

# GUIDANCE ON INVESTIGATING DOMESTIC VIOLENCE

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Produced on behalf of the  
Association of Chief Police Officers  
by the National Centre for Policing Excellence



**CENTREX**  
DEVELOPING POLICING EXCELLENCE

## GUIDANCE ON INVESTIGATING DOMESTIC VIOLENCE

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NCPE was established by the Police Reform Act 2002. As part of its remit NCPE is required to develop policing doctrine, including guidance, in consultation with ACPO, the Home Office and the police service. Guidance produced by NCPE should be used by chief officers to shape police responses to ensure that victims, children and the general public experience consistent levels of service. The implementation of all guidance will require operational choices to be made at a local level in order to achieve the appropriate police response.

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# PREFACE

The ACPO definition of **domestic violence** is:

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

The **priorities** of the police service in responding to domestic violence are as follows:

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

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

Both the Convention and other legislation, such as the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), place a clear responsibility on public authorities to fulfil these obligations **without discriminating** on any grounds. All victims of domestic violence should receive the appropriate quality of service according to their individual needs. All allegations should be properly investigated and offenders held accountable through the criminal justice system, without discrimination.

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

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

The aim of this guidance is to provide the police service with clear information about the policing of domestic violence. The guidance provides operational, tactical and strategic advice. Management issues are summarised at the end of each section. The guidance is linked to the *Centrex Responses to Domestic Violence Modular Training Programme*. The guidance is structured to follow the pattern of reporting, responding to and investigating domestic violence. It also contains specific advice about the role of specialist domestic violence officers and police domestic violence co-ordinators. The guidance provides an outline of multi-agency roles and responsibilities in reducing domestic violence and gives a reference section describing the focus of each agency.

For chief officers the following strategic issues emerge from the guidance:

- Implementing a comprehensive force policy that incorporates the *Guidance on Investigating Domestic Violence* and which works alongside associated policies such as those relating to child abuse;
- Developing information systems which support the implementation of the guidance;
- Focusing on police responsibility for the investigation of domestic violence related offences and for fulfilling its role in the criminal justice system to ensure that offenders are held to account;
- Ensuring that the training needs of all staff are met through the adoption of the *Centrex Responses to Domestic Violence Modular Training Programme*.

# Section 1

## IDENTIFICATION, REPORTING AND REFERRALS

The purpose of this section is to outline the ways in which reports of domestic violence or reports indicating domestic violence might come to the attention of the police. It includes information about general reports that will be made through the command and control system, at the front desk or through other potentially associated cases. This section also provides information about referrals made from other agencies, both statutory and non-statutory, and intelligence in relation to identifying and targeting domestic violence cases. This section is linked to module 1, 'Understanding Domestic Violence', of the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 1.1 GENERAL REPORTING

A common feature in most domestic violence cases is repeat victimisation. This is usually defined as more than one incident reported to the police in a given period, for example, twelve months. Reducing repeat victimisation and protecting victims from further victimisation should be carried out with the application of positive action policies in all cases of domestic violence. First hand reporting from a victim or witness is the most common way that the police are informed about domestic violence. The majority of domestic violence incidents are reported via calls to the police and by visits to the police station or through contact with operational officers. All reports of domestic violence should be recorded in compliance with *ACPO National Crime Recording Standards*. The receipt of a report of domestic violence is the beginning of the investigation. Officers and police staff should establish as much detail as possible to ensure an effective investigation. A victim or witness making a report of domestic violence might not identify it as such. This requires that officers and, to some extent, police staff, ask relevant questions to identify reports clearly as domestic violence.

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

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

### CHECKLIST 1: Requesting information when taking an initial report of domestic violence

Officers should seek the following information when taking an initial report of domestic violence:

- Location and identity of the person making the report;
- Location and identity of the suspect;
- Whether the parties are injured;
- Severity of any injury and whether medical assistance is required;
- Whether any children are present and if they are safe;
- Location of other parties (children and witnesses);
- Whether any weapons have been used;
- Identity of the parties involved including victim and children (eg, names [correctly spelt], sex, dates of birth, home address, telephone numbers);
- Whether any person present appears drunk or has taken drugs;
- Whether there is any history of domestic violence;
- Description of the suspect;
- Whether any court orders apply;
- Whether there are any special needs, for example, disability, language difficulties, whether an interpreter is required;
- Record details of the demeanour of the victim, suspect and witnesses;
- A first account of what the caller says has occurred (recording it verbatim).

## 1.2 POTENTIAL ASSOCIATED INVESTIGATIONS

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

### 1.2.1 CHILD ABUSE INVESTIGATIONS

'Child abuse' is a generic term encompassing all circumstances of ill-treatment of children, including serious physical and sexual assaults as well as cases where the standard of care does not reach reasonable expectations. *Working Together to Safeguard Children* (published by the Department of Health, Home Office and Department for Education and Employment) sets out definitions and gives examples of the four broad categories of child abuse:

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

Research has highlighted that there are significant links between domestic violence and child abuse. In households where domestic violence takes place, children might also be subject to abuse. Similarly in households where there is child abuse, domestic violence may be present. Children witnessing domestic violence are exposed to harm and risk. In child abuse investigations the welfare of the child is paramount; failing to identify and fully investigate the domestic violence element of any abuse could result in failure to protect the safety and well-being of both child and adult victims.

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

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

The *ACPO Guidance on Investigating Child Abuse* provides full details of actions to follow if officers suspect child abuse.

### 1.2.2 VULNERABLE ADULT ABUSE

Older people and adults with a physical or learning disability, or who have mental health problems, are particularly vulnerable to suffering domestic violence perpetrated by their partners, ex partners and family members. Suspects might also be the primary carer for the victim.

For further information on abuse of elderly people see,  
<http://www.cdna.tvu.ac.uk/ElderAbuse/>

### 1.2.3 MISSING PERSONS INVESTIGATIONS

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

All missing person reports should clearly alert staff to the **possibility** that the missing person is either a domestic violence victim or abuser. Specialist domestic violence officers should be informed when a domestic violence victim or suspect/offender is missing. Previous domestic violence records and intelligence should be used to assist in the investigation. Established links with domestic violence service providers, such as local refuges and outreach services should be used, where appropriate, to explore whether they can assist with the investigation. Such contact should respect the confidentiality process of the service provider and should not presume that information will be made available. For further information see, *ACPO Guidance on the Management, Recording and Investigation of Missing Persons*.

#### Missing person who is an alleged domestic violence victim

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

- Maintain victim confidentiality, as far as possible, with the victim's safety and protection being the priority at all times. If a person is traced, officers should only confirm whether or not they are safe and well. Officers should seek the full consent of the traced person before disclosing any additional information to the person reporting them as missing, or to any other person;
- Consider that a child may have run away from home to escape domestic violence or other forms of abuse that are occurring in the home. The immediate family may not reveal this information and therefore it is crucial that any previous history (from any available source) is considered. In cases where there is a suspected forced marriage see [1.2.5 Forced marriages](#);
- Consider that abusers may report children as missing or as abducted when their partner has left for their own safety, and has also removed the children to a place of safety;
- Consider that part of an abuser's strategy may be:
  - i. To report the victim missing and possibly to portray false concern in an attempt to cover up the abuse or homicide,
  - ii. A failure or reluctance to report the victim missing to avoid the subsequent investigation,
  - iii. To seek police assistance, believing the police will disclose the whereabouts of the victim or return them to the abuser.
- Use the expertise of specialist domestic violence officers who will have useful contacts with refuge and domestic violence support services;
- Ensure that the locations of refuges and domestic violence support services are **never** revealed to family members attempting to trace a missing person;
- Carry out full domestic violence checks on those reporting spouses, partners, children or other family members missing (including Police National Computer [PNC], civil injunctions, including any order denying or restricting child contact, child protection and force intelligence systems, child protection register and Violent and Sex Offender Register [VISOR]).

Any investigation into a missing person where there is a suspicion of domestic violence requires checks to determine whether there is a history of abuse. Investigations should seek evidence from police sources and partner agencies or any evidence from the missing person's relatives or associates, see [4. Investigation Development](#).

### **Missing persons who are alleged domestic violence abusers or offenders**

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

- Consider that a victim may be too frightened or ashamed to disclose that the missing person is a domestic violence abuser. Where this is suspected it may be useful to offer support through a partner agency.
- Ascertain whether the domestic violence suspect or offender has threatened or attempted to commit suicide. Any threat or attempt to commit suicide should be treated seriously. Such individuals should be considered as potentially homicidal and may pose a threat to the lives of the victim, child victims or others. It is not uncommon for domestic homicides to also involve the suicide of the abuser.
- Consider that a domestic violence suspect or offender may have been reported missing with children. This might be as part of a contact arrangement or dispute. Child contact disputes and post separation violence are established risk factors for further violence and homicide.

#### **1.2.4 DOMESTIC HOMICIDES**

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

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

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

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

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

#### **1.2.5 FORCED MARRIAGES**

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A forced marriage is a marriage conducted without the full and free consent of both parties. It should not be confused with an arranged marriage, which has the consent of both parties. In forced marriages, family members or spouses may perpetrate abuse, either by forcing the victim into the marriage or by continuing abuse after the marriage. The abuse may be committed by any family member (male or female) and may or may not include the other party to the forced marriage. The marriage can occur in this country or abroad.

Officers investigating forced marriages should not engage in community mediation and should identify suitable local advocacy groups to support victims. For further information see, *Home Office, Foreign and Commonwealth Office and ACPO Dealing with Cases of Forced Marriage: Guidelines for Police (May 2002)*.

### 1.2.6 INCIDENTS INVOLVING INSECURE IMMIGRATION STATUS AND DOMESTIC VIOLENCE

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

The following immigration rules apply to domestic violence.

#### General rules

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

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

#### Insecure immigration status and domestic violence

In the situation where domestic violence has caused the relationship to break down during the probationary period, the spouse or unmarried partner can apply for indefinite leave to remain in the UK. This concession has been made, outside of the standard immigration rules, for victims of domestic violence.

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

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

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

This concession will also apply where the applicant has been subjected to domestic violence at the hands of someone other than his or her spouse or unmarried partner, provided that the violence was the reason for the breakdown of the relationship. In those circumstances, the applicant will have to show clear evidence that even though another party abused him or her, the violence was still the reason for the breakdown of the marriage or relationship.

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

### 1.2.7 SEXUAL OFFENCES

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

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

The skills and expertise of specialist domestic violence staff and staff who are trained to investigate sexual offences should be used to ensure that domestic violence victims are provided with the opportunity to disclose sexual abuse, where it is present.

### 1.2.8 PROSTITUTION

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

### 1.2.9 INCIDENTS THAT ARE NOT OVERTLY DOMESTIC VIOLENCE

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The following list highlights other offences or incidents that might be linked to domestic violence, even when they may not appear to be linked at the time of reporting:

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

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

### 1.3 REFERRALS FROM OTHER AGENCIES

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

Partner agencies may have IT based information referral and tracking systems to analyse information relating to domestic violence. When a referral is received from another agency it should be recorded and investigated according to local information sharing protocols. In domestic violence cases there should be a well-recognised and auditable process in place to enable partner agencies to make the appropriate contact with the police to facilitate referrals and information sharing.

Police forces should ensure that their IT systems have the capability to record information from partner agencies, decisions made and subsequent action taken, thereby creating an effective audit process. If a referral indicates that a crime has been committed, according to *ACPO National Crime Recording Standards*, supervisors should ensure that the incident is investigated and a crime report is completed. Incidents not identified as a crime should be retained in police records for future use.

### 1.4 IDENTIFYING INFORMATION AND INTELLIGENCE ABOUT DOMESTIC VIOLENCE OFFENDING

Information and intelligence should provide officers with background material from which victims and suspects can be identified. Domestic violence information and intelligence comes to the police from a number of sources and it is vital that it is identified, properly stored, assessed and retained. Intelligence should be entered into the intelligence system in line with *ACPO Guidance for the Retention and Dissemination of Intelligence*. Failure to record and use such intelligence could significantly reduce the effectiveness of the police response.

All information and intelligence relating to domestic violence, including that from other agencies, should be held centrally and be routinely managed by the police domestic violence co-ordinator. Such information should be examined regularly for signs of escalation or further risk factors relating to the victim, children and any other people. Domestic violence is also associated with other types of violent crime and sex offending. Any recent or new information or intelligence should lead to a further assessment. Persistent and serious offenders may be the subject of target profiling and should therefore be included as part of patrol officer briefings and de-briefings. This is particularly valuable in cases where the suspect leaves the scene prior to police arrival or has other identified criminal connections. All domestic violence intelligence should be disseminated to police domestic violence co-ordinators who should organise the targeting of suspects. Specialist domestic violence officers should feedback specific intelligence on suspects and their patterns of offending. Such feedback and information about any other criminal connections, relevant civil injunctions or orders made to restrict child contact should be entered into the intelligence system and included within target profiles.

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

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

## MANAGEMENT ISSUES:

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



# Section 2

## DEPLOYMENT

This section provides guidance for staff working in police communication rooms. It will also be relevant to front desk staff in police stations even though they might not be taking 'emergency' reports. Supervisors of communication rooms and front desk staff will also find this section useful. It outlines the information that should be recorded by emergency report takers and considerations regarding the deployment of police officers to domestic violence incidents. This section is linked to module 2, 'Dealing with Reports of Domestic Violence', of the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 2.1 SAFETY ISSUES

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

Call takers should do the following to ensure the safety of those reporting domestic violence:

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

### **If the suspect is still present at the scene:**

- Keep the caller on the line. Any background noise from a 999 call will automatically be tape-recorded and could be used as evidence as well as allowing monitoring of the incident.

