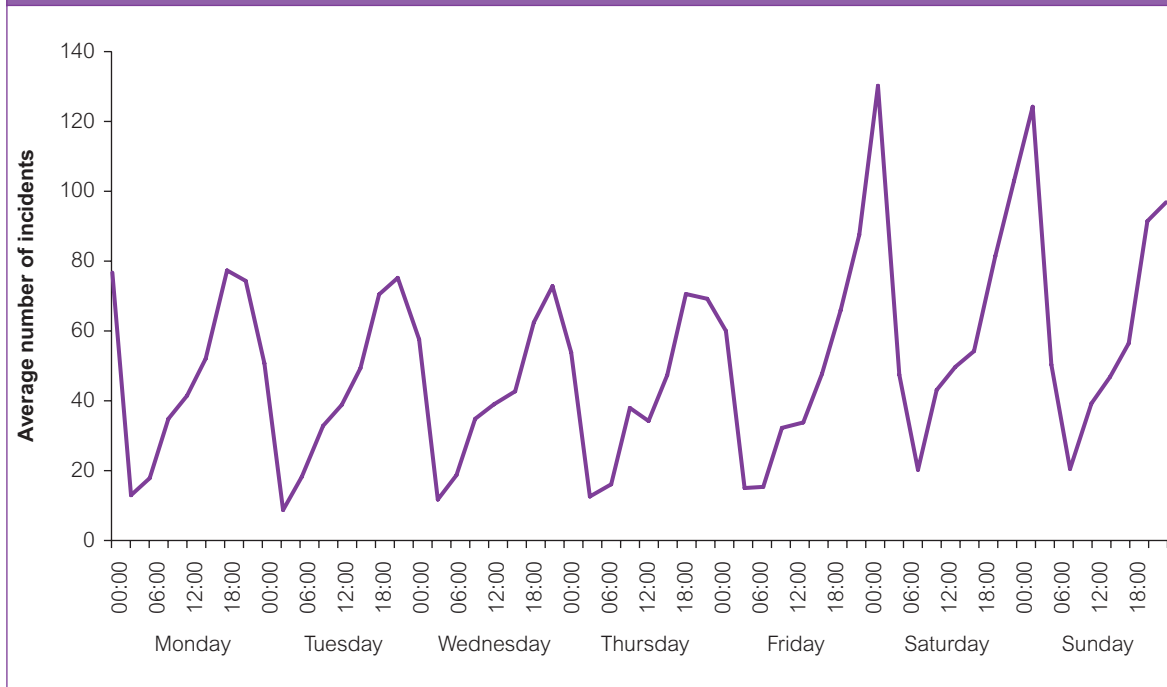


Figure 9.2 shows domestic incidents. This pattern was mirrored for the offence data with identical peaks for offending, although lower by proportion as indicated in the incident to offence data in Figure 9.3 below.

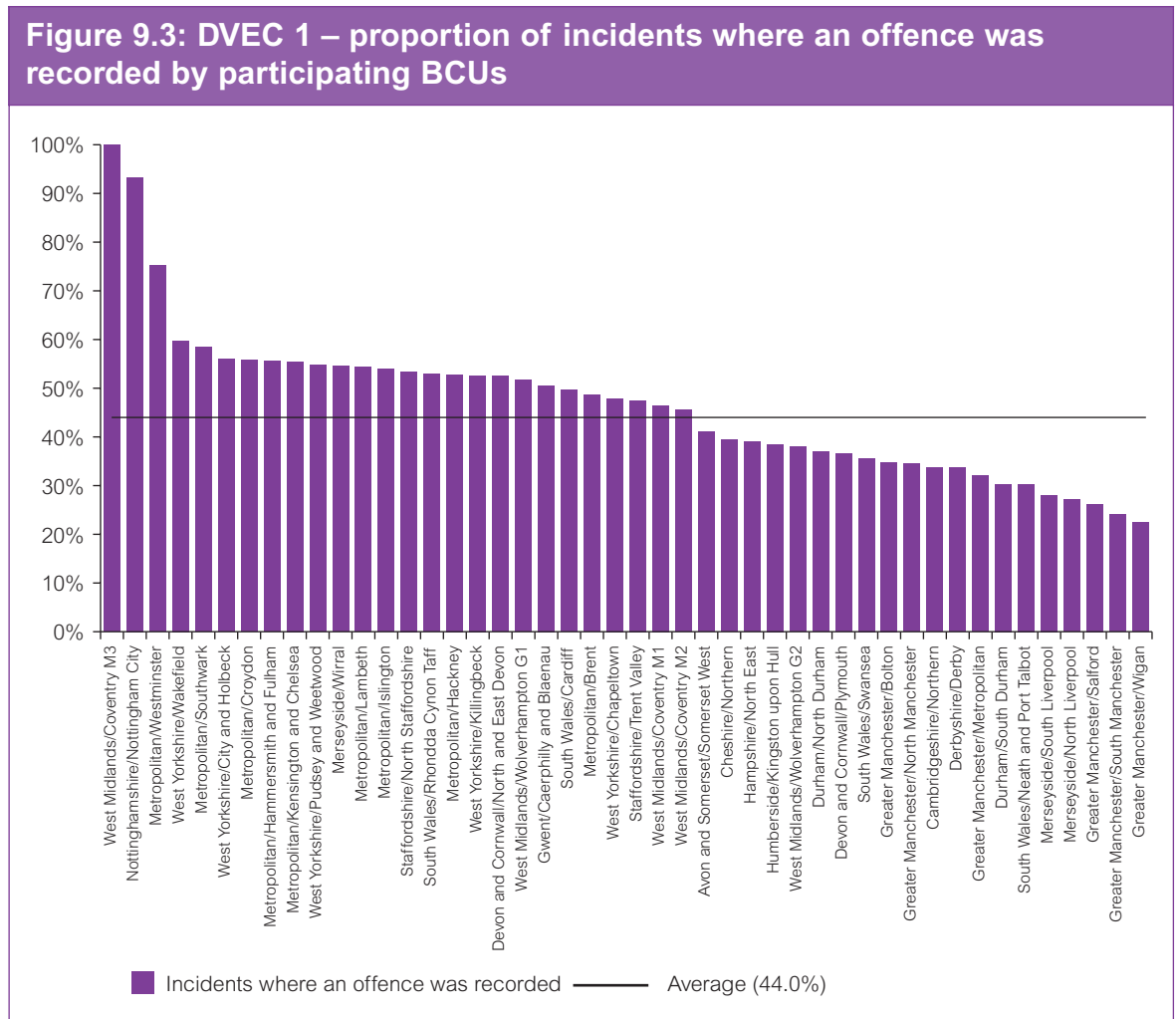
The data indicates that domestic incidents are more likely to occur during evening periods with peaks from 18.00 to midnight from Sunday to Thursday and from 18.00 to 03.00 on Friday and Saturday.

During the campaign, specialist DV officers were deployed during peak periods to improve the quality of investigations.