### **If the suspect has left the scene:**

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

## 2.2 CONFIRMATION OF INFORMATION

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

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

### **CHECKLIST 2: 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:

- Location and identity of the caller;
- Location of the incident;
- Location of the suspect, victim and children;
- Whether the parties are injured;
- Severity of any injury and whether medical assistance is required;
- Whether any children are present and if they are safe;
- Whether any weapons have been used;
- Whether any weapons are available to the suspect;
- Identity of all parties involved including the victim, children and suspect (eg, names [correctly spelt], sex, dates of birth, home addresses, telephone numbers);
- Whether communication difficulties exist and if officers will require an interpreter;
- Whether there are any special needs, for example, disability;
- In what capacity the parties are involved;
- Whether any person present appears drunk or has taken drugs;
- Whether there is any history of domestic violence;
- Description of the suspect;
- Whether any court orders apply;
- First account of what the caller says has occurred (recording it verbatim);
- Details of the demeanour of the victim, suspect and others present and background noise (including shouting, words spoken).

## 2.3 PRESERVATION OF EVIDENCE

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

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

## 2.4 RESOURCE DEPLOYMENT

### CHECKLIST 3: Deployment

Call takers should:

- Prioritise the safety of officers and others;
- Ensure that medical assistance is en route, where appropriate;
- Make sure that support (back up) is available for the officer(s) attending the incident, where appropriate;
- Inform the caller that an officer(s) has been dispatched;
- Make appropriate checks of IT and/or paper-based systems for previous reported domestic violence history, PNC checks, bail conditions, civil injunctions, court orders relating to child contact, child protection intelligence systems, child protection register, VISOR;
- Inform the officer attending of the following:
  - i. Details of any children present,
  - ii. Any relevant history, injunctions and child protection issues,
  - iii. Any communication difficulties (language, hearing, speech),
  - iv. Any other factors that may affect the police response, eg, those relating to culture, same sex, disability, mental health,
  - v. A description of the suspect, where necessary,
  - vi. Whether supervisors are aware of the incident, in accordance with local policy;
- Inform the caller when a police officer(s) has arrived at the scene so that the officer(s) can be safely admitted to the premises.

### MANAGEMENT ISSUES:

- Developing policies that indicate how frequently supervisors should monitor domestic violence related calls;
- Monitoring the accuracy of call grading according to local call grading policies;
- Monitoring to ensure that domestic violence incidents are identified or flagged appropriately at the call handling stage;
- Providing training to police staff taking domestic violence reports.

# Section 3

## FAST TRACK ACTION

The purpose of this section is to provide information to officers responsible for the fast track actions or first response. The information is not listed in order of priority, but is intended to offer information that is relevant to first police responses to incidents of domestic violence. Police forces that give patrol officers responsibility for the full investigation of domestic violence incidents will need to combine this information with section 4, Investigation Development. This section is linked to module 3, 'Investigating Domestic Violence' and module 4, 'Domestic Violence and Child Abuse', of the *Centrex Responses to Domestic Violence Training Programme*.

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### 3.1 DUTY OF POSITIVE ACTION

The Human Rights Act 1998 includes positive obligations on police officers to take reasonable action, which is within their powers, to safeguard the following rights of victims and children: right to life (Article 2, European Convention on Human Rights 1951[ECHR]); right not to be subjected to torture or to inhuman or degrading treatment (Article 3, ECHR); and right to private and family life (Article 8, ECHR). Failure to exercise a power of arrest may leave a victim at risk from further offences and may mean that the police force is vulnerable to legal challenge under both the Human Rights Act 1998 and the law relating to negligence.

The requirement for positive action in domestic violence cases incurs obligations at every stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation and the protection and care of victims and children. Action taken at all stages of the police response should ensure the effective protection of victims and children while allowing the criminal justice system to hold the offender to account. An effective and proactive investigation should be completed in all cases where a domestic violence incident is reported. In practice, this will usually mean that 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, see [3.11 Arrest strategies](#).

It is the decision of the police officer whether or not to arrest a suspect and therefore victims should not be asked whether they require an arrest to be made.

It is the decision of the Crown Prosecution Service (CPS) to prosecute. Initial police action should not pre-judge those decisions.

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

- Record the details of why an arrest has not been made;
- Explain the reason why an arrest has not been made to the victim, where appropriate;
- Give consideration to proceeding by summons or issuing a warning under the Protection from Harassment Act 1997;
- Reassure the victim that every step will be taken to:
  - i. Record details of the incident on police IT systems,
  - ii. Offer help and protection to the victim and children,
  - iii. Gather evidence to support future criminal prosecutions, which could also be used in civil proceedings, eg, those relating to child contact,
  - iv. Refer the victim and/or children to relevant agencies for support and assistance (eg, refuge or other specialist support services, Victim Support, housing services, solicitor or Citizens Advice Bureau).

The requirement for positive action means that in all domestic violence cases officers should consider the incident as a whole, not just the oral or written evidence of the victim. Officers should focus efforts, from the outset, on gathering alternative evidence in order to charge and build a prosecution case that does not rely entirely on the victim's statement. This is particularly important where at any stage the victim appears not to support a prosecution, see [4.4.4 Retraction statements](#).

### 3.2 OFFICER SAFETY

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

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

### 3.3 POWERS OF ENTRY

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

#### CHECKLIST 4: Police powers of entry

- Under section 17(1)(b) of the Police and Criminal Evidence Act 1984 (PACE), a constable may enter any premises for the purpose of arresting a person for an arrestable offence, which will include assaults occasioning actual or grievous bodily harm or criminal damage;
- Under section 17(1)(e) of PACE, a constable may enter premises for the purpose of saving life or limb or preventing serious damage to property;
- Under Common Law a constable has the power to enter premises to prevent or deal with a Breach of the Peace;
- Under section 48 of the Children Act 1989, a warrant may be obtained to search for children who may be in need of emergency protection;
- Where a civil injunction with a power of arrest has been breached.

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

### 3.4 ACTIONS ON ARRIVAL AT THE SCENE

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

#### CHECKLIST 5: Actions on arrival at the scene

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

- Re-assess victim and officer safety, including immediate risk, particularly in respect of access to weapons;
- Make an immediate assessment of the need for first aid or other medical assistance such as an ambulance (this should include the needs of the victim, any children, any other persons and the suspect);
- Separate parties, including any children;
- Confirm the identity of the suspect (if they are no longer at the scene circulate a full description via the radio system);
- Establish who is or was at the scene, including any children;
- Request appropriate checks on the suspect and household, including warrants, bail conditions, civil orders, and child protection register, if not already done;
- Make accurate records of everything said by the suspect, victim and any witnesses, including children;
- Record the demeanour of the suspect, victim and any other witnesses, including children;
- Consider taking photographs and/or using a video camera to record evidence;
- Report findings to the investigating officer (if different from the first response officer);
- Secure the safety of victims in their home, if this is not possible consideration should be given to taking them to another place of safety, eg, the home of a relative or a refuge (this should be done according to local arrangements for housing and refuge provision);
- Obtain an overview of what has occurred, taking into account the established risk factors associated with domestic violence, see 3.12 Risk identification;
- Ensure that information relating to the suspect is included in any risk assessment processes.

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

### Significant statements

A significant statement made by the suspect is one which appears capable of being used in evidence, in particular a direct admission of guilt. PACE states that at the beginning of an interview the interviewer, after cautioning the suspect, shall put to them any significant statement or silence that occurred in the presence and hearing of a police officer or civilian interviewer.

To ensure compliance with PACE, officers should ensure that significant statements made by the suspect are:

- Recorded in the officer's pocket book and include any unsolicited comments before or after caution, details of the place where they occurred, the time they began and ended, and who was present;
- Timed and signed immediately in the officer's pocket book;
- Offered to the suspect to read from the pocket book entry and offered for signature by the suspect (the fact that it has been offered to the suspect for signature should be included in the pocket book, along with any reasons given by the suspect if the request was refused);
- Recorded on the custody record, if made while a suspect is in custody;
- Included as part of the suspect interview plan.

## 3.5 MEDICAL TREATMENT AND FORENSIC MEDICAL EXAMINATION OF THE VICTIM

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

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

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

When separate individuals involved in the same case require a forensic medical examination, different forensic physicians at different locations should examine them. Where this is not possible, the forensic physician should shower and change clothing completely between examinations and the examination room should be forensically cleaned. Officers and CSIs should avoid cross contamination of scenes and should, where possible, avoid attending both the scene and any forensic medical examination. For issues about the forensic medical examination of children see *ACPO Guidance on Investigating Child Abuse*.

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

### 3.6 DUTIES IN RELATION TO CHILD PROTECTION

In the context of this guidance, a child is any person under the age of 18 years. The police have a duty to protect children from harm and in all investigations the principle that the welfare of the child is paramount, should be observed.

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

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

Where necessary, officers should consider the exercise of police powers of protection. For more detail about the exercise of police protection powers see *ACPO Guidance on Investigating Child Abuse*.

#### CHECKLIST 6: Minimum recording requirements – children

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

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

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

Child witnesses to domestic violence should be interviewed in accordance with the guidelines set out in the *Home Office Achieving Best Evidence Guidance*. First response officers should only ask sufficient questions to establish the safety of the child, crime scene location, suspect identity and location, and to ensure the preservation of evidence. All questions and answers should be recorded for the preparation of any subsequent interview. It is important to allow the child to answer without interruption.

For further information, see *ACPO Guidance on Investigating Child Abuse* and *Home Office Achieving Best Evidence Guidance*.



### 3.7 SCENE PROTECTION

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

It is likely that the suspect will have had legitimate previous access to the scene. Any forensic material preserved and collected from the scene may prove a valuable source of evidence to corroborate the victim or witness account.

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

#### CHECKLIST 7: Protecting the scene

Officers should:

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

#### Non-intimate and intimate samples and preservation of evidence

To safeguard potential evidence, prior to a medical examination, any person liable to be the subject of a forensic medical examination should be advised **not** to:

- Drink or eat;
- Smoke;
- Go to the toilet;
- Wash;
- Remove clothing.

There may be circumstances where the above has not or could not be conformed with, or there may be undue delay in organising a forensic medical examination. In these circumstances, officers may need to consider the following actions and advise the victim, as appropriate:

- a) Oral sex** – if oral sex has taken place, a mouth swab should be taken as soon as possible. This is a non-intimate sample and therefore could be taken by an officer, if so equipped. Victims can be advised to spit into a clean cup or clean their teeth, retaining the toothbrush for forensic examination.
- b) Penetrative sex and/or ejaculation in the vicinity of genitalia or anus** – the victim should be asked to pre-wipe the area with a sterile swab or other suitable material. If attending officers have no sterile materials available, toilet tissue or cotton wool may meet requirements. Where applicable, officers should take a control sample of any non-sterile material used to collect samples and place it in separate packaging. Alternatively, victims may be asked not to remove underwear. Consideration should be given to seizing bedding and mattresses.
- c) Clothing** – if clothing has been changed or discarded following the offence these items should be recovered and packaged as appropriate. If circumstances require the removal of soiled clothing prior to examination, particular attention should be paid to any suspect material on the head or hair which may be disturbed by taking off any garments over the head. Any jewellery, particularly earrings should be removed and packaged.
- d) Drug assisted sexual assault** – blood and urine samples should be obtained as soon as possible.

Any action taken by a police officer or victim to preserve evidence prior to a forensic medical examination should be recorded. Officers should also inform the forensic physician of such actions.

For further information, see [4.3 Physical evidence](#).

### 3.8 INITIAL ENQUIRIES WITH VICTIMS AND WITNESSES

The role of the police officer is to investigate and **not** to:

- Act as a conciliator or mediator;
- Attempt to counsel any party;
- Allocate blame by asking inappropriate questions.

### CHECKLIST 8: Gaining a first account from a victim or witness

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

- Ensure each party is spoken to separately (speak to the victim and/or any children independently, in a place where the suspect cannot overhear, to allow them to talk more freely);
- Explain the investigation processes and procedures to the victim and/or any witnesses and make it clear that the police take these matters seriously;
- Explain that support is available for the victim or witness;
- Obtain a first account as soon as practicable after the event, when the witness may be most able to recall the incident;
- Record first accounts given by witnesses, especially those relating to suspect descriptions (these may prove to be a most reliable source of information as they are made with the incident still fresh in their minds);
- Provide the victim with referral details of independent advocacy or outreach services where available (advocates are especially valuable to victims from minority communities where there are language barriers or a lack of knowledge of, or confidence in, the UK criminal justice system);
- Consider that the victim may be in a distressed state and that it is not appropriate to ask the victim what course of action they wish the police to take;
- Note that previous withdrawals of support for a prosecution should not adversely influence decision making in whether to arrest for an offence;
- Consider the needs of victims and witnesses from black and minority ethnic communities and other victims whose requirements, due to their sexuality, disability or other factor, may increase their vulnerability, for further details see *Centrex Responses to Domestic Violence Modular Training Programme*;
- Make an accurate record of everything that is said by all parties;
- Take the victim or other witnesses to a neutral place if appropriate (consider the use of police victim suites, if available) as this may help to reassure the witness and improve the quality of evidence likely to be obtained;
- If a victim is taken to a refuge or other place of safety, never disclose this to the suspect, as this further endangers the victim and may result in the suspect harassing the victim, refuge staff or other family members;
- Consider video recording or audio-taping the first account from the victim and/or witnesses in serious cases and cases with vulnerable or intimidated witnesses;
- Preserve any written notes made during initial victim or witness interviews in line with PACE and in relation to unused material;
- Brief interviewing officers of lines of questioning if the suspect is to be formally interviewed later by a different officer. For further information, see 4.4.1 Victim interviews and 5.2.3 Suspect interviews.

### 3.9 USING INTERPRETERS AT THE SCENE

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

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

For further information about use of interpreters, see 5.2.3 Suspect interviews.

### 3.10 POLICE POWERS OF ARREST

Officers should note that charging standards are for custody officers and the CPS to use to determine what offence to charge a suspect with. The standards do not affect police powers of arrest.

#### CHECKLIST 9: Police powers of arrest

This list is not exhaustive but the following are particularly useful police powers in domestic violence cases:

- Section 24 of PACE provides a power of arrest for all those offences which are arrestable offences, or which have been designated as arrestable under Schedule 1A of PACE;
- Section 25 of PACE provides a power of arrest for all other offences which are not arrestable offences if certain conditions apply;
- Sections 3, 4, 4A and 5 of the Public Order Act 1986 create offences that have a power of arrest if 'found committing', however, Affray (section 6 Public Order Act 1986), which can be committed in private or public, may not be applicable for domestic violence incidents where only two parties are involved and there are no others present. Section 5 can also be committed in both public and private but not if both parties are within a dwelling, and the power of arrest arises only after a warning to stop has been given and the conduct continues;
- Section 2 of the Protection from Harassment Act 1997 prohibits a person from pursuing a course of conduct that amounts to harassment of another, which they know or ought to know amounts to harassment of the other. Section 4 creates an offence of putting people in fear of violence. Both are arrestable offences under section 24 of PACE. The course of conduct must include conduct on two separate occasions but can include the use of speech;
- Under section 6 of the Criminal Law Act 1977 it is an offence without lawful authority to use or threaten violence to secure entry to premises. All that needs to be proved is that there is someone on the premises opposed to the entry and that the defendant knows that to be the case. A constable in uniform may arrest anyone he reasonably suspects to be guilty of this offence. However, there is an exception for a Displaced Residential Occupier and Protecting Intending Occupier. Refer to sections 12 and 12a of the Criminal Law Act 1977 for further explanation of these terms;
- Section 51 of the Criminal Justice and Public Order Act 1994 creates two arrestable offences of intimidating a witness and harming or threatening to harm a witness;
- Sections 47, 18 and 20 of the Offences Against the Person Act 1861 create the offences of assault occasioning actual bodily harm, wounding, and grievous bodily harm, all of which are arrestable offences. Section 21 of the same act makes it an offence to attempt to choke, strangle or suffocate with the intent to enable the commission of an indictable offence;
- A constable may also arrest a person who is in breach of the terms of an injunction or court order if a power of arrest is attached. The power of arrest may be attached to specific terms within the order and not to the whole order.

### 3.11 ARREST STRATEGIES

**Note the requirement of the Human Rights Act 1998 (incorporating into British law the ECHR) and *Revised Home Office Circular 19/2000* to:**

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

Where a power of arrest exists in the context of domestic violence it will normally be necessary for the officer to exercise that power. Article 5 ECHR allows a person to be deprived of their liberty: *'for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence, or when it is reasonably considered necessary to prevent his committing an offence or fleeing having done so.'*

In order to ensure that an effective investigation is completed and further offences prevented, an officer will normally need time with the victim after the reported incident and while the suspect is under arrest. This provides time to identify the risk, gather evidence and investigate the precise nature of the alleged offence committed and the wider context of the incident.

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

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

#### **Counter allegations**

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

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

#### **When investigating counter allegations officers should note and record:**

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

#### **Dual arrests**

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

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

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

### 3.12 RISK IDENTIFICATION

In this context the term 'risk identification' is used to refer to the identification of established risk factors in a domestic violence case. This process can be undertaken by any police officer or member of police staff. Any risk assessment document requiring the categorisation of risk level, for example, as high or standard risk, should only be undertaken by specialist domestic violence officers who have received training in risk assessment and risk management. This process should be supervised by police domestic violence co-ordinators. Any risk assessment is an ongoing process and should be subject to frequent monitoring.

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

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

#### **Established risk factors**

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

For a brief summary of the research base of each risk factor see *ACPO Guidance on Identifying, Assessing and Managing Risk in the Context of Policing Domestic Violence*.

#### **a) Behaviour and circumstances of the suspect**

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

##### **1. Previous physical assault by the suspect**

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

- 2. Previous sexual assault by the suspect**

This is a risk factor for future violence and for serious violence. The injuries sustained by domestic sexual assault victims are often *more serious* than those experienced in sexual assaults by strangers.
- 3. Escalation and severity of violence, including use of weapons and attempts at strangulation**

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

Concurrent child abuse and adult domestic violence is common. Antecedents to domestic homicide often include a history of child abuse and a history of adult domestic violence in the family. It is for this reason that automatic screening for domestic violence in all child abuse cases and vice versa is required.
- 5. Suspect's possessiveness, jealousy or stalking behaviour**

Possessiveness, jealousy and stalking behaviour include following the victim, unwanted attention, persistent telephone calls, visits, sending text messages and letters. A large proportion of harassment and stalking cases involve former partners and there are clear links between this behaviour and subsequent domestic violence assaults and domestic homicide by men against women.
- 6. Threats or attempts to commit suicide by the suspect**

Threats by a suspect to commit suicide have been highlighted as a factor in domestic homicide and child homicide. *A person who is suicidal should also be considered homicidal.*
- 7. Threats or fantasies of committing homicide by the suspect**

Threats or fantasies of committing homicide are a risk factor for subsequent violence including homicide of a family member.
- 8. Previous criminality or breach of civil or criminal court order or bail conditions by the suspect**

Past breach of a criminal or civil court order or of bail conditions and/or a history of criminal behaviour suggest that a domestic violence suspect is a high risk. Suspects who leave the scene of a domestic violence incident before the police arrive may also have a higher recidivism rate than those who remain. This might be explained by their lack of sanction by the criminal justice system. In such cases every effort should be made to locate the suspect and carry out a full investigation into the incident.
- 9. Suspect's psychological and emotional abuse of the victim (including denial or minimisation of violence)**

Studies of abusers suggest that psychological and emotional abuse, in particular dominance and isolation of the victim and others, is a useful variable in predicting repeat and severe violence. Men who also sexually and physically assault their partners have been found to be particularly dangerous.
- 10. Suspect's misuse of illegal or prescription drugs and/or alcohol or mental health problems**

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

## **b) Risk factors relating to the victim's circumstances**

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

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

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

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

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

### **3. Pregnancy of the victim**

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

### **4. Disability or mental or physical ill health of the victim**

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

### **5. Social isolation and particular vulnerability of the victim**

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



### 3.13 REFERRALS TO VOLUNTARY SECTOR SUPPORT ORGANISATIONS

Officers should inform victims of the local availability of refuges, Victim Support, outreach services and places of safety. Women's Aid and Refuge operate a network of refuges and community-based support services across the country for women and children who need advocacy and support and a safe place to stay. Specialist refuge and support services also exist for victims of domestic violence who might experience additional barriers to reporting or escaping domestic violence.

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

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

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

#### **Emergency accommodation**

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

If the victim needs to return to their home to collect children or belongings and there is fear of further violence, it may be appropriate for police officers to go with them. Alternatively, if the victim feels safe to return, it may be more appropriate for them to be accompanied by a relative, friend or social worker, if a police presence is likely to inflame the situation. See [5.3.6 Assisting with the recovery of property for the suspect or victim](#).

### 3.14 USING THE PROTECTION FROM HARASSMENT ACT 1997 (PHA)

The Protection from Harassment Act 1997 (PHA) was introduced to address harassment where conduct was such that it did not necessarily constitute an offence under any existing legislation. Therefore where a person's actions amount to an offence under the Public Order Act 1984 (POA), the Offences Against the Person Act 1861, or the Criminal Damage Act 1971, proceedings should be instigated for that offence and not under the PHA.

The difference between harassment and public order is clear. At a basic level, the POA requires behaviour to be threatening, abusive or insulting in order to cause harassment, alarm, distress or fear of violence. The PHA requires that either harassment or fear of violence be caused to the victim on at least two occasions. The law does not define harassment but indicates that causing alarm or distress are elements of harassment. The suspect's behaviour may not involve explicit threats, but if it causes the victim harassment the offence is committed – examples would include silent telephone calls, or following a person around.

#### CHECKLIST 10: Proving offences under PHA

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

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

### 3.15 USING ANTI-SOCIAL BEHAVIOUR ORDERS

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

An order contains conditions prohibiting the offender from specific anti-social acts or entering defined areas, and is effective for a minimum of two years. ASBOs are civil orders made in court. They can be applied for by English county councils, the British Transport Police, local authorities, housing action trusts, police forces and registered social landlords, but not by members of the public. Breach of an order is a criminal offence, which is arrestable and recordable.

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

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

Officers may find them a useful option where:

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

#### MANAGEMENT ISSUES

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

# Section 4

## INVESTIGATION DEVELOPMENT: SOURCES OF EVIDENCE

The purpose of this section is to provide officers with information about possible sources of evidence in domestic violence cases. Officers should focus efforts on gathering evidence in order to charge a suspect and build a prosecution case that does not rely entirely on the victim's statement. This section will be useful to all police officers responsible for responding to domestic violence incidents and especially to officers carrying out detailed or specialist investigations into these cases. It will also be of interest to crime scene investigators involved in domestic violence cases. Information gained, as part of the investigation, should be used to identify risk factors and be fed into any risk assessment processes. This section is linked to module 3, 'Investigating Domestic Violence', of the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 4.1 MANAGING THE INVESTIGATION

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

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

## 4.2 LINES OF ENQUIRY

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

### CHECKLIST 11: Lines of enquiry

Officers should follow these potential lines of enquiry:

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

### Historical disclosures

At any point during the enquiry a historical disclosure of serious violence might be made. This should be accurately recorded and brought to the attention of a senior officer for consideration for either a separate investigation or for supporting the current prosecution.

## 4.3 PHYSICAL EVIDENCE

### 4.3.1 FORENSIC SCIENCE

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

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

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

#### a) Blood pattern distribution

Although the presence of blood at the scene may provide corroboration of physical assault, blood pattern and distribution analysis is vital in establishing the possible pattern of events.

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

#### b) Fingerprints

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

#### c) Clothing and bedding

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

#### d) Footwear impressions

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

**e) DNA**

The presence of a suspect's DNA at the scene may prove significant when linked with items associated with the specific incident. For example, a bottle used in an assault may identify the drinker(s). Similarly a recently deposited cigarette stub used to burn a victim may identify the smoker. This type of information may help to establish some factual element to conflicting circumstantial accounts. In a domestic violence case, when identity of the suspect is not in question, officers should not assume that DNA evidence should not be collected. Officers should consider collecting DNA samples from all suspects on arrest or charge. Such evidence could link the suspect to other offences, including sexual assault.

**f) Signs of a disturbance**

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

**g) Injuries and evidence from the forensic medical examination**

The victim is a crime scene and should be dealt with in that way. Any interpretation of injuries should come directly from the forensic physician carrying out the medical examination. Bite marks should be swabbed for DNA, photographed and referred to a forensic odontologist. Reference could also be made to the National Injuries Database, National Crime and Operations Faculty at the National Centre for Policing Excellence.

**h) Weapons**

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

#### 4.3.2 PHOTOGRAPHIC EVIDENCE

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

#### CHECKLIST 12: Use of photographic evidence

Officers using photographic evidence techniques should:

- Photograph all injuries (victim and suspect), bite injuries should be photographed as soon as possible;
- Photograph or video record all damage and disruption at the scene (including damaged clothing and weapons) and **any** other evidence that might assist in corroborating victim or witness accounts or proving the offence(s);
- Use CSI photographs whenever possible in domestic violence cases (this should be done irrespective of whether Polaroid or digital photographs have been taken);
- Record video footage of crime scenes when appropriate, and in particular, in more serious domestic violence cases;
- Make arrangements for the victim to be re-photographed when injuries may be more apparent;
- Take particular care when photographing darker skin tones as bruising can be more difficult to see;
- Use photographs, particularly instant, pro-actively to assist in the investigative interview, see 5.2.1 Defence disclosure and 5.2.3 Suspect interviews;
- Provide custody officers with photographs to assist them with decision making, particularly in respect of police bail;
- Attach photographs to the file of evidence to inform the CPS, magistrates and judiciary.

For further information on the audit process for using digital photography see, *Digital Imaging Procedure (March 2002)* <http://www.homeoffice.gov.uk/docs/digchart.pdf>

#### Photographic evidence – victim care issues

- Investigating officers should ensure that where appropriate or possible, victims are able to decide the location that they would like the photographs to be taken (requesting that victims attend photographic injury clinics at police stations might be a discouragement);
- A victim's consent should be obtained before any photographs are taken (where possible this should be recorded, either on pre-prepared forms, in an officer's pocket book or within a victim's statement);
- A victim should be made aware that photographic evidence obtained could be used as evidence in any subsequent criminal or civil proceedings, eg, child contact hearings.

### 4.3.3 USING 999 TAPES

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

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

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

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

### 4.4 VICTIM AND WITNESS EVIDENCE

#### 4.4.1 VICTIM INTERVIEWS

An early decision should be made in relation to the most appropriate method of recording an interview with an adult victim or witness. When appropriate, consideration should be given to conducting a video or audio, significant witness interview. This may be dependent upon the interviewee's wishes, the circumstances and the gravity of the offence. In some cases note taking may be the preferred option. Officers should note the provisions of the Youth Justice and Criminal Evidence Act 1999. For further information see, *Home Office Achieving Best Evidence Guidance*.

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



When considering which areas are to be covered during interview, the aims and objectives of the interview should be clear. Questioning should be built around these aims and objectives in order to identify further lines of enquiry and to assist in the planning for the suspect interview, see 5.2.3 *Suspect interviews*.

Officers should ensure that information gained from the victim and witness interviews is included in any risk assessment and safety planning processes. Before conducting the victim interview, the interviewing officer should ensure that the interview would meet the required standards as set out in legislation and the *ACPO Investigative Interviewing Guidance*. Officers should ensure that any confidential details, such as the address of a place of safety, are not disclosed in a recorded interview, and if they are, the CPS should be informed of this.