Recommendation: BCU specialist DV staff hours of work should mirror the peak times for DV incidents and offences in order to provide the best possible quality of service and investigation.

Section 9
DATA RETURNS

Incidents to offences



Data shows that in the majority of cases where police officers were called to domestic incidents, a recordable crime had not been committed.

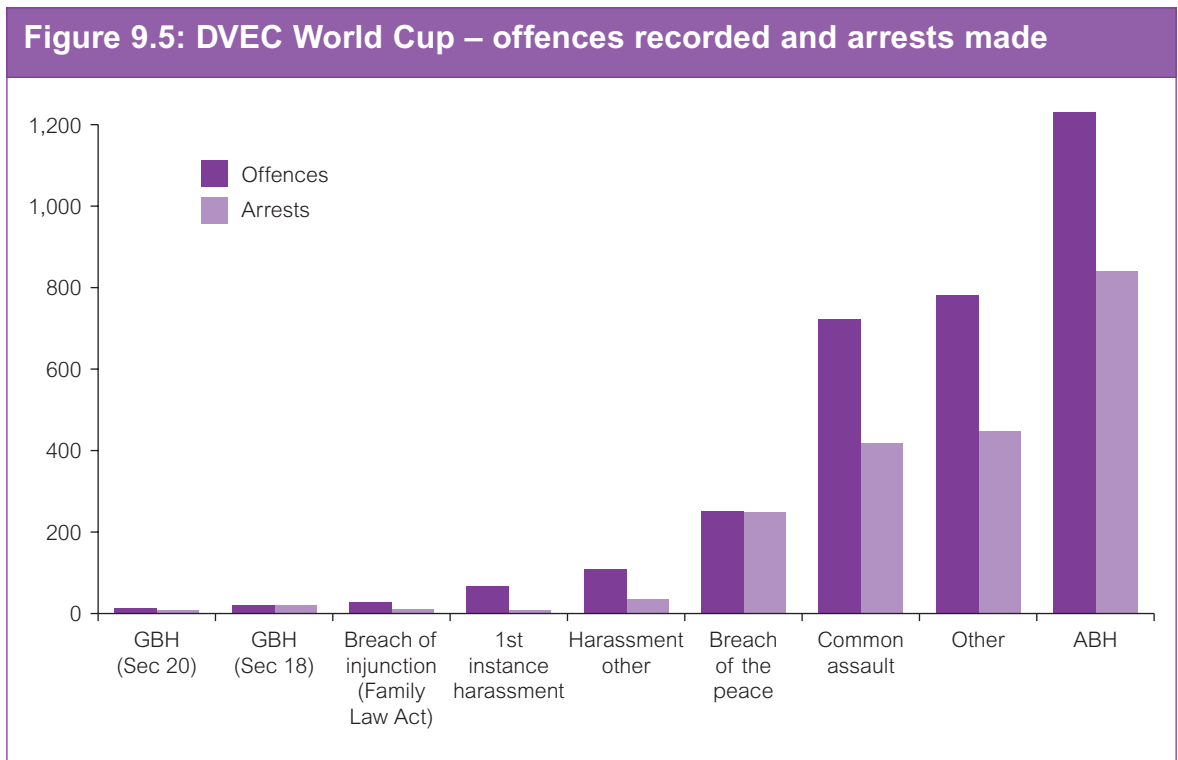
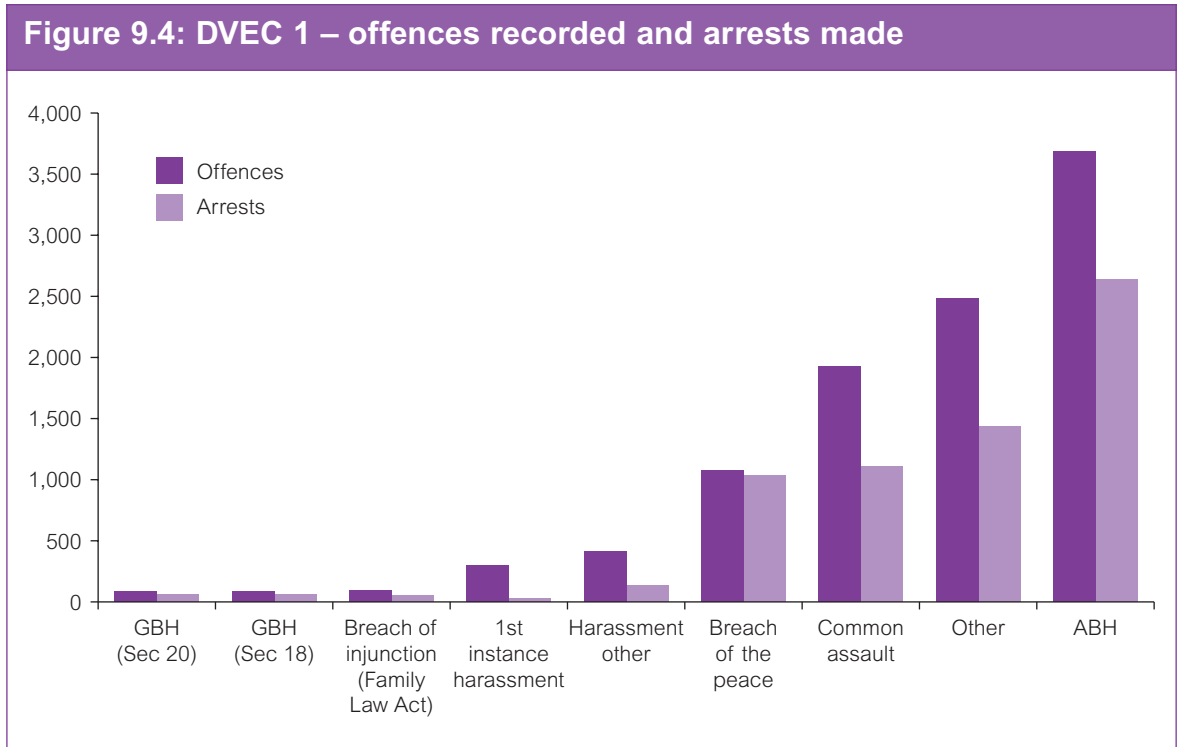
Officers should be mindful in such cases that although the precipitating incident for attendance was not in itself a crime, research indicates that victims of domestic abuse suffer numerous times before calling the police or contacting any other agency and thus calls to non-crime domestic incidents, particularly first-time callers, should be taken as opportunities to signpost DV victims to support agencies.

Early encounters with police and other support agencies are highly likely to inform the perception of DV victims' future expectations of the support they are likely to receive should the situation escalate. It is therefore vital that officers who attend incidents respond positively to victims.

Non-crime domestic incidents are also opportunities to consider the impact on children and to assess the level of risk of future escalation or harm to individuals within the household.

Section 9
DATA RETURNS

Type of offences recorded

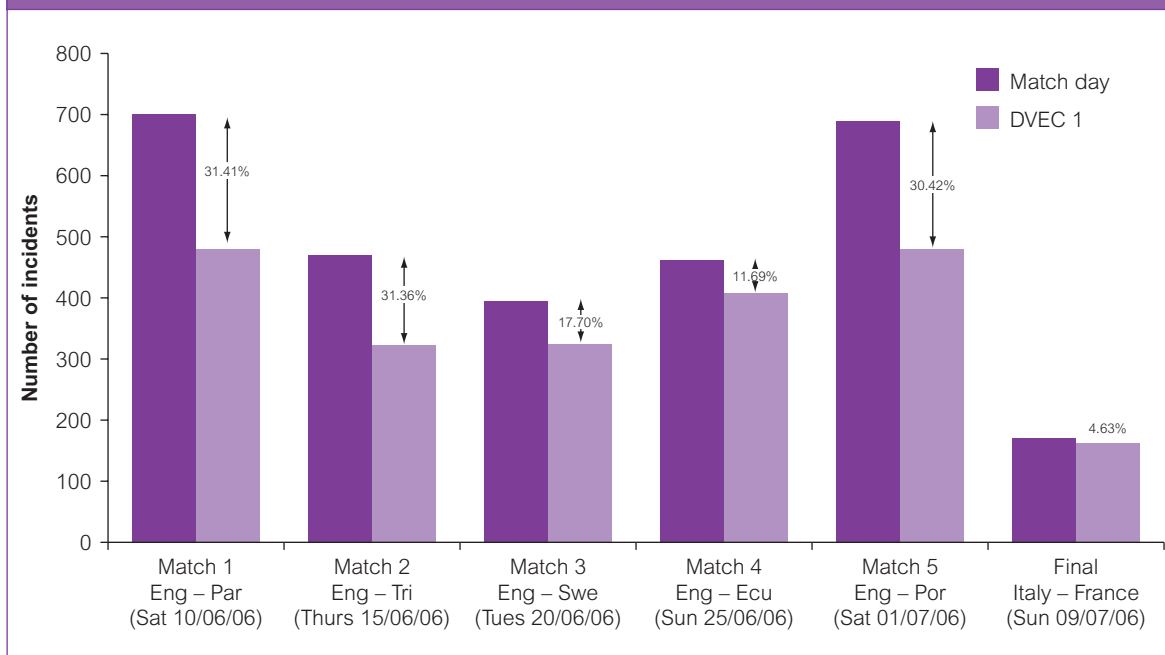


Of the 'Other' offences listed, Criminal Damage was the most common, accounting for 48.8% of the offences in this category.

Section 9
DATA RETURNS

Effect of the FIFA World Cup Finals 2006

Figure 9.6 and Table 9.1: Number of recorded incidents on each major match day of the World Cup Finals against the average number on the same weekday recorded during DVEC 1 where BCUs recorded activity in both campaigns



	Match 1 Eng – Par (Sat 10/06/06)	Match 2 Eng – Tri (Thurs 15/06/06)	Match 3 Eng – Swe (Tues 20/06/06)	Match 4 Eng – Ecu (Sun 25/06/06)	Match 5 Eng – Por (Sat 01/07/06)	Final Italy – France (Sun 09/07/06)
Number of incidents on match day	700	470	394	461	690	170
Average number of incidents on same weekday during DVEC	480.13	322.63	324.25	407.13	480.13	162.13
% Change	31.41%	31.36%	17.70%	11.69%	30.42%	4.63%

Wakefield BCU (West Yorkshire Police) reported 313 arrests for DV offences during the period of the World Cup 2006 compared with 161 arrests for DV offences during the same period in 2005.

Leeds BCU (West Yorkshire Police) received 53 calls in the two hours following England's exit from the tournament when they lost on penalties to Portugal.

Swansea BCU (South Wales Police) reported that DV incidents in June 2006 were 36.8% higher than the numbers recorded in June 2005.

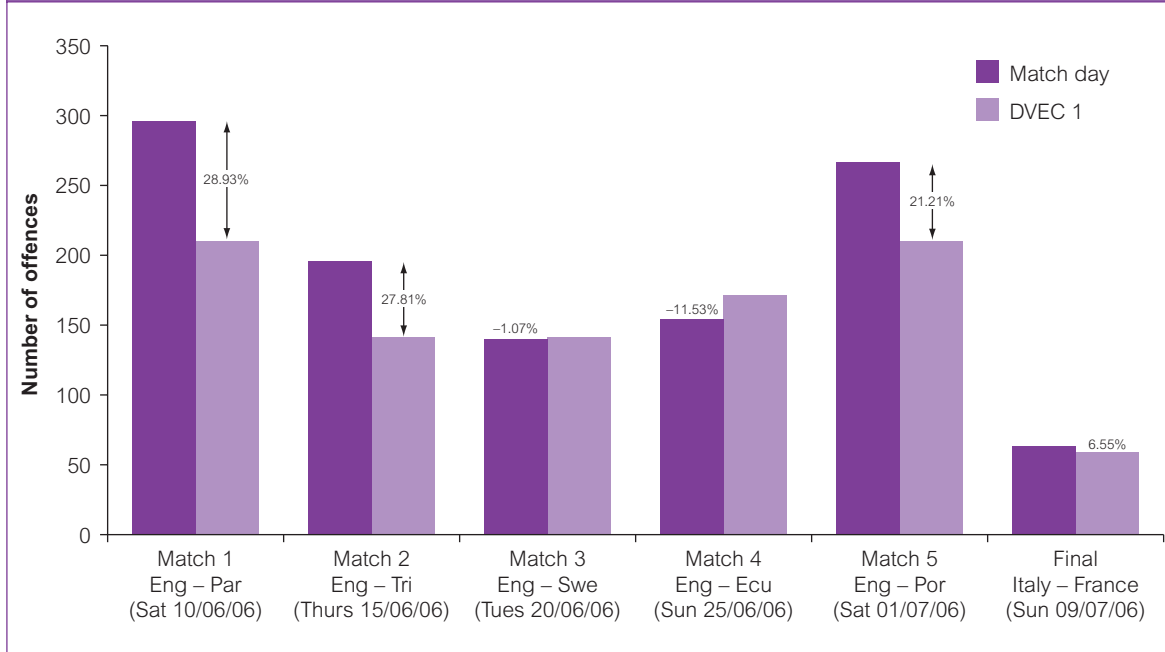
There is a strong indication that, across the areas participating in both campaigns, the prevalence of DV incidents was significantly higher on the days of England matches than during the first DVEC.

This was not shown in the same proportion as for other offences, which in some cases were lower than those recorded for the first campaign.