Interviewing officers should also ensure that they make provision, as required, for the use of suitable interpreters for the interview. See 3.9 *Using interpreters at the scene* and 5.2.2 *Use of interpreters during suspect, witness and victim interviews*.

### CHECKLIST 13: Planning the victim interview

Full planning for the interview should include acquiring the following information:

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

Some of the above might provide a template for witness interviews. Consider obtaining a victim personal statement as part of the interview, see 5.3.7 *Victim personal statement scheme*. Information obtained from interviews with victims and witnesses should be processed according to local policies and procedures.

#### 4.4.2 INTERVIEWING CHILD WITNESSES

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

Children should be interviewed on video in compliance with the *Home Office Achieving Best Evidence Guidance*.

For further information see, [http://www.homeoffice.gov.uk/docs/best\\_evidence\\_vol1\\_cover.pdf](http://www.homeoffice.gov.uk/docs/best_evidence_vol1_cover.pdf)

### 4.4.3 DEBRIEFING THE FIRST OFFICER AT THE SCENE

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

#### CHECKLIST 14: Debriefing the first officer at the scene

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Interviews should cover the officer's initial appraisal of:

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

Where relevant, all of the above issues should be addressed in the officer's statement and included within the prosecution file. The first officer at the scene should have made an **initial** identification of risk by applying the established risk factors, see 3.12 Risk identification. This may include the officer's opinion of the current or potential risk to the victim(s) and any children, and any risk, current or potential to the suspect. All interviews including those with neighbours, social workers and other family members should explore risk identification.

### 4.4.4 RETRACTION STATEMENTS

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Where possible, a specialist domestic violence officer should take retraction statements. If retraction statements are taken with care, they might still be used as evidence in current or future criminal proceedings or as evidence within the family court system. Any withdrawal of support for a prosecution should prompt a revised risk assessment process and safety planning. Retraction statements should be forwarded to the CPS and accompanied by a report from the officers taking the statement. The report should detail their observations about the reasons for the victim's retraction and their views about whether the case should proceed.

#### CHECKLIST 15: Taking comprehensive retraction statements

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A retraction statement should contain the following information:

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

## 4.5 POLICE EVIDENCE

### 4.5.1 HOUSE-TO-HOUSE ENQUIRIES

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

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

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

### 4.5.2 COVERT SURVEILLANCE AND CLOSED CIRCUIT TELEVISION CAMERAS (CCTV)

#### Covert surveillance

Covert surveillance is a potential investigative tool to gather evidence in certain domestic violence cases, particularly where harassment is an issue. In domestic violence cases where the victim does not wish to make a report to the police or any other agency but officers have serious and justified concern for the victim's safety, it might be necessary and proportionate to employ covert surveillance techniques to gather evidence. Police forces should comply with the Regulation of Investigatory Powers Act 2000 (RIPA) and the *Home Office Covert Human Intelligence Sources Code of Practice* when employing covert surveillance techniques.

#### Closed circuit television cameras (CCTV)

Closed circuit cameras are now situated in most city and town centres, with some systems extending into residential areas. Most local authority CCTV systems are monitored and have direct links to police control rooms. Police forces and local authorities have clear standard operating procedures about their use.

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

Covert cameras can be used as a reassurance tool and for collecting evidence. Cameras should be positioned to capture potential evidence. Where possible they should survey the outside of a victim's home to enable any suspicious activity to be monitored without the need for the victim to unlock doors or show themselves at a window.

Existing protocols governing the collection, use, storage and ownership of CCTV evidence should extend to domestic violence cases, particularly when dealing with sensitive CCTV footage.

Where possible, CCTV footage should be shown:

- To suspects during interviews, depending upon the interview strategy, see [5.2.1 Defence disclosure](#);
- To custody officers and CPS prosecutors to assist in determining the weight of evidence and the appropriate charges;
- As part of the prosecution case in court.

### 4.5.3 COVERT HUMAN INTELLIGENCE SOURCES

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

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

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

If the victim provides this type of information on a repeated basis, officers **must** ensure compliance with the following:

- Regulation of Investigatory Powers Act 2000;
- *Home Office Covert Human Intelligence Sources Code of Practice*;
- *Association of Chief Police Officers and HM Customs and Excise Covert Human Intelligence Sources Policy Document*;
- Local police force policies regarding registering and handling covert human intelligence sources.

Officers should consider every tactic to hold domestic violence suspects accountable through the criminal justice system.

## 4.6 SEEKING EVIDENCE FROM OTHER AGENCIES

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

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

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

### 4.6.1 PAST MEDICAL RECORDS

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When consent is given by victims for the police to access medical records, officers should seek information from a variety of sources, see [6.2.5 Information sharing](#). Obstetric records can provide evidence of miscarriages and injuries sustained during and post pregnancy. Dental records might also provide evidence of oral injuries and should be considered as well as records from general practitioners, mental health specialists and hospital emergency departments. Such evidence should be routinely sought when investigating domestic homicides.

#### 4.6.2 PROFESSIONAL WITNESSES

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

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

Types of evidence collected by professional witnesses:

- Statements by victims or professional witnesses;
- Oral evidence by professional witnesses;
- Diaries, interview notes, photographs, tape recordings, telephone tapes, videotapes, official reports and damaged property.

#### MANAGEMENT ISSUES:

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

# Section 5

## POST ARREST MANAGEMENT

**T**he purpose of this section is to provide guidance on police action after an arrest has been made. Some of the information will also be relevant in circumstances when an arrest was not made, but other positive action interventions were put into place. This section is particularly relevant to arresting officers, custody officers, specialist interviewers and specialist domestic violence officers. In police forces that have independent victim advocate schemes, this section will be relevant to those advocates. It is linked to module 3, 'Investigating Domestic Violence', from the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 5.1 CUSTODY PLAN

The Centrex Custody Officer's Programme and PACE cover the role of the custody officer in detail.

### CHECKLIST 16: Custody plan

When detaining a domestic violence suspect custody staff should:

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

Arresting officers should ensure that:

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

## 5.2 INTERVIEWING

### 5.2.1 DEFENCE DISCLOSURE

Supervisors should ensure that all officers conducting suspect interviews fully understand the role of the legal representative. Interviewing officers should also understand their responsibility to assess whether information should be disclosed to the legal advisor prior to or during any suspect interview. Supervisors should also make sure that officers dealing with domestic violence cases are alert to the potential risks involved when considering disclosing certain information provided by the victim, or others, to the defence. For example, there might be specific risks about disclosing the location of the victim or sensitive personal information, such as medical details.

**Role of the interviewing officer Interviewers should:**

- Consider the welfare and safety of the victim or witness at all times;
- Exercise the right to decide what information is disclosed and when it is disclosed.

### **Role of the legal representative** *(This term is used to refer to all advisors and representatives.)*

The PACE Codes of Practice (code C the notes of guidance 6D) state:

*'the solicitor's only role in the police station is to protect and advance the legal rights of their client. On occasions this may require the solicitor to give advice which has the effect of their client avoiding giving evidence which strengthens a prosecution case.'*

As part of the planning for the interview, interviewers should decide what information they are prepared to disclose to the legal representative prior to an interview and what evidence they should withhold. These decisions should be recorded for possible justification at court. The advice given by the legal representative will be determined by what they are told by the interviewer. The PACE Codes of Practice detail the types of intervention a legal representative is allowed to make during a suspect interview and those that are unwarranted, together with any action that should be taken.

### **Ethics and professionalism**

Both the interviewing officer and the legal representative should appreciate each other's position in the legal process. Both have roles in ensuring the ethical interviewing of the suspect. Although each approaches the interview from a different perspective, both should work within their prescribed roles as their actions may be scrutinised in the future by others involved in the legal process. Decisions relating to pre-interview disclosure should be balanced with the legal representative's possible tactics of active defence and the risk that an unplanned pre-interview disclosure may have an adverse effect upon subsequent interview(s) and the investigation.

### **Admissibility of evidence**

If the legal representative attempts to debate the admissibility of evidence or questions what the officer is putting to their client, the officer should not engage in discussing this during the interview. The officer should explain that the questions they are asking are relevant to the investigation and the issue of admissibility will be decided in court at a later date if a prosecution ensues.

### **Pre-interview briefing with legal representatives**

When planning and preparing for a suspect interview, a pre-interview briefing with the suspect's legal representative should be considered.

Apart from the reason for arrest the interviewing officer is under no legal obligation to disclose **any** information prior to a suspect interview. It is the decision of the interviewer as to when and how much information is actually disclosed. The officer should provide enough information to allow the legal representative to advise their client.

The interviewing officer, who should be fully prepared and ready for any given situation, should anticipate the stance the legal representative decides to take. Officers should not enter into debates about the legal representative's advice to their client. Equally, this does not mean that the officer has to agree with the position, or indeed, be controlled by the demands or requests made upon them.



**CHECKLIST 17: Pre-interview disclosure**

Interviewing officers should:

- Make decisions as to what information is to be supplied to the legal representative, taking into account the safety of victims, children and witnesses;
- Decide upon objectives for the interview and remain focused on trying to achieve these;
- Not attempt to mislead or misrepresent the strength of the evidence;
- Consider providing legal representatives with a summary of a victim or witness statement rather than the actual statement, where appropriate;
- Consider not disclosing some parts of the evidence as it may be beneficial to conduct additional investigations before doing so;
- Consider whether the victim or witness account is in the form of a written statement, has been visually or audio recorded or is a verbal allegation. A legal representative will advise the suspect differently if they are aware that a victim has provided a recorded account rather than a purely verbal allegation. An interviewer should take this into account when considering the timings of a suspect interview.

**Using photographic evidence during interview**

Any photographic evidence collected at the scene, or of injuries caused to the victim, should be made available to the interviewing officer prior to planning for any pre-interview briefing. In pre-interview briefings, interviewing officers should consider informing the legal representative of the existence of the photographic evidence, rather than providing them with access to it before the interview.

If photographic evidence is not disclosed to a legal representative in the pre-briefing, interviewing officers should plan at what stage in the interview the existence of photographic evidence should be disclosed. It will often be beneficial to allow the suspect to provide a full account before giving detailed disclosure of photographic evidence. If the interview is taking place several days after the incident, interviewing officers should use more recent photographs of injuries which allow for the development of bruising and might show the full extent of the injury. Polaroid photographs should be protected when used in interview by placing them in clear evidence bags.

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

**5.2.2 USE OF INTERPRETERS DURING SUSPECT, WITNESS AND VICTIM INTERVIEWS**

Officers booking interpreters for suspect interviews should follow *ACPO Operational Guidance on the Booking of Interpreters*, and in domestic violence cases they should pay particular attention to the following:

- That the suspect, victim or witnesses are preferably not known to the interpreter;
- If the interpreter is known to the victim, witness or suspect this should not be in anything other than a professional capacity;
- Check that the interpreter has no other interest in the case, whether personal, financial or commercial;
- Where possible, select the interpreter to conform to reasonable criteria set by the suspect, victim or witnesses, which may include a preference for specific sex, religion, regional origin, political affiliation and cultural background;
- General guidance requests that interpreters live in closest proximity to the interview premises but in domestic violence cases it might be necessary to seek interpreters that meet the criteria of the suspect, victim or witness but do not live within the immediate community;
- Interpreters should be allowed to interrupt the normal flow of the interview to ask the officer for repetition, clarification or to alert the officer to the possibility of a cultural inference that might have been assumed. Interruptions should be explained to all parties.

Supervisors should ensure that the police take responsibility for arranging interpreters for any part of an investigation and for the requirements of the suspect, or person charged, while they are in custody. Supervisors should monitor the use of interpreters to ensure that the principles of the *Trials Issues Group Revised Agreement on the Arrangements for the Attendance of Interpreters in Investigations and Proceedings Within the Criminal Justice System (2002)* are adhered to.

### 5.2.3 SUSPECT INTERVIEWS

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

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

#### **Principles of carrying out a suspect interview**

- a) Interviewing in accordance with the principles of investigative interviewing and the PEACE model;
- b) Understanding the legal requirements and points to prove, or defences of an offence, are key elements in achieving interview aims and objectives.

The seven principles of investigative interviewing are listed below, along with special considerations for domestic violence related cases and details of the stance an interviewer should adopt:

#### **1. The role of investigative interviewing is to obtain accurate and reliable information from suspects, witnesses and victims in order to discover the truth about matters under police investigation.**

In addition to obtaining a first account from a domestic violence suspect, the following areas should be considered when planning lines of questioning:

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

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

#### **2. Investigative interviewing should be approached with an open mind. Information obtained from the person who is being interviewed should always be tested against what the interviewing officer already knows or what can be reasonably established.**

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

3. **When questioning anyone, a police officer should act fairly in the circumstances of each individual case.**
  - Each interview should be considered on its merits;
  - Explanations as to why incidents occurred should be sought and probed;
  - Interviewers should not allow their own value judgements to influence a set of circumstances or explanation given but should explore the thought processes of the suspect.
4. **The police interviewer is not bound to accept the first answer given. Questioning is not unfair because it is merely persistent.**
  - If a suspect gives an account as to why the offence happened but this does not equate with the investigation findings, it is right and proper that this account should be challenged;
  - Relevant questioning around areas needed to prove the offence should be conducted for as long as necessary, taking into account all of the circumstances;
  - Tone and delivery of questions should be in a format that avoids criticism or collusion.
5. **Even when the right to silence is exercised by a suspect the police still have the right to put questions.**
  - Interviewers have a responsibility to question the suspect thoroughly in order to afford them the opportunity to give their account;
  - A particular area of questioning might result in the suspect deciding to waive their right to silence;
  - In order to achieve the full impact of a potential adverse inference, in the event of a prosecution, questions should have been put to the suspect.
6. **When conducting a suspect interview, police officers are free to ask questions in order to establish the truth.**
  - In domestic violence cases there may be a history of assaults and abuse and this should be introduced into the interview process;
  - Questions should always be relevant to the offence being investigated;
  - Admissibility is for the courts to decide.
7. **Vulnerable people, whether victims, witnesses or suspects, should be treated with particular consideration at all times.**
  - Questioning of suspects should not be unfair or oppressive;
  - An appropriate style should be adopted when dealing with a vulnerable person;
  - Where possible, different interpreters should be used for the suspect, victim and witnesses;
  - Interpreters used for interviews should, where possible, be different from those employed during the court proceedings;
  - Arrangements should be made for people with hearing impairments. These might include using sign language interpreters, lip speakers, speech to text reporters or specific interpreters for those with dual sensory impairment. Such interviews should be video recorded.