Section 9

DATA RETURNS

Figure 9.7 and Table 9.2: Number of recorded crimes on each major match day of the World Cup Finals against the average number on the same weekday recorded during DVEC 1 where BCUs recorded activity in both campaigns



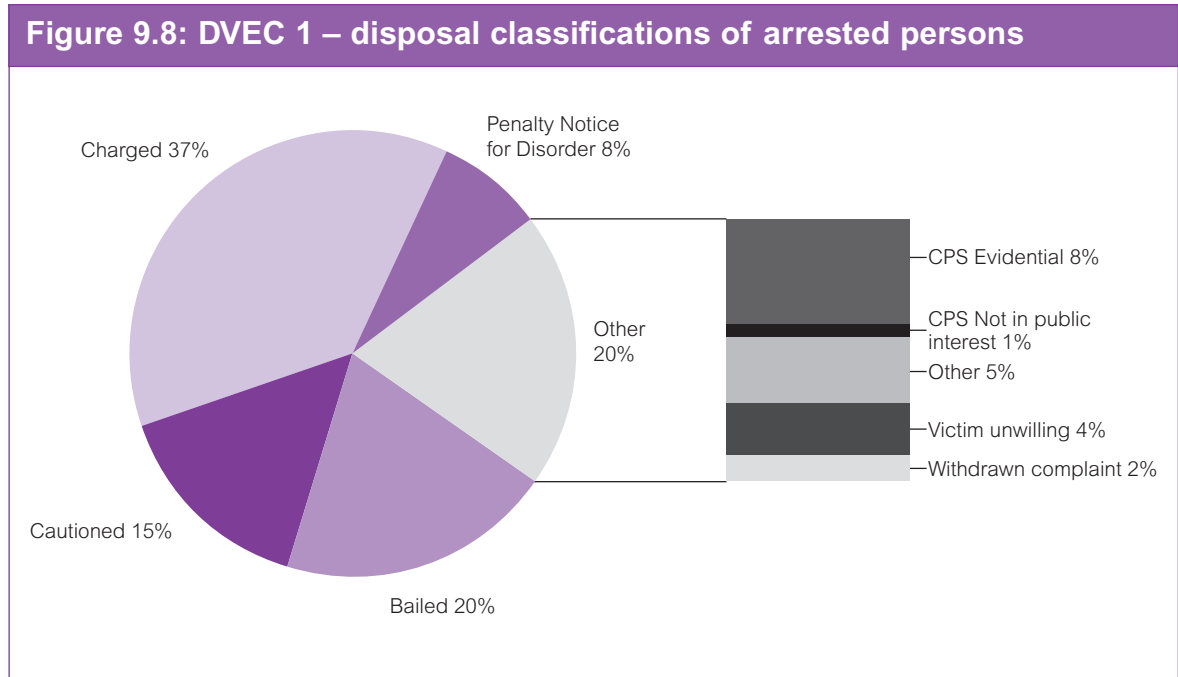
	Match 1 Eng – Par (Sat 10/06/06)	Match 2 Eng – Tri (Thurs 15/06/06)	Match 3 Eng – Swe (Tues 20/06/06)	Match 4 Eng – Ecu (Sun 25/06/06)	Match 5 Eng – Por (Sat 01/07/06)	Final Italy – France (Sun 09/07/06)
Number of offences on match day	296	196	140	154	267	63
Average number of offences on same weekday during DVEC	210.38	141.50	141.50	171.75	210.38	58.88
% Change	28.93%	27.81%	-1.07%	-11.53%	21.21%	6.55%

The data collected during the World Cup DVEC is supportive of the previous research linking major sporting events to increases in violent crime and in this case domestic violence. Major sporting events do not cause DV, as perpetrators are responsible for their actions, but the levels of alcohol consumption linked to the highly charged emotional nature of those events seems to increase the prevalence of such incidents.

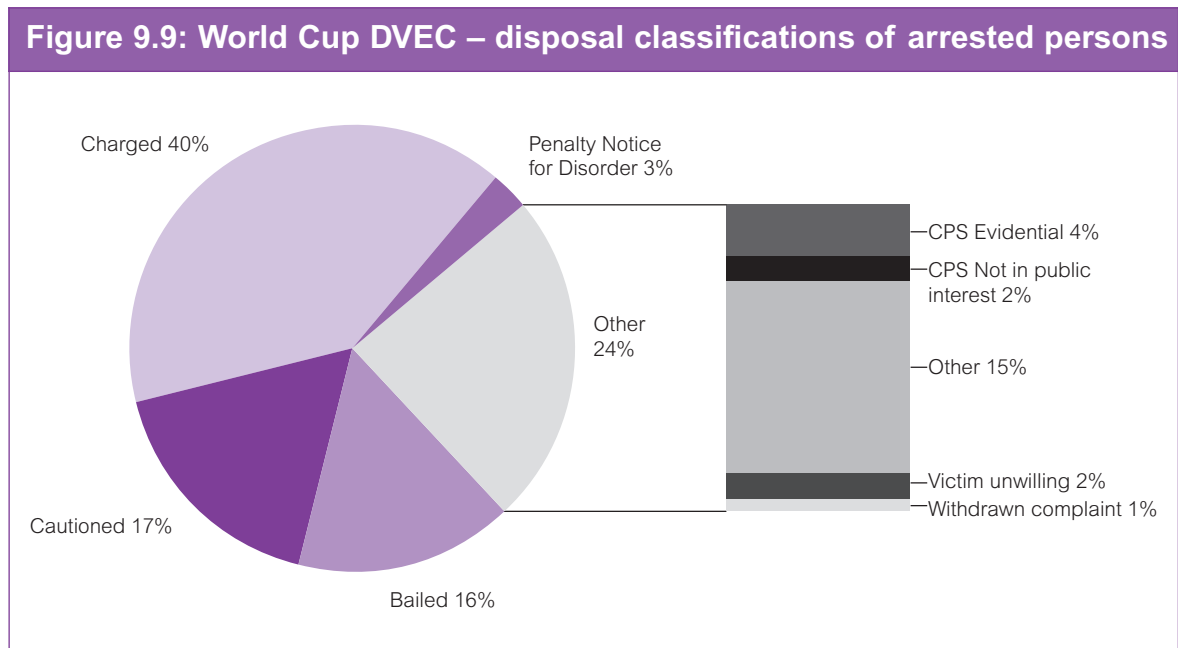
Recommendation: In considering policing responses to major or significant sporting events, forces and BCUs should provide additional resources to respond effectively to increased levels of DV in addition to other local policing needs.