## 5.3 CHARGING AND POST CHARGE

### 5.3.1 CHARGING STANDARDS

The Director of Public Prosecutions is responsible for issuing a *Code for Crown Prosecutors* under section 10 of the Prosecution of Offences Act 1985, which gives guidance on the general principles to be applied when making decisions about prosecutions.

Cautions are rarely appropriate in domestic violence cases. This is because they are not usually the first offence and because the nature of such offences tends to constitute a breach of trust. Supervisors should monitor the administering of cautions in domestic violence cases.

Officers should ensure that the charges in domestic violence cases reflect the seriousness and persistence of the suspect's behaviour, the provable intent and the severity of the injury and harm suffered by the victim. Officers should enable the court to impose a suitable sentence and should help the CPS to present the case clearly and simply.

The police and the CPS have agreed charging standards for certain types of offence, including assaults. These are guidelines to ensure that consistent decisions are made in relation to charging. Officers should be aware of the standards.

Charging standards are for custody officers and the CPS to use to determine what offence to charge a suspect with. The standards do not affect police powers of arrest. The offence for which the suspect is arrested may not be the actual offence later charged. Crime reports should be submitted where recordable offences have occurred.

Custody officers should liaise with the CPS, see [5.3.2 Charging](#), at an early stage to seek advice on the sufficiency of the evidence, type of evidence required and the most appropriate charge(s). Custody officers should ensure that all advice given by the CPS is recorded on the prosecution file. Custody officers should direct the investigating officer to liaise with the specialist domestic violence officer when preparing the prosecution case papers.

Officers, in particular, custody officers, should ensure that they are familiar with the CPs Domestic Violence Policy, see, <http://www.cps.gov.uk/publications/prosecution/domviolencepol.html>

### **Stages in the decision to prosecute**

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

General principles should always be considered when using discretion in selecting the appropriate charge(s). The charge(s) selected should:

- Accurately reflect the seriousness of the offending and the defendant's alleged involvement and responsibility;
- Give the court adequate sentencing powers;
- Enable the case to be presented in a clear and simple way, particularly where there is more than one defendant.

## **5.3.2 CHARGING**

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Police officers should take account of the *Code for Crown Prosecutors* when they are consulting with the CPS. Officers should note that all domestic violence cases will fall within the pre-charge advice scheme even when a guilty plea is likely.

The pre-charge advice scheme is being developed so that crown prosecutors will be available to provide pre-charge advice to the police, prior to charging. When in full use, this pre-charge advice scheme will mean that between locally agreed hours (typically 9am – 5pm), no defendant should be charged with an offence (within the scheme), even where conditional bail or custody is to be sought, without reference to the 'Duty Prosecutor'.

Outside of these agreed hours, officers should consult CPS Direct, which is the 'out of hours' telephone advice service. Where CPS Direct is not available and custody or conditional bail is required outside of these hours, the police should charge.

## **5.3.3 RISK IDENTIFICATION AND POLICE BAIL**

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Where forces are using risk assessments that require categorisation, only trained, specialist domestic violence officers should carry them out, see [6.2.1 Risk assessment and management](#). All police staff should be able to identify established risk factors associated with domestic violence, see [3.12 Risk identification](#).

Officers should use the established risk factors, listed in [3.12 Risk identification](#), to inform their decisions relating to police bail. The primary consideration of an officer making bail conditions should be the safety and protection of the victim, children and the suspect.

### 5.3.4 MAKING BAIL DECISIONS

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#### **Police bail**

Every effort should be made to consult victims prior to making conditional bail decisions. Custody officers should consult victim statements, interview records and victim personal statements (where available) before making decisions relating to conditional bail. Custody officers should ensure that bail conditions aim to protect victims, children and witnesses from intimidation and violence.

The police make the initial decision whether to bail the defendant to attend the next available court hearing (usually within two to five days of charge), which enables further enquiries to be completed, or to keep the defendant in custody to appear before the magistrates the next day. Once the defendant appears before the court, the decision about bail is made by the magistrates and is governed by the provisions of the Bail Act 1976.

If there is no power to apply for a remand in custody, conditional bail should be used.

Section 46 of the Crime and Disorder Act 1998 makes it clear that all persons charged with an offence and bailed, must be bailed to the next sitting of the relevant court or, where this cannot be accommodated, to the next available sitting.

If there is insufficient evidence to charge a suspect, consideration should be given to releasing them under section 47(3) of the PACE Act 1984 to enable further enquiries to be completed. This should allow time for other witnesses to come forward and for a more detailed investigation to be undertaken. Conditions should be justifiable and capable of being policed for compliance and all decisions should be justified and recorded.

The following police bail conditions should be considered for domestic violence suspects to afford the maximum protection to victims, children and other witnesses:

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

## CHECKLIST 18: Post-release police bail

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

- Inform the victim of the suspect's impending release and record this notification regardless of whether the suspect has been bailed or not;
- Ensure that all area control rooms and intelligence databases are updated regarding bail conditions, in case of future calls.

Every effort should be made to ensure that a suspect charged following a domestic violence incident is placed before the court at the earliest opportunity and that bail is for the shortest period that local service level agreements will allow. This minimises the opportunities a suspect has to intimidate witnesses.

Unless a protracted investigation or other compelling consideration is involved, a suspect granted bail under section 47(3) should be bailed for no more than three weeks. In cases where the advice of the CPS is to be sought or there is a referral to another agency, this period may be extended to no more than five weeks. For further information see the *Home Office Manual of Guidance for the Preparation, Processing and Submission of Files (2003)*.

Where a suspect is granted bail it is important to clarify the following points:

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

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

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

### 5.3.5 KEEPING THE VICTIM INFORMED

Once a decision has been made regarding bail, and before the suspect has actually been released, the investigating officer should contact the victim directly, to ensure that they are kept informed. The victim should be updated on the investigation and informed of any decision to charge the suspect. Officers should inform the victim of what conditions have been placed on the defendant, and if such conditions are broken what action the victim should take. The victim also needs to know what the conditions mean. Officers should equip the victim with as much information as possible and should explain that the responsibility for complying with police bail conditions rests with the defendant. Once a decision has been made to bail a suspect, release should not be delayed by difficulties in contacting the victim or their representative.

### 5.3.6 ASSISTING WITH THE RECOVERY OF PROPERTY FOR THE SUSPECT OR VICTIM

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

**Suspect requests for property recovery**

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

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

**Victim property recovery**

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

**5.3.7 VICTIM PERSONAL STATEMENT SCHEME**

The purpose of the victim personal statement is to:

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

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

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

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



### 5.3.8 PREPARING INFORMATION FOR THE CROWN PROSECUTION SERVICE (CPS)

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

#### CHECKLIST 19: File preparation

The CPS requires the following information:

- All relevant victim statements (including retraction statements, see 4.4.4 Retraction statements for further details, medical and victim personal statements, see 5.3.7 Victim personal statement scheme, as appropriate);
- All relevant witness statements (including, for example, those of neighbours and children);
- Case exhibits (including photographic evidence);
- Audio or videotapes of victim, witness and defendant interviews;
- Any photographic or CCTV evidence;
- Relevant police records, for example, pocket notebook entries, risk assessments recorded on forms, incident logs, custody records and 999 tapes, where appropriate;
- Crime reports from previous incidents including those against other victims, highlighting potential similar fact evidence;
- History of the relationship, particularly if there has been violence or abuse in the past;
- Any past or current civil proceedings;
- Any previous convictions;
- Details of the victim's injuries (medical, photographic and written);
- Description of the scene with any photographic evidence or relevant statements including those from the first officer at the scene;
- Whether the suspect/defendant used a weapon;
- Whether the suspect/defendant made any threats before or since the incident;
- Whether the suspect/defendant planned the incident;
- Details of any children of the family including where they were during the incident and the impact of the domestic violence upon them;
- Chances of the suspect/defendant offending again;
- Status of the victim's current relationship with the suspect/defendant;
- Effect on that relationship of continuing with the prosecution against the victim's wishes, and the victim's views on their own and their children's personal safety if a prosecution does or does not follow;
- Location of the address of the victim and the suspect/defendant in relation to one another;
- Whether bail conditions apply;
- Whether counter allegations have been made;
- Whether the defendant, victim or witness requires an interpreter;
- Names and details of any interpreters used during police interviews;
- Any requests by the defendant, victim or witness for an interpreter of the same sex or of a particular ethnic group, political orientation or affiliation;
- Whether there is a need for an early special measures meeting with the CPS;
- Where applicable, which special measures would be available to assist a witness and why;
- Evidence of the defendant or the defendant's relatives or associates contacting the victim since the incident or post charge;
- Whether an independent victim advocate has supported the victim;
- Any relevant records or statements from other agencies, for example, pre-sentence reports from probation, damage reports to local authority or social housing departments, any information or views expressed by social service departments;
- Any evidence pending or not currently available to be included as part of the file, when available.



In some circumstances this information will not be readily available, but it should be passed to the CPS as soon as possible. It is important to keep the CPS updated of any change in circumstances.

For further information on the *CPS (2002) Police for Prosecuting Cases of Domestic Violence* see, <http://www.cps.gov.uk/publications/prosecution/domviolencepol.html>

For further information on the *CPS (2000) Code for Crown Prosecutors* see, <http://www.cps.gov.uk/publications/docs/codeeng.pdf>

## 5.4 CRIME PREVENTION STRATEGIES

### 5.4.1 IMPROVING HOME SECURITY

Crime prevention officers (or their local equivalent) should be made available to victims of domestic violence to provide advice on home security.

Where possible, victims of domestic violence should be supported to remain in their home and police should assist in making them safe.

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

### 5.4.2 NEIGHBOURHOOD AND POLICE SAFETY SCHEMES

#### **Cocoon watch**

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

#### **Police watch**

This provides a visible police presence to both the victim and the suspect and involves regular police patrols within the vicinity of the incident following reported incidents. In some situations, police officers might visit to check on the safety of the victim.

### 5.4.3 SAFETY (CRISIS) PLANNING

Safety plans are defined in [6.2.2 Safety planning](#). The role of independent victim advocates is described in detail in [6.2.3 Independent victim advocates](#).

In general, the victim, with assistance from an independent advocacy service, should carry out safety planning. Police officers should be able to contribute to this process by implementing safety measures such as those described in [5.4.1](#) and [5.4.2](#).

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

## EXAMPLE SAFETY PLAN

### **If you are staying with your abuser:**

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

### **If you are planning to leave:**

- Take care over who to trust with any plans that you are making to leave;
- Consider whether or not an injunction is a viable option – seek legal advice;
- Make an extra set of keys for home and/or car and store them somewhere safe;
- Make up a bag with spare clothes, phone numbers, keys, money and keep it safe so you can take it quickly or keep it with a trusted friend;
- Have the following available in case you have to flee:
  - i. Important papers such as birth certificates, social security cards, driver's licence, divorce papers, lease or mortgage papers, passports, insurance information, school and medical records, welfare and immigration documents, court documents,
  - ii. Credit cards, bank account number,
  - iii. Some money,
  - iv. Extra sets of keys – for car, house and work,
  - v. Medications and prescriptions, including those for children,
  - vi. Phone numbers and addresses for family, friends, doctors, lawyers and community agencies,
  - vii. Clothing and comfort items for you and the children,
  - viii. Photographs and other items of sentimental value such as jewellery;
- Take identification that might help others to protect you from the abuser, such as a recent photo of the abuser and their car details;
- Talk to children about the possibility of leaving and try to take all children, whatever long term arrangements might be.

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

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

**MANAGEMENT ISSUES:**

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- Supervising investigative interviewing;
- Supervising the custody process;
- Developing local systems to ensure that the victim is kept informed of developments and is routinely provided with crime prevention advice;
- Implementing *ACPO National Investigative Interviewing Strategy*;
- Implementing the pre-charge advice scheme;
- Developing local service level agreements with the CPS;
- Monitoring the use of victim personal statements;
- Identifying risk prior to making police bail decisions;
- Auditing and increasing the availability of equipment for crime prevention and home security.

# Section 6

## SPECIALIST INVESTIGATIONS AND SPECIALIST ADVOCACY

The purpose of this section is to provide guidance for those carrying out a specialist domestic violence investigative role. This will also include child abuse investigation officers who are notified of child abuse or protection of children issues in domestic violence cases. It outlines the role and responsibilities of specialist domestic violence officers and of police domestic violence co-ordinators and focuses upon the dual roles of investigation and protection. It also provides guidance to police forces about the preferred structure of specialist domestic violence investigation.

This section is linked to the following modules in the *Centrex Responses to Domestic Violence Modular Training Programme*: module 5, 'Protecting Victims and Holding Offenders Accountable', linked to the role of the specialist domestic violence officers; module 6, 'Police Leadership and Domestic Violence'; module 7, 'Multi-Agency Responses to Domestic Violence' (modules 6 and 7 are linked to the role of police domestic violence co-ordinators). Module 4, 'Domestic Violence and Child Abuse' is relevant to all police officer roles but is of particular significance to specialist officers in domestic violence and child abuse investigation roles.