Section 9
DATA RETURNS

Disposal of arrested persons

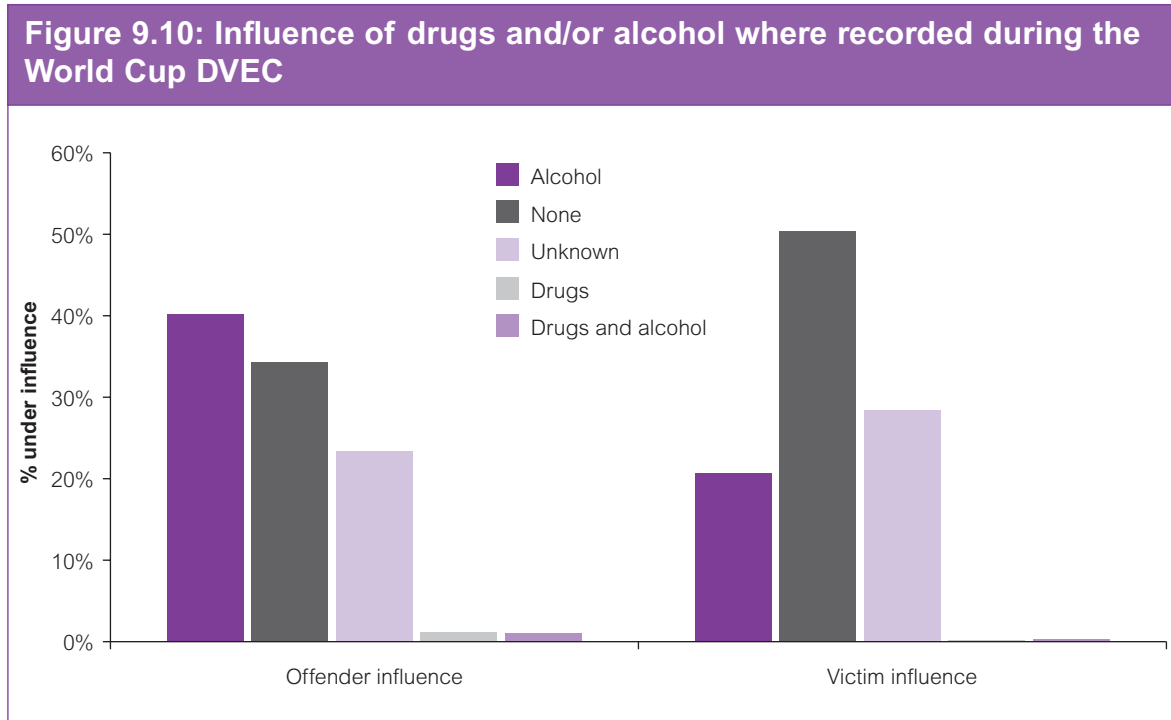


At the post-DVEC 1 conference, BCUs were challenged to improve their investigation and detection rates with regard to charging and reducing bail. Slight improvements were seen in these areas during the World Cup DVEC.



Section 9
DATA RETURNS

Alcohol and drug misuse



Specific alcohol and drug influence data was not recorded during the original DVEC. Unfortunately, from the data received during the World Cup DVEC there is a significant proportion where the influence of drugs and/or alcohol is unknown. Where influence was recorded, offenders were more likely to be influenced than victims. Alcohol influence appears to be significant with regard to DV, and BCUs are recommended to improve recording accuracy in this area to assist with an assessment of the scale of this type of problem.

Notably, in nearly a quarter of cases both victim and offender were under the influence of alcohol (see Table 9.3); overall, 40% of offenders were under the influence of alcohol.

Also of note is the fact that in 32% of DV incidents reported during the World Cup neither victims nor offenders were under the influence of alcohol or drugs.

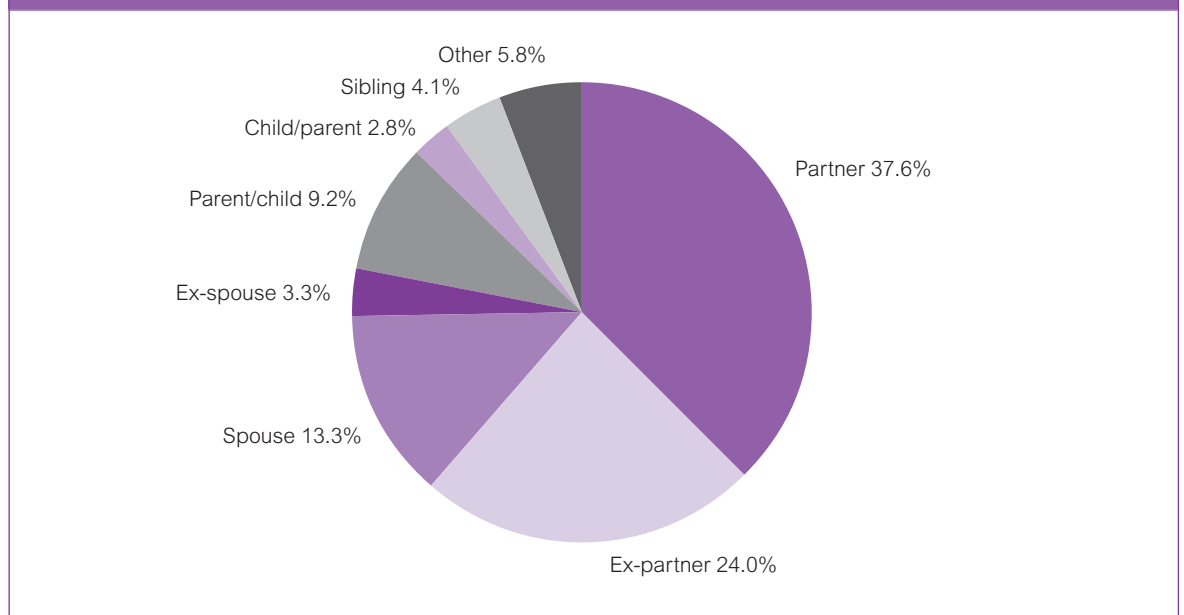
Section 9
DATA RETURNS

Table 9.3: World Cup DVEC – alcohol and drug influence on offenders and victims

		Victim influence				
		Alcohol	Drug	Drug and alcohol	None	Unknown
Offender influence	Alcohol	18.23%	0.00%	0.00%	16.19%	6.50%
	Drug	0.04%	0.07%	0.00%	0.79%	0.07%
	Drug and alcohol	0.04%	0.00%	0.11%	0.64%	0.29%
	None	1.64%	0.04%	0.11%	31.99%	0.25%
	Unknown	0.79%	0.07%	0.07%	1.04%	21.05%

Victim and offender relationship

Figure 9.11: World Cup DVEC – recorded relationships between victims and offenders



The national definition of DV includes a range of familial relationships and is not restricted to those who are or have been partners. Specific data was recorded only during the World Cup DVEC and shows that 50.9% of incidents recorded related to current partners or spouses who were living in the same household. A further 27.3% of incidents related to ex-partners or spouses who were no longer in an existing relationship.

Clearly, therefore, there is a need to be aware that ending a relationship does not necessarily end the cycle of domestic abuse. Services must be mindful of this and continue to support victims even after relationships end.

Section 9

DATA RETURNS

Victim and offender gender

Table 9.4: Gender of victims and offenders			
	Offender		
	Male	Female	Unknown
Male victim	5.4%	9.1%	0.2%
Female victim	77.5%	4.9%	0.8%
Unknown victim	0.2%	0.1%	1.7%

While the majority of victims are female, it is important that agencies are aware of and provide support to male victims of DV.