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## 6.1 INVESTIGATION

Police forces should consider the desirability of having a specialist domestic violence officer as part of every first response team, or at the least, available to every first response team. In due course, specialist domestic violence officers should have completed the *Centrex Initial Crime Investigator's Development Programme* and the relevant modules of the *Centrex Responses to Domestic Violence Modular Training Programme*.

### 6.1.1 ROLE OF THE SPECIALIST DOMESTIC VIOLENCE OFFICER IN INVESTIGATION DEVELOPMENT

Specialist domestic violence officers should use their knowledge of domestic violence offending to advise during the investigation process. This will usually mean that they carry out the following main tasks:

- Respond to domestic violence incidents as part of the fast track or first response team;
- Respond to specific domestic violence incidents as identified by the police domestic violence co-ordinator or supervisor;
- Provide advice to fast track or first response officers responding to domestic violence incidents;
- Assist and, on some occasions, take full responsibility for the investigation development of domestic violence cases;
- Identify and assess risk (carry out categorisation of risk in police forces which use such systems);
- Manage identified risk factors and monitor the implementation of safety measures such as police watch schemes associated with cases;
- Assist the police domestic violence co-ordinator with the preparation of target profiles and the provision of intelligence briefings;
- Engage in the tasking and co-ordinating processes to address high risk and persistent offenders;
- Assist police supervisors with the assessment of the investigative response to domestic violence incidents and related child protection issues;
- Advise and support commanders and hostage negotiators managing domestic sieges and hostage taking incidents, see [6.1.4 Providing tactical advice in domestic sieges and hostage taking incidents](#).

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

### 6.1.2 ROLE OF THE POLICE DOMESTIC VIOLENCE CO-ORDINATOR IN SUPPORTING INVESTIGATION DEVELOPMENT

Specialist domestic violence officers should be line-managed alongside other members of the response team, by the team supervisor or shift sergeant. They should also report to police domestic violence co-ordinators who manage domestic violence specific tasks within their role and liaise with the shift supervisors.

Police domestic violence co-ordinators should monitor specialist officers in the following aspects of their role:

- Tactical investigative advice to police officers;
- Risk assessment;
- Liaison with child abuse investigation units;
- Partnership work in relation to domestic violence;
- Tactical advice in siege and hostage situations.

### **Deploying specialist domestic violence officers**

Police forces should consider working towards a model of deployment, where trained specialist domestic violence officers are available on, or at the least available to, each shift. Such deployment would allow police domestic violence officers to offer advice and support to other officers providing a fast track or first response to domestic violence incidents. This deployment model would generally mean that a proportion of specialist domestic violence officers work as part of the shift or team, and follow the same shift pattern, as those officers providing the fast track or first response.

### **Monitoring**

Police domestic violence co-ordinators should monitor domestic violence cases to identify established risk factors and repeat victimisation, and, to evaluate and update risk assessments. Co-ordinators should generate further risk assessments after specified periods of time to ensure that risk factors are managed and are part of a safety planning process. They should also collate any performance indicator data and should monitor police performance in domestic violence cases using a range of appropriate internal and external measures. For further information, see [7. Managing Police Officers, Staff and Information Systems](#) and [8. Multi-Agency Working](#).

Police domestic violence co-ordinators should liaise with their local CPS domestic violence co-ordinator and should routinely check the implementation of local service level agreements with the CPS.

## **6.1.3 PROVIDING TACTICAL INVESTIGATIVE ADVICE**

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

### **Advice and support from specialist officers to officers providing a fast track response**

Tactical advice to officers might include the following:

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

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

#### 6.1.4 PROVIDING TACTICAL ADVICE IN DOMESTIC SIEGES AND HOSTAGE TAKING INCIDENTS

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

Specialist domestic violence officers should be available, by rota, to provide direct advice to siege commanders and hostage negotiators dealing with domestic sieges and hostage taking incidents. Training for siege commanders and hostage negotiators should incorporate the established risk factors associated with domestic violence, see [3.12 Risk identification](#).

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

Specialist domestic violence officers should be ready to provide the following information to siege commanders and hostage negotiators:

- Whether there is intelligence or a criminal history suggesting previous domestic violence or child abuse in current or previous relationships;
- Whether the suspect has any current or past civil injunctions such as non-molestation orders;
- Whether there are any known child contact restrictions under the Children Act 1989 or disputes relating to child contact;
- Whether there are any identified domestic violence risk factors associated with the case or the incident such as suicide threats or threats to kill;
- Details of any safety planning carried out with the victim or previous victims;
- Details of any relevant risk assessments;
- Suggestions relating to conversation management with the suspect.

## 6.2 PROTECTION

### 6.2.1 RISK ASSESSMENT AND MANAGEMENT

Risk factor identification is the responsibility of all police staff. Specialist domestic violence officers, appropriately trained, should carry out any risk assessments that result in the categorisation of risk. Specialist domestic violence officers should be trained, see *Centrex Responses to Domestic Violence Modular Training Programme*, and supervised to carry out their role in risk assessment and management by police domestic violence co-ordinators. A risk management process that monitors each case to adjust categorisations, as appropriate, should accompany any risk assessment process. Police domestic violence co-ordinators should monitor specialist staff responsible for detailed risk assessment to check that categorisations are consistent and current.

Police domestic violence officers carrying out specialist risk assessments should have a thorough knowledge of the established risk factors and should be skilful in applying these factors to individual cases, see [3.12 Risk identification](#).

Specialist domestic violence officers should ensure that risk assessments are not carried out in place of effective investigations. Risk assessment might include classifying the risks posed by each suspect into a general category – usually standard, medium or high risk. Specialist domestic violence officers should monitor any risk-assessed case to make certain that there have not been significant changes to that case, which substantially alter the risk categorisation.

Any appraisal of the specific nature of the risk that a suspect poses to the victim, any children and staff involved in the case, should include factors that might increase the risk of an offence being committed. Although risk factor identification is the responsibility of all police officers, only specially trained staff should undertake any categorisation of the level of risk.

In addition to the established risk factors, see 3.12 Risk identification, all risk assessments should take full account of the following:

- Whether children have been injured (either directly or indirectly during incidents) or whether the suspect has threatened or attempted to harm the children;
- Whether the suspect has overtly threatened or attempted to harm others;
- Whether the suspect has damaged property or has harmed pets;
- Whether the suspect generally leaves the scene before the arrival of the police;
- Any threats or attempts to abduct the children or take the victim abroad;
- Whether the suspect minimises or denies the violence;
- Whether the suspect has an attitude of dominance and shows no motivation to change.

### PRINCIPLES OF RISK ASSESSMENTS:

- All risk assessment processes carried out by police officers should establish measures to reduce the risk posed to the victim, any children and staff dealing with the case;
- Any risk assessment carried out by police officers should be fully shared with the victim so that they are made aware of both the risk assessment processes and the outcome of the risk assessment;
- Victims should **not** be asked to sign risk assessments. Responsibility for protecting the victim rests with the police and other agencies and any system suggesting victim accountability should not be used.

Specialist domestic violence officers should ensure that any case subject to a risk assessment is also subject to measures introduced to protect the victim and any children. Specialist domestic violence officers, or other nominated officers, should carry out such measures according to local arrangements.

### CHECKLIST 20: Reducing risk in identified cases

Specialist domestic violence officers should use the following measures to reduce risk in identified cases, as appropriate:

- Implementing legal interventions (including the arrest of suspect, use of restraining orders under the PHA);
- Enforcing breaches of bail conditions, injunctions or family court orders;
- Implementing fast response systems in line with local police force policy;
- Investigating instances of witness intimidation promptly and thoroughly;
- Assisting the victim to improve security at their home, see 5.4 Crime prevention strategies;
- Where suitable, arranging for the victim to be taken to a place of safety;
- Assisting victims to develop their safety plans;
- Making appropriate referrals to support agencies, see 3.13 Referrals to voluntary sector support organisations;
- Ensuring that property exchange or recovery can occur safely, see 5.3.6 Assisting with the recovery of property for the suspect or victim.

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



### 6.2.2 SAFETY PLANNING

Safety planning should form part of a partnership approach between professionals, victims and children, and should take into account risk assessment and risk management processes. Supervisors should ensure that during the safety planning process, officers facilitate the use of traditional crime prevention measures (locks, home security, mobile phones and alarms) and police watch schemes. Specialist domestic violence officers should act as police advisors to victims developing safety plans, wherever possible in partnership with voluntary sector support groups. For further information on crime prevention and an example of a safety plan generated by victims with voluntary sector support groups, see [5.4 Crime prevention strategies](#).

Safety planning is a process (sometimes semi-structured) by which victims may consult with an appropriate agency to discuss increasing their personal safety and the safety of any children. This usually includes an assessment of risk level, developing a crisis plan and a plan for the future to ensure safety, both in the short and longer term.

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

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

#### CHECKLIST 21: Principles of safety planning

Safety planning should be formulated to:

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

## CHECKLIST 22: Developing safety plans with victims

Specialist domestic violence officers advising victims and maintaining safety provisions in plans should:

- Establish how the victim can be contacted safely and ensure that all police officers in contact with the victim are aware of this information;
- Establish the location of the suspect, if separated from the victim;
- Obtain the victim's views about the level of risk;
- Determine methods of facilitating any existing child contact arrangements safely;
- Ensure that the victim has the means to summon help in an emergency (this may include plans to summon help on their behalf when the suspect is present);
- Ascertain where a victim might go if they have to leave quickly and what they will take with them;
- Encourage victims to report all incidents to the police or other organisation that will record the incident and maintain accurate and detailed records, including photographic evidence of injuries, body maps and details of the psychological effect of the violence;
- Refer the victim to organisations that provide longer term support and advice;
- Encourage the victim to seek professional advice about legal and financial matters and child contact;
- Inform victims of criminal or civil law provisions such as occupation orders (which temporarily regulate who can live in the family home), non-molestation orders and restraining orders under the PHA (Note: police officers should not provide the victim with civil legal advice but should inform them that civil sanctions are available). For further information on civil remedies and criminal sanctions see, *Department for Constitutional Affairs, Domestic Violence a Guide to Civil Remedies and Criminal Sanctions (2003)* at: <http://www.dca.gov.uk/family/dvguide03.pdf>
- Consider that victims with insecure immigration status or from minority ethnic communities or victims with disabilities or from socially isolated communities may fear contact with the police. Such individuals or groups might have additional barriers that need to be addressed in safety plans.

### Other safety issues

Specialist domestic violence officers should provide practical advice to victims as an integral part of any safety planning process. For an example of a safety plan, see 5.4 *Crime prevention strategies*.

In particular, if weapons have been used in the past it may be possible to move them out of easy reach or to make them less dangerous. Specialist domestic violence officers should remind victims that computers (in particular, internet logs), phone bills and mobile phones provide records of people or organisations contacted. This might mean that contacts with support agencies need to be erased or made safe so that the suspect cannot detect them.

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

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

**CHECKLIST 23: Safety planning and children**

Specialist domestic violence officers should encourage victims to:

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

**6.2.3 INDEPENDENT VICTIM ADVOCATES**

Schemes that use independent victim advocates, working alongside police officers as an integral part of the criminal justice response, have been shown to produce positive outcomes in domestic violence cases. Such schemes should work together with the fast track or first response and specialist domestic violence officers to carry out risk assessment and management and give advice about safety planning. Independent victim advocate schemes should normally be supervised by the independent advocate scheme manager in consultation with the police domestic violence co-ordinator.

**Role of the independent victim advocate**

Generally independent victim advocates provide crisis intervention assistance to victims of domestic violence with **priority given to the safety of victims and their children**.

Advocates may adopt an approach that supports criminal justice interventions in domestic violence cases and facilitates the collection of evidence. Advocates should maintain current information about victims and witnesses in domestic violence cases. They should also update police officers responsible for the case and the preparation of the prosecution file.

The advocate allows police officers to carry out essential policing functions at the fast track or first response stage, while providing a support mechanism for the victim. Advocates can also encourage victims to seek a criminal justice intervention or civil resolution to the situation.

Support provided by an advocate might include:

- Informing the victim of their rights and options;
- Providing information about the legal process;
- Assisting victims in developing a safety plan;
- Assisting with petitions for civil protection orders, where appropriate;
- Attending court hearings with the victim;
- Referring victims to other agencies, for example, refuges and outreach services.

Police managers and police domestic violence co-ordinators should work with independent advocacy service managers to ensure that the following are delivered through independent victim advocacy schemes:

- Early and timely contact with the victim and any children;
- Provision of a comprehensive support service for the victim and any children;
- Support for criminal justice responses to domestic violence;
- Explanation of the role of victims as witnesses and criminal justice procedures;
- Court familiarisation procedures with the victim;
- Provision of a single point of contact for the victim;
- Assistance for the victim in seeking any forms of civil remedy which may be necessary;
- Assisting the victim to access other support agencies and services.

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

Police domestic violence co-ordinators, working with independent victim advocates, should ensure that communication links between advocates and police officers are maintained. Advocates should be consulted over changes in police working practices and routinely included in briefings and update meetings.

#### 6.2.4 PARTNERSHIP WORKING

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Police domestic violence co-ordinators should develop clear information-sharing protocols with partner agencies that meet national standards. These protocols should be regularly reviewed and supervisors should monitor police sharing of information to ensure that it corresponds with the protocol. All requests for information from other agencies should be reviewed by the police domestic violence co-ordinator.

Police domestic violence co-ordinators should develop agreements with partner agencies that state the methods of collecting, recording and securing of intelligence and evidence. They should ensure that such processes comply with legislation and that agreements include guidance on correctly preserving, handling, documenting, storing and presenting evidence.

Police domestic violence co-ordinators and supervisors of child abuse investigations should ensure that all referrals made to social services departments are made by child abuse investigation units. They should dip-sample domestic violence cases to ensure that child abuse and protecting children issues have been identified and properly referred to child abuse investigation officers, using the notification system, see *ACPO Guidance on Investigating Child Abuse* for further information. Similarly, any child abuse cases containing domestic violence should be referred by child abuse investigation officers to the police domestic violence co-ordinator for further scrutiny.

#### 6.2.5 INFORMATION SHARING

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One of the functions of the police domestic violence co-ordinator is to provide a filtering and monitoring system to assess which police information should be shared with specialists and other agencies. In many cases it is only when information from a range of sources is put together that risk to adults and children can be identified and properly assessed. The effective sharing of information about individuals in the context of domestic violence enables agencies to identify, assess, manage and reduce the risk that is inevitably associated with domestic violence cases. Sharing de-personalised information about domestic violence can assist in identifying the scale of domestic violence and assessing gaps in information and service provision.

For more detailed guidance about sharing information, see *Safety and Justice: Sharing Personal Information in the Context of Domestic Violence – An Overview* produced by the Home Office. This document includes information about gaining consent from victims and sharing information when consent is refused, and suggested components of information sharing protocols.

A useful summary of the issues in the context of child abuse can be found in *What To Do If You're Worried A Child Is Being Abused* (Appendix 3).

**CHECKLIST 24: Key questions to consider before sharing information**

The following questions should be considered before sharing information in the context of domestic violence:

**Why should the information be shared?**

- What is the purpose of the disclosure?
- Is the disclosure necessary and proportionate?

**What information should be shared?**

- What is the nature and extent of the information to be disclosed?
- What is the minimum amount of information to achieve the purpose of the disclosure?

**To whom?**

- To whom is the disclosure to be made?
- Do they need to know?
- Is there a formal agreement or protocol in place to regulate what that agency does with the information?
- Are there any specific risks associated with the agency (for example, is there a possibility of the information becoming available to the suspect)?

**How?**

- What is the most secure and effective way of transferring the information to the partner agency?
- Has the victim provided consent and/or been made aware of the information sharing?
- What is the authority and justification for the decision?
- Have the decision making processes been documented?

**Sharing information with the civil court system**

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

If there are current criminal proceedings, the CPS should be involved in any decision to pass information to the family court as this might have implications for the criminal case. Information sharing might assist the safety planning process for victims and any children and should assist the court to make informed judgements. This requires that police forces maintain information sharing protocols and structures for sharing information with the Family Division Courts, magistrates and Children and Family Court Advisory and Support Services (CAFCASS). Information sharing with the civil court system might mean that police are requested to assist when a 'finding of fact' is needed in a child contact case or a civil injunction hearing.

Information might be sought by agencies involved in the civil system in relation to the victim, suspect, children and other previous partners or family members.

## CHECKLIST 25: Assisting family court hearings

When assisting family court hearings officers should:

- Compile information efficiently as delays might postpone a family court's decisions relating to a child's future;
- If there are current criminal proceedings, consult with the CPS before passing information to the family court;
- Provide police reports detailing incidents of domestic violence that have come to police attention, particularly information relating to any children normally resident at the address and any observations made by attending officers;
- Provide relevant witness statements;
- Provide photographic or videotaped evidence to the court, when available;
- Provide first accounts made by the officer attending the incident, including the seriousness and the effect of the incident upon the victim and any children.

### 6.2.6 ROLE OF THE POLICE DOMESTIC VIOLENCE CO-ORDINATORS IN PARTNERSHIP WORKING

#### 1. Monitoring of police response to domestic violence and joint monitoring of multi-agency response

Police domestic violence co-ordinators should take an active role in establishing strong multi-agency links locally through the local domestic violence forums and specific project initiatives undertaken to improve the response to domestic violence.

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

#### 2. Managing service user consultation

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

#### 3. Providing information for Multi-Agency

Public Protection Arrangements Police domestic violence co-ordinators should update multi-agency public protection panels with information and intelligence on offenders convicted of domestic violence related offences. They should also monitor **all** individuals who are referred into the multiagency public protection panels for domestic violence related offending. This will include providing intelligence on those offenders convicted for other violent offences or referred to the multi-agency protection panels because of other concerns.

### 6.2.7 ROLE OF THE SPECIALIST DOMESTIC VIOLENCE OFFICERS IN PARTNERSHIP WORKING

#### 1. Sharing information with relevant agencies

Specialist domestic violence officers should develop strong links with service providers in other relevant agencies and should share information with them according to locally agreed protocols and national standards, see 6.2.5 Information sharing. All requests received to share information with other agencies should be reviewed by the police domestic violence co-ordinator. When risk assessments have been undertaken and there is agreement for this information to be shared, specialist domestic violence officers should ensure that representatives of other agencies have a common understanding of risk in the context of domestic violence.

#### 2. Child abuse investigation procedures

Specialist domestic violence officers should maintain close working links with child abuse investigation teams and ensure that domestic violence cases involving children (including those not present at an incident but known to be normally residing at the home) are identified and notified. In some cases officers will need to collaborate with the preparation of information for review by domestic violence forums, area child protection committees and multi-agency public protection panels, or similar, to ensure that reports reflect both the domestic violence and child abuse issues within a case.

## 6.3 CHILD ABUSE INVESTIGATION UNITS

### 6.3.1 ROLE OF CHILD ABUSE INVESTIGATION UNITS

Child abuse investigation units consist of police officers supported by other staff who are specially trained and experienced both in working with other agencies to protect children and in conducting investigations into allegations of physical and sexual abuse of children. As protecting children is the concern of a number of other agencies, especially social services, procedures are prescribed to ensure that appropriate and timely information is exchanged between them, and that decisions and actions to protect children are effectively co-ordinated.

The particular functions of a child abuse investigation unit include:

- Recording and investigating all crimes against children in co-operation with local authorities and other appropriate agencies such as the NSPCC;
- Promoting initiatives within and outside the police force with the aim of preventing child abuse or reducing opportunities for abusers;
- Working closely with local authorities and other agencies by sharing relevant information (subject to government guidance) relating to children's safety or welfare;
- Performing a variety of liaison roles within and outside the police force, including providing support to senior investigating officers in major crime cases;
- Supporting other crime investigators by offering advice to and/or liaison with local authorities and other relevant agencies when children may be subject to police interest;
- Developing intelligence and target profiles about organised and/or persistent offenders (eg, paedophiles) that come to police notice;
- Maintaining close links with other appropriate police force teams (eg, domestic violence co-ordinators) and external agencies.

### 6.3.2 ROLE OF CHILD ABUSE INVESTIGATION OFFICERS IN DOMESTIC VIOLENCE CASES

Managers and supervisors should ensure that notifications of children present at, or ordinarily resident at premises where domestic violence takes place, are routinely received and assessed by the child abuse investigation unit. They should then be forwarded to social services departments, as necessary. If social services departments determine that a home visit should take place, the police domestic violence co-ordinator should be informed before such a visit takes place in order to ensure that victim issues are managed appropriately.

Information regarding local protocols or arrangements for the exchange of information should be readily available to all operational staff, see [6.2.5 Information sharing](#).

Specialist domestic violence officers should maintain routine contact with child abuse investigation units. Every effort should be made to co-ordinate investigation activity where child abuse and domestic violence investigations coincide, ie, where they are both occurring in the same family. In particular, referrals made informing social services of the details of children (as per local protocols) should be conducted to ensure that victims of domestic violence do not fear the consequences of social services involvement. The way in which referrals are made should not put domestic violence victims at further risk, or serve to dissuade them from supporting a prosecution. Wherever possible, victims of domestic violence should have the referral system explained to them as soon as is practicable, so that they are prepared for any contact with social services departments.

Where dual investigations are ongoing, the child abuse investigation unit should assume responsibility for acting as a conduit for information from other agencies and should secure the attendance of domestic violence co-ordinators or other appropriate officers at case conferences or similar meetings.

### MANAGEMENT ISSUES:

- Developing systems to ensure that only specialist domestic violence officers carry out risk assessments which include the categorisation of risk, and that they are supervised by police domestic violence co-ordinators. See *ACPO Guidance on Identifying, Assessing and Managing Risk in the Context of Policing Domestic Violence (2003)*;
- Developing deployment models to ensure the accessibility of specialist domestic violence officers to fast track or first response teams for the provision of tactical investigation advice and investigation development;
- Ensuring that contact with CPS domestic violence co-ordinators is facilitated through police domestic violence co-ordinators;
- Incorporating additional measures to manage domestic sieges and hostage-taking incidents, taking into account local emergency procedure guidelines;
- Ensuring that specialist domestic violence officers use police powers and carry out a police role;
- Developing the role of the police domestic violence co-ordinators to manage specialist domestic violence officers and to carry out multi-agency functions;
- Engaging with multi-agency initiatives through forums and other relevant groups;
- Applying best value considerations to the administrative work associated with policing domestic violence;
- Managing repeat victimisation and risk assessment through targeted policing measures, supervised by the police domestic violence co-ordinator;
- Ensuring that intelligence, particularly in relation to persistent offenders, is passed to intelligence officers;
- Implementing independent victim advocate schemes, where possible;
- Supporting voluntary sector groups that provide safety-planning advice to victims.



# Section 7

## MANAGING POLICE OFFICERS, STAFF AND INFORMATION SYSTEMS

The purpose of this section is to highlight supervision and management issues of particular significance to domestic violence. It is relevant to all police domestic violence coordinators and their managers. It is also relevant to ACPO officers nominated with leadership responsibility for cases involving police suspects in domestic violence cases. Training managers should note the relevant sub section on training. It is linked to module 6, 'Police Leadership in Domestic Violence', of the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 7.1 POLICE OFFICERS WHO COMMIT DOMESTIC VIOLENCE RELATED CRIMINAL OFFENCES

The ACPO policy on *Police Officers Who Commit Domestic Violence Related Criminal Offences (2003)* provides detailed policy guidance for police forces.

To safeguard the integrity of the investigation, supervisors should ensure that, wherever possible, officers involved in detention and investigation in relation to the case are not known personally to the suspect. For example, police suspects should be held in custody at a different police station to that in which they are normally based. This should not prevent officers from taking positive action when responding to an incident involving a known colleague. Specialist domestic violence officers or child abuse investigation officers and/or family liaison officers, as appropriate, should be responsible for updating the victim on the progress of the criminal and disciplinary investigations.

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

### Fast track action, referrals and responsibilities

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

- The first recipient of information reporting a domestic violence incident involving a police suspect should refer the information **at once** to a supervising officer, normally of the rank of inspector or above;
- The supervising officer should pass the information to all of the following:
  - i. Basic Command Unit (BCU) commander,
  - ii. Nominated ACPO officer,
  - iii. Police domestic violence co-ordinator, and where applicable, to the child abuse investigation team,
  - iv. Professional standards/complaints and discipline department;
- If the suspect is the nominated ACPO officer, information should be passed to the chief officer. If the suspect is the chief officer the information should be passed directly to a nominated person within the police authority.

### Inter-force arrangements

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

### Reviews of the investigation

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

The report should review the following issues:

- Risk factors relating to the suspect;
- Risk factors relating to the victim and any children;
- Public protection issues;
- Community impact assessment;
- Public confidence and reassurance issues;
- Media strategies.

**Access to records**

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

Such safeguards might include that:

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

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

**Provision of support to victims**

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

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

## 7.2 MEETING THE WELFARE NEEDS OF SPECIALIST OFFICERS

Police domestic violence co-ordinators and managers should closely monitor the workload of specialist domestic violence officers. Monitoring should focus upon the amount and nature of work being undertaken. In recognition of the distressing nature of domestic violence cases managers should consider implementing mandatory or voluntary counselling and welfare support for specialist domestic violence officers. Police domestic violence co-ordinators should ensure that specialist domestic violence officers do not provide pseudo counselling to victims of domestic violence.

## 7.3 PERFORMANCE MANAGEMENT

Effective management of performance in domestic violence policing is reliant upon comprehensive performance measurement processes. These require mechanisms to identify, record, link and analyse domestic violence information fully and accurately.

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

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

**The Policing Performance Assessment Framework (PPAF)**

The *Policing Performance Assessment Framework* is a joint initiative of the Home Office, ACPO and the Association of Police Authorities. The PPAF concerns policing as a whole and is designed to reflect the breadth of modern policing. In addition to focusing on operational effectiveness, the PPAF provides measures of public satisfaction and overall trust and confidence in the police,

as well as measures that put performance into context in terms of efficiency and organisational capability.

The PPAF indicator, which is linked to domestic violence is the:

*'percentage of domestic violence incidents with a power of arrest where an arrest was made related to incident (number 8a) and of 8a the percentage of partner-on-partner violence (number 8b).'*

Internal performance review information should include:

- Domestic violence incident statistics;
- Domestic homicide statistics;
- Domestic violence arrest and charge statistics;
- Arrest rate (PPAF);
- Domestic violence related crime statistics and detections;
- Repeat victimisation statistics (relevant to victims and repeat offending);
- Case tracking and attrition rates;
- Policy compliance information;
- Service user feedback on service provision;
- Feedback from other domestic violence service providers;
- Performance resulting from Crime and Disorder Reduction Partnership (CDRP) working, such as crime audits.

All staff should be informed of domestic violence performance measures and should be actively involved in maintaining and improving upon performance levels. Intrusive supervision tactics should be employed by line-managers to ensure that their staff comply with domestic violence policy and procedures.

## 7.4 TRAINING PROVISION

Training managers should review all current police domestic violence training arrangements to ensure delivery of the *Centrex Responses to Domestic Violence Modular Training Programme*. Police forces using any other training programme should demonstrate that training meets the same standard. The Centrex programme contains training materials for all police officers and staff engaged in policing domestic violence. This programme is updated on an annual basis and is linked to this guidance.