Appendix A

LIST OF PARTICIPATING BCUs

DVEC 1 (February and March 2006)

<i>Government Office Region</i>	<i>Force</i>	<i>BCU</i>	
East Midlands	Derbyshire Constabulary	Derby	
	Nottinghamshire Police	Nottingham City	
Eastern	Cambridgeshire Constabulary	Northern	
London	Metropolitan Police	Croydon	
		Hackney	
		Lambeth	
		Southwark	
		Brent	
		Hammersmith and Fulham	
		Kensington and Chelsea	
		Westminster	
		Islington	
		North East	Durham Constabulary
South Durham			
North West	Greater Manchester Police	Salford	
		Wigan	
		Bolton	
		North Manchester	
		South Manchester	
		Met	
		Merseyside Police	Wirral
			South Liverpool
			North Liverpool
			Cheshire Constabulary
South East	Hampshire Constabulary	North East Hants	
South West	Devon and Cornwall Constabulary	North and East Devon	
		Plymouth	
	Avon and Somerset Constabulary	Somerset West	
Wales	South Wales Police	Cardiff	
		Neath and Port Talbot	
		Rhondda Cynon Taff	
		Swansea	
		Gwent Police	Caerphilly and Blaenau

Appendix A

LIST OF PARTICIPATING BCUs

<i>Government Office Region</i>	<i>Force</i>	<i>BCU</i>		
West Midlands	West Midlands Police	Wolverhampton G1		
		Wolverhampton G2		
		Coventry M1		
		Coventry M2		
		Coventry M3		
	Staffordshire Police	North Staffordshire		
		Trent Valley		
		Yorkshire and Humber	West Yorkshire Police	Wakefield
				Pudsey and Weetwood AA
				Chapelton AC
City and Holbeck CA				
Humberside Police	Killingbeck			
	Kingston upon Hull			

Additional BCUs for DVEC 2 (World Cup Finals 2006)

<i>Government Office Region</i>	<i>Force</i>	<i>BCU</i>
East Midlands	Leicestershire Constabulary	City Centre (Leicester)
London	Metropolitan Police	Camden
		Lewisham
		Waltham Forest
		Newham
		Haringey
		Ealing
South West	Avon and Somerset Constabulary	Bristol
West Midlands	West Midlands Police	Birmingham D1
		Birmingham D3
Yorkshire and Humber	South Yorkshire Police	Sheffield Central
		Doncaster
	West Yorkshire Police	Kirklees

Appendix B

CALL TAKER CHECKLIST

1.0 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 should seek, record and disseminate the following information:

1.1 Primary questions:

What is happening?	
Is the caller able to speak freely?	<ul style="list-style-type: none"> • If not consider tapping on the phone for yes/no answers • Keep the line open if possible
Where is the caller?	
What is the caller's name?	
What is location of the incident?	
What time did the incident happen?	<ul style="list-style-type: none"> • Is the incident still taking place?
Is anyone injured?	<ul style="list-style-type: none"> • How severely? • Do they need an ambulance?
Where is the suspect now?	<ul style="list-style-type: none"> • Inside/outside the house?
What are the personal details of the suspect?	<ul style="list-style-type: none"> • Name, address, telephone number, D.O.B., sex
If suspect has left the scene, where are they likely to be found?	<ul style="list-style-type: none"> • Does the suspect have access to a vehicle? • What is the description and registration of vehicle?
What is the description of the suspect? (include clothing)	
Where is the victim?	
Are there any children present?	<ul style="list-style-type: none"> • Are they safe? • Did they witness the incident?
Are any weapons involved?	<ul style="list-style-type: none"> • If so, what type? • Where are the weapons now? • Who has access to them?
Can access be gained to the premises?	<ul style="list-style-type: none"> • If not, what are the key considerations for access? • Barricade? Dog? High-rise flat?
What is the relationship between the caller, suspect and victim?	
Is any person present under the influence of drink or drugs?	
What is the demeanour of the caller, victim, suspect?	<ul style="list-style-type: none"> • What background noise can be heard? (record shouting, words spoken etc)
Is there a history of domestic violence?	

Appendix B

CALL TAKER CHECKLIST

Is there a court order or injunction relating to the suspect?	<ul style="list-style-type: none"> • If so, what are the conditions? • Does the court order have a power of arrest?
Are there any special needs to consider?	<ul style="list-style-type: none"> • Any communication difficulties which require an interpreter? • Any cultural issues to be aware of? • Any hearing difficulties? • Any speech difficulties? • Any mobility/other disabilities?
What are the personal details of all parties involved	<ul style="list-style-type: none"> • Name, address, D.O.B., telephone number, sex
Record the first account of what the caller says has occurred	<ul style="list-style-type: none"> • Record detail verbatim
When established victim is safe give basic advice about crime scene until police arrive. This should include:	<ul style="list-style-type: none"> • 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)

2.0 Following the deployment of an officer to the scene, consider the following:

Prioritise the safety of officers and others	
Ensure medical assistance is en route, where appropriate	
Ensure support (back-up) is available for the officer(s) attending the incident, where appropriate	
Inform the caller that an officer has been dispatched	
Make appropriate checks of IT and/or paper-based systems for previous reported domestic violence history	<ul style="list-style-type: none"> • PNC • Bail conditions • Civil injunctions • Court Orders (powers of arrest) • Child contact orders • Child protection intelligence systems • Child protection register • VISOR

Appendix B
CALL TAKER CHECKLIST

3.0 After providing the officer with initial deployment details, provide the following additional information where possible:

Location and description of the suspect, where necessary	
Whether any weapons used or at the scene	
If any persons present are under influence of drink or drugs	
Any other factors that may affect the police response	<ul style="list-style-type: none"> • Those relating to same sex, disability, mental health, if the person reporting is able to speak freely
Any communication difficulties	<ul style="list-style-type: none"> • For example, language, hearing, speech
Any difficulties gaining access to scene	<ul style="list-style-type: none"> • For example, dogs, lifts
Any relevant history, injunctions with or without power of arrest and child protection issues	
Details of any children present	
Whether supervision is 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 can be safely admitted to the premises

Appendix C

LETTER FROM DCC BRIAN MOORE TO ALL FORCES
PRIOR TO FIFA WORLD CUP

**Association of Chief Police Officers of England,
Wales and Northern Ireland**

Crime Business Area

Deputy Chief Constable Brian Moore BSc MBA

Surrey Police, Mount Browne, Sandy Lane, Guildford, Surrey GU3 1HG
Tel : (01483) 482005 Fax: (01483) 454294 E-mail : 3677@surrey.pnn.police.uk

28th April 2006

To all Chief Constable and Commissioners

The World Cup Finals and Domestic Violence

As you will be aware, the World Cup Final football matches commence in June 2006. Based upon research²⁵ and operational experience, there is reason to suppose that this period may see a 'spike' in DV related crimes and incidents.

I have been in contact with the concerned ACPO Leads for the World Cup-related policing response and they are aware that I am writing to you. I have also been in dialogue with the Home Office about the potential DV-related problems likely to be posed to the police service and our partners during the relevant period and whether it is proposed to make additional resource (with or without constraints) available to assist both our planned and reactive activity.

Conscious of the imminence of the Finals, I have learned that the views and proposals (and scale thereof, if any) from the Home Office are likely to be delayed into May 2006. Pending further clarification, where forces and their partners have already begun to take steps to prepare for an increase in DV, I ask that they proceed with local arrangements. Where forces have not yet been able to consider the likely impact, I ask that you mandate your Force DV Champion to consider what additional steps, in partnership, may be appropriate to prepare for and mitigate an increase in DV.

I shall write again as soon as possible with more detail and advice which I trust may be of assistance. In the meantime, I invite your Force Champion to contact me if I can be of any help.

Yours sincerely

Brian Moore

²⁵ Sivarajasingam, V, Moore, S C and Shepherd, J P (2005) *Winning, Losing and Violence. Injury Prevention*, Cardiff University. <http://ip.bmjournals.com/cgi/content/full/11/2/69>

Appendix D

NCPE AND ACPO RISK ASSESSMENT MODEL (SPECIAL CASES)

Risks to Identify		Example Questions to Identify Risk
S	Separation or child contact dispute	<p>Is the victim separated from or planning to separate from the suspect?</p> <p>Is there any conflict with the suspect over child contact?</p> <p>Are there any court orders relating to the suspect and have they ever been breached?</p>
P	Pregnancy or recent birth	<p>Is the victim pregnant or has the victim recently given birth?</p> <p>Has the suspect ever been violent while the victim was pregnant?</p>
E	Escalation and severity of violence	<p>Does the suspect have a criminal record, if so what are the nature of the offences?</p> <p>Is the abuse becoming worse and/or more frequent?</p> <p>Has the suspect caused injuries to the victim now, and in the past?</p> <p>Does the suspect have access to firearms?</p> <p>Has the suspect ever used a weapon?</p> <p>Has the suspect ever abused or threatened to abuse pets or other animals?</p> <p>Has the suspect ever tried to choke, smother or strangle the victim?</p>
C	Child abuse	<p>Has the suspect ever hurt, or threatened to hurt, one of the children?</p> <p>Note: Children should always be seen by an officer attending a domestic violence incident and police responsibilities to safeguard children must always be considered.</p>
I	Isolation or barriers to help seeking	<p>Does the victim live in a physically isolated community (eg, rural area), or are they prevented from seeing family and friends?</p> <p>Does the victim face particular barriers in seeking help (eg, limited support from family or friends, speaking English as a second language, part of a closeknit community or isolation due to sexuality or lifestyle)?</p> <p>Does the victim have any disability? This could include physical or mental ill health (eg, depression and/or suicidal feelings).</p> <p>Does the victim have any problems with drugs and/or alcohol misuse?</p> <p>Is the victim in a forced (as opposed to an arranged) marriage or are they being forced into marriage?</p> <p>Are friends and family of the suspect involved in the abuse?</p>

Appendix D

NCPE AND ACPO RISK ASSESSMENT MODEL (SPECIAL CASES)

Risks to Identify		Example Questions to Identify Risk
A	Attempts or threats of suicide or homicide	Has the suspect ever threatened or attempted to kill themselves? Has the suspect ever threatened or attempted to kill someone else? Note: A suspect who is suicidal should also be considered as potentially homicidal.
L	LEGAL OBLIGATIONS	The police have legal obligations under the Human Rights Act 1998 and other legislation to protect child and adult victims of domestic violence.
C	Controlling behaviour, jealousy, stalking and harassment	Does the suspect behave in a jealous, possessive or controlling way? Does the suspect harass the victim or others with stalking-type behaviour?
A	Afraid of the suspect	How afraid is the victim of the suspect (eg, what is their perception of the harm that the suspect might cause them or someone else including any children)? Note: Victims often underestimate or deny the danger they face but rarely overestimate it.
S	Sexual abuse	Has the suspect said or done things of a sexual nature which hurt the victim or made them feel bad? Has the suspect ever threatened to commit or committed, a sexual offence against the victim or anyone else?
E	EFFECTIVE EVIDENCE GATHERING	Police officers should gather all available evidence to ensure that a domestic violence case and risk identification do not rely on the evidence of the victim alone.
S	Substance misuse, mental ill health of the suspect	Does the suspect have any problems with substance misuse? Does the suspect have any particular mental health problems?

Appendix E

RECOMMENDATIONS FOR THE PREPARATION OF NIM PROBLEM PROFILES FOR DOMESTIC VIOLENCE²⁶

- The problem profile should adhere as far as possible to the guidelines set out by ACPO. Using a standard format where available may help this, making sure all the relevant information can be incorporated.
- Including an executive summary, brief contents list, aims and objectives of the profile and list of abbreviations will make the report easier to navigate and understand.
- The most appropriate police data sources relating to domestic violence should be identified and utilised fully, in particular recorded crime or incident data, and additional supporting information held by domestic violence units.
- It should be made clear throughout the profile where the analysis is referring to crime or incident data.
- The use of non-police data should be considered in providing a more complete picture of the problem, where time constraints permit. This is particularly pertinent for domestic violence where there may be a reluctance to report incidents to the police. Other statutory agencies, such as the Probation Service, and health service providers may have data relating to this problem, and the individuals involved. In addition to this, several voluntary and private sector organisations may also have data that can help to provide a more detailed picture, particularly in relation to repeat victimisation. A local domestic violence forum, or similar organisation, may already exist to facilitate communication and information sharing between relevant agencies.
- Using rates in addition to counts can identify areas that may require specific targeting. Information around population or number of households in a beat area or ward is generally readily available (via the Office for National Statistics, for example), and should be used to provide overall rates for different areas within a BCU.
- Other sociodemographic data for beats or wards may also be easily accessed, and can be used to ascertain whether victim and offender profiles are typical of the local population, or if issues of underreporting for particular population groups are apparent.
- Mapping data is a useful way of pinpointing areas and streets where there are high incidences of offences, and identifying changing patterns over time. Maps can be used in conjunction with other local data to determine why problems are concentrated in certain areas. To obtain the most value from GIS, appropriate and, where possible, more sophisticated techniques such as cluster analysis should be employed.
- The analysis should draw, and then test, inferences from the data about why problems are happening in particular places at certain times, and identify potential pinch points where problems can be effectively addressed.
- One key aspect of the problem profile is to indicate how the planned interventions are likely to have an effect on the problem being analysed, and to give an indication of the expected (measurable) outcomes.
- Look at longer-term trends, preferably looking at how the situation has changed over the past two or three years. This gives ample data to identify seasonal changes, and distinguish real

²⁶ Erol, R (2006) *Domestic Violence Enforcement Campaign, Guidance on Problem Profiles*, UCL, JDI Crime Science Laboratory

Appendix E

RECOMMENDATIONS FOR THE PREPARATION OF NIM PROBLEM PROFILES FOR DOMESTIC VIOLENCE

changes from random fluctuations. Using a moving average can help remove the effects of random variations.

- Comparable time periods over previous years should be used when analysing the changes over time. This is particularly relevant in this situation where the problem profiles were linked to some form of assessment of the action that had taken place during the DVEC.
- While longer-term trends are strategically important, care should be taken to ensure the identified problem remains current as hotspots can, and do, 'desist' without having been targeted.
- The second DVEC was implemented during the World Cup Finals. Understanding what happened during similar events in the past, such as earlier World Cups, European Championships or other sporting events, can help to plan specific interventions for forthcoming events.
- The definitions used to identify incidents from non-police sources may vary from the ACPO definition. Where alternative definitions have been used, these should be clarified.
- Where a more in-depth analysis is required, it may be useful in the force to check the accuracy of the DV flag for a sample of violent (and other) offences, to gauge the proportion that are being incorrectly included or omitted (if any).
- The offences included within the analysis should be in line with current definitions and recorded crime and incident counting rules. Any variation from this within the problem profile needs to be explained clearly. Providing a breakdown of domestic violence by offence type is useful in understanding more about the nature of the problem.
- Within the limits set by the agreed definition, the analysis should consider all crimes that result from domestic incidents, including non-violent crimes. This may be particularly relevant when looking at repeat incidents, as incidents that are non-violent may escalate later to more serious violent offences. Strategies and tactics for dealing with domestic incidents that follow on from the analysis should be inclusive of all types of offence.
- Analysis of the main victim groups can help ensure that resources are targeted at the right people. The victim profile should be analysed in conjunction with the population profile, to ascertain whether the victim profile reflects the population, or whether certain age groups or ethnic groups are disproportionately represented.
- The analysis should explain what proportion of data is missing (such as sexual orientation or ethnicity) and how this may affect the interpretation of the results. This also applies if the victim profile only reflects a small proportion of the victims in the BCU. Assumptions should not be drawn about the victim or offender profiles where there is no data to support this.
- The victim profile should concentrate on factors that have been shown to be risk factors for domestic violence.
- The profile should clarify whether the victim data, such as ethnicity, is based on self-classification by the victim, or assessed by the officer attending the scene.
- Where possible, links should be made between domestic violence and other crimes when presenting profiles of prolific offenders, through the use of intelligence and other information sources.

Appendix E

RECOMMENDATIONS FOR THE PREPARATION OF NIM PROBLEM PROFILES FOR DOMESTIC VIOLENCE

- Given the high rates of repeat victimisation and offending for domestic violence, data on repeat offences should be included in the problem profile where possible, using the definition set out by ACPO. It should be made clear whether this refers to all incidents, or only those that have been recorded as a crime. Clarification is also needed on whether the person or an address is being used to determine levels of repeat victimisation.
- Data from partner agencies, such as health providers, may provide additional information on repeat victimisation and should be used where possible in conjunction with police data.
- More detailed analysis on repeat victimisation would be beneficial to ensure this is being recorded accurately, and that resources are therefore being targeted most effectively.
- The geographical area being targeted (beats, housing estates, roads) should be clearly defined so that rates can be calculated, resources can be tracked and results analysis carried out. Identifying hot areas can help in targeting publicity material and advice on support. An example of this was given in the West Midlands where information about local support services was distributed in cafés, doctors' surgeries and dentists located in beats with the highest number of victims.
- Further analysis on hypotheses about the risks associated with different locations would be interesting to ensure that areas with potentially high rates of offending are being identified and targeted. This may help to establish possible links with other factors such as night-time economy related violence. For example, if particular licensed premises are found to be linked with domestic violence, these could be the focus for publicity targeted at potential offenders.
- Analysing trends for days of the week and times of day will identify hot days and times, and emerging changes in temporal patterns, such as an increase in offences occurring later at night. Understanding this will help to ensure that sufficient resources are made available at high-risk times.
- Further analysis needs to be carried out into the connections between the timing of incidents and other events – such as around closing times of licensed premises, or certain sporting events. This was alluded to in many cases, and additional analysis, along with information on alcohol consumption, would provide further evidence to support these hypotheses.
- To get a more accurate picture of the proportion of offences involving alcohol consumption or drug use, more consistent recording practices are needed on crime or incident records. Ensure that the alcohol flag is used when incidents do involve alcohol. Drug use appears to be less strongly linked to domestic violence, although again the data for this was generally thought to be unreliable. Better data collection is needed if the extent of the problem is to be determined with any useful degree of accuracy.
- Specify how the involvement of drugs or alcohol (or other aggravating factors that may be identified locally) is defined, and whether it refers to the victim, offender or both. It should also be made clear how this is assessed, and whether this is based on the account from the victim or the judgement of the attending officer.
- The risk assessment tools used should be evidence-based, and it should be made clear how this has been applied. The ACPO/Centrex SPECIAL CASES risk assessment model has been suggested as an appropriate tool for police forces in assessing the risk of further victimisation or offending in domestic violence incidents (see Appendix D).

Appendix E

RECOMMENDATIONS FOR THE PREPARATION OF NIM PROBLEM PROFILES FOR DOMESTIC VIOLENCE

- The recommendations for further work may focus on prevention, intelligence gathering or enforcement activity, as suggested in the NIM guidance on problem profiles. Any recommendations provided in the problem profile should clearly follow from the evidence provided in the problem analysis, and be specific in nature.
- Referring to other initiatives and research demonstrates that recommendations within the report arising from the analysis are based on evidence or previous experience.
- Limitations of the data and the analysis, and the implications this has on the subsequent conclusions and recommendations, should be included clearly within the report. In the case of missing data, the analysis should specify what proportion of data is missing, and consequently how representative the data presented actually is in describing the problem.

ACKNOWLEDGEMENTS

The Police Standards Unit is grateful to the authors of this document:

Chief Inspector Martin Goodall – Police Standards Unit
Detective Inspector Pam Trevillion – Dorset Police
James Muncie – Police Standards Unit

Thanks are also due to the following for their efforts and assistance with the Domestic Violence Enforcement Campaigns:

Chief Inspector Shirley Wilding – Police Standards Unit
Chief Inspector Amanda Dellar – Metropolitan Police Service
Andy Pownall – Government Office for the North West
Steve Chapman – Welsh Assembly Government Office
John Dunworth – Home Office
Samantha Ingram – Home Office
Rupert Chaplin – Home Office
Alex MacDowell – Home Office
Funmi Okubajo – Crown Prosecution Service
Rosie Erol – Jill Dando Institute of Crime Science (University College London)
David Seabright – Tricorn Media
Gary Purser Associates

And to all BCU coordinators who contributed to the evaluation of the campaign in their local areas and who contributed fully to the lessons learned contained within this document.

Thanks also to all those officers at participating BCUs who contributed to the efforts of the DV campaigns and who continue to work to combat DV.