Training managers should note that all specialist domestic violence officers and police domestic violence co-ordinators should have completed the *Centrex Initial Crime Investigator's Development Programme* in addition to the relevant modules of the *Centrex Responses to Domestic Violence Modular Training Programme*.

Awareness training, enabling officers to understand domestic violence issues, should be co-trained with staff from voluntary sector local support services. Consideration should be given to the delivery of multi-agency training, an outcome of which should be the review or development of local service level agreements.

## 7.5 INFORMATION TECHNOLOGY SYSTEMS

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

### **Accessing domestic violence information**

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

Such information should include:

- History of previous incidents including those with previous partners;
- Warning markers;
- Intelligence.

#### **Accessing domestic violence suspect information**

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

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

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

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

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

## 7.6 IMPLEMENTING THE NATIONAL INTELLIGENCE MODEL (NIM)

Information relating to domestic violence is likely to emanate from a variety of sources. The police domestic violence co-ordinator and specialist domestic violence officers should be alert to the intelligence opportunities available through police sources, the public and the exchange of information with other agencies. Effective analysis of such information can lead to conversion into intelligence, which through application of the NIM is capable of leading to the use of tactics which will reduce or remove any threats. Analysis will also contribute towards the risk assessment process. Intelligence relating to domestic violence should be applied accordingly using the NIM through levels one, two and three to inform strategic and tactical assessments.

Analysis of intelligence and information relating to domestic violence by the specialist domestic violence officer or the police domestic violence co-ordinator in consultation with intelligence officers and analysts enables the identification of patterns of offending by persistent offenders. Such analysis should inform decisions about the most appropriate strategies for the prevention of abuse, and the most appropriate method of enforcement. Analysis can also determine gaps in knowledge which can be reported as intelligence requirements and communicated to staff so that they may seek out information when engaged in daily duties, such as attending scenes and incidents. Such intelligence requirements should form a small but significant part of the overall strategy for protecting victims and investigating domestic violence related crimes.

Similarly, a target profile can be used to identify particular individuals who are suspected of serial offending or carrying out other criminal activities. Risk analysis should be used to assess the risk posed by, for example, a sex offender or persistently dangerous offender, and should enable the determination of the most appropriate tactics to use to reduce or remove any threat posed.

Further information about the NIM may be found at:

<http://www.policereform.gov.uk/implementation/natintellmodel.html>

## 7.7 DOMESTIC VIOLENCE RELATED MEDIA STRATEGIES

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

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

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

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

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

### MANAGEMENT ISSUES:

- Implementing *ACPO Policy on Police Officers Who Commit Domestic Violence Related Offences (forthcoming)*;
- Implementing the NIM to take account of domestic violence issues;
- Updating force policies to ensure compliance with *ACPO Guidance on Investigating Domestic Violence*;
- Providing welfare support to specialist officers and other officers affected by policing domestic violence;
- Providing Centrex *Initial Crime Investigator's Development Programme* training for all specialist domestic violence officers and police domestic violence co-ordinators;
- Providing relevant training using the *Centrex Responses to Domestic Violence Modular Training Programme* to train all specialist police officers and other police and police staff roles;
- Ensuring that IT systems are developed with the capacity to link to all relevant information;
- Incorporating domestic violence into force media strategies and monitoring local media reporting.
- Ensuring compliance with the Human Rights Act, Race Relations Act as amended and other anti discrimination legislation.

# Section 8

## MULTI-AGENCY WORKING

The purpose of this section is to provide an outline of multi-agency responsibilities and the variety of ways in which they might be discharged. It will be useful to any officer engaged in partnership working, particularly police domestic violence co-ordinators and those working at a strategic level in crime and disorder partnerships. Specialist domestic violence officers in contact with other agencies will also find it useful. Further information on the role of specialist domestic violence officers and police domestic violence co-ordinators in partnership working can be found in section 6 Specialist Investigations and Specialist Advocacy. This section is linked to module 7, 'Multi-Agency Responses to Domestic Violence', of the *Centrex Responses to Domestic Violence Modular Training Programme*.

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## 8.1 CRIME AND DISORDER REDUCTION – STATUTORY RESPONSIBILITIES

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

Local Strategic Partnerships (LSPs) are non-statutory, multi-agency bodies which match local authority boundaries and aim to bring together the different parts of the public, private, community and voluntary sectors at a local level. LSPs are essential to tackling deep-seated, multi-faceted problems such as domestic violence, which require a range of responses from different bodies.

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

CDRPs are required to conduct comprehensive audits and develop strategies in a three-year cycle, which set the direction for the partnership working.

## 8.2 AUDITS AND STRATEGIES

### Audits

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

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

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

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

The key reasons for this are:

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

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

Any service user consultation should prioritise the safety of service users and should be anonymised, see [6.2.4 Partnership working](#).

### Community safety strategies

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

Each strategy is specifically designed to help reduce local crime and disorder in communities, through the joint effort of all the partners.



### 8.3 CRIME AND DISORDER REDUCTION DELIVERY GROUPS

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

#### Domestic violence forums

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

The main activities of forums are:

- Liaison and networking;
- Co-ordination of local services;
- Developing and improving local service delivery;
- Co-ordinating domestic violence training for agencies;
- Engaging in public education;
- Establishing direct services for victims and children;
- Consulting with victims;
- Public education and prevention projects.

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

Each domestic violence forum should develop the following:

- Statement of policy;
- Information for victims of domestic violence;
- Resource pack, including detailed guidance for service deliverers;
- Training for service deliverers in meeting the needs of victims and holding offenders accountable.

For further information see, *Domestic Violence: Break the Chain Multi-Agency Guidance for Addressing Domestic Violence (2000)*, <http://www.homeoffice.gov.uk/docs/mag.html>

#### Service level agreements

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

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

### **Area child protection committees**

Local inter-agency policy on child protection matters is the responsibility of the local Area Child Protection Committees (ACPC). Each agency having responsibility for the health, welfare and protection of children should be represented at senior level on the local ACPC. The ACPC is accountable to, and funded by, each agency that makes up its membership and often has an independent or rotating chairperson. This body is a strategic group and delegates from all agencies, including the police, should be of sufficient seniority to commit their agency to budgetary outgoing or a particular policy or course of action. Delegates should also be sufficiently senior in order to contribute to the development of strategy.

The responsibilities and functions of the ACPC are set out in *Working Together to Safeguard Children*. For further information see, <http://www.dh.gov.uk/assetRoot/04/07/58/24/04075824.pdf>

## **8.4 MULTI-AGENCY PUBLIC PROTECTION ARRANGEMENTS (MAPPA)**

The Criminal Justice and Court Services Act 2000 (as amended) places a responsibility on the police, prison service and probation service to make joint arrangements for the assessment and management of sexual, violent and dangerous offenders who may cause serious harm to the public. They should involve and work closely with other partner agencies to widen the protection and prevent re-offending.

Domestic violence abusers who commit sexual or physical violence may be appropriate for referral into the MAPPA. The Criminal Justice and Court Services Act 2000 provides that as well as sexual and violent offenders (as defined in the Act), other people can be referred into the MAPPA who, due to offences committed by them, are considered to pose a risk of serious harm to the public. There will be occasions where domestic violence is identified as a factor at a later stage in the process, perhaps where the police have no records of previous domestic violence history. Such information should be referred back to the relevant agencies, particularly the police, to record it and provide the appropriate levels of protection to the victim and any children involved.

There should be clear lines of communication and contact between MAPPA, public protection units, child abuse investigation units and specialist domestic violence staff. Specialist domestic violence officers should work with intelligence officers to provide information relating to the domestic violence offending background of **all** offenders subjected to a MAPPA process. Domestic violence and child abuse investigation officers should receive local training on the MAPPA process and the need to refer some domestic violence offenders. For further information see, <http://www.probation.homeoffice.gov.uk/output/Page241.asp>

## **8.5 MONITORING AND EVALUATION**

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

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

### **Monitoring the work of domestic violence forums**

The work of domestic violence forums contributes to the CDRP strategy and will be evaluated when the three-year CDRP strategy is reviewed. The context of this monitoring is to improve the safety of victims of domestic violence and their children.

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

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

#### **Local criminal justice boards**

These replaced all Area Criminal Justice Strategy Committees, Trial Issues Groups, Chief Officers' Groups and any existing Criminal Justice Boards. These boards can be used to monitor criminal justice responses to domestic violence within agencies that have key responsibilities and targets. They are responsible to and accountable for, local delivery of criminal justice system objectives, including improvement in the delivery of justice, the service provided to victims and witnesses, and securing public confidence.

#### **Institutional audits or safety and accountability audits**

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

Participating agencies should:

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

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

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

#### **MANAGEMENT ISSUES:**

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

# Section 9

## ROLES AND RESPONSIBILITIES OF OTHER AGENCIES

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

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## 9.1 CROWN PROSECUTION SERVICE (CPS)

The CPS makes decisions about whether to prosecute a case. The CPS is responsible for the way in which the case is handled; this is done in consultation with the police, but ultimately the decision is that of the CPS. Many CPS areas have protocols and local service level agreements with the police. The *Code for Crown Prosecutors* provides guidance on how crown prosecutors should make decisions on whether or not to prosecute.

The CPS has issued a domestic violence policy and additional guidance to prosecutors on the handling of domestic violence cases. This sets out some key considerations:

- Evidence:** The CPS will not automatically assume that calling the victim is the only way to prove a case. They will actively consider what other evidence may be obtainable. Police officers should collect all available evidence at the time of the incident and subsequently;
- Withdrawal:** If a victim asks the police not to proceed with the case, the CPS will liaise with officers to determine whether there is enough evidence to proceed without the victim's support. They will also consider whether the victim is being harassed or frightened into withdrawing their support. The views of the victim are important but are one of a number of considerations that the CPS will have to take into account.

It is the role of the CPS to consider the evidence and provide the police with advice as to whether or not to charge. If a decision is made to discontinue the case or substantially alter the charge, the CPS will communicate the decision and the reason for it directly to the victim.

The CPS has a network of domestic violence co-ordinators. They oversee local domestic violence specialists who are responsible for taking forward the CPS policy on domestic violence. For further information on the functions of the CPS see, [www.cps.gov.uk](http://www.cps.gov.uk). See also 5.3.8 *Preparing information for the Crown Prosecution Service (CPS)* for links to the *CPS (2002) Policy for Prosecuting Cases of Domestic Violence* and the *CPS (2000) Code for Crown Prosecutors*.

## 9.2 CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICES (CAFCASS)

CAFCASS was formed on 1 April 2001, bringing together the services previously provided by the Family Court Welfare Service, the Guardian Ad Litem and the Children's Division of the Official Solicitor's Office. CAFCASS is concerned with the interests of children involved in family proceedings. It works with children and their families, and will be involved in many cases where domestic violence is at issue. CAFCASS officers advise the courts on what they consider are the child's best interests.

CAFCASS only works in the family courts and this includes:

- Situations where parents who are separating or divorcing cannot agree on arrangements for their children;
- Situations where children are subject to an application for care or supervision proceedings by social services.

For further CAFCASS information see, <http://www.cafcass.co.uk/>

## 9.3 EDUCATION SECTOR

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

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

Advice to schools and the education service on child protection procedures is presently set out in *DfEE Circular 10/95 – Protecting Children from Abuse: The Role of the Education Service* see, [http://www.dfes.gov.uk/publications/guidanceonthelaw/10\\_95/summary.htm](http://www.dfes.gov.uk/publications/guidanceonthelaw/10_95/summary.htm)

For further information about the education sector see, <http://www.dfes.gov.uk/index.htm>

## 9.4 HEALTH SERVICE

Health services have an essential role in reducing domestic violence as health professionals may identify the first signs of domestic violence. In March 2000, the government published *Domestic Violence: A Resource Manual for Health Professionals*. This document sets out best practice professional guidelines on the identification and management of domestic violence.

For further information the following websites provide information for England and Wales respectively: <http://www.dh.gov.uk/PublicationsAndStatistics/>

<http://www.wales.nhs.uk/Publications/domviolence-e.pdf>

Healthcare professionals are required to:

- Ensure that the safety of the person (and any children) is the paramount consideration;
- Treat people with respect;
- Seek to empower people to make informed choices about their lives;
- Respect confidentiality;
- Co-operate with other agencies.

A *Children's National Service Framework* has been implemented. This will develop new national standards across the NHS and social services for children. For further details see, <http://www.info.doh.gov.uk/doh/nsfrusers.nsf/Main?readForm>

*Mainstreaming Gender* and *Women's Mental Health Implementation Guidance* (published by the Department of Health) firmly establishes the impact of violence and abuse as a core mental health issue. It addresses the need to ensure appropriate training which equips staff to address issues of violence and abuse routinely in assessment and care planning. For further information see, <http://www.nimhe.org.uk/>

For further information on the role of the health service see, <http://www.nhs.uk>

## 9.5 LOCAL AUTHORITY HOUSING SERVICES

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

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

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

For further information on housing see, <http://www.odpm.gov.uk/>

## 9.6 NATIONAL PROBATION SERVICE (NPS)

Probation area boards in local areas work in partnership with police force areas (generally co-terminus) and have a chief officer, accountable locally for performance and reporting to the Director General.

The NPS core functions are enforcement, rehabilitation and public protection, which it shares with its partners in the criminal justice system. The NPS supervises convicted offenders both on community sentences and, in many circumstances, upon release from custody on licence.

The NPS also has a statutory duty under the Criminal Justice and Court Services Act 2000 to help victims of crime by providing them with information and consulting them about offenders' release plans. In addition to enforcement and providing courts with information and pre-trial services, the NPS domestic violence strategy also incorporates:

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

Assessment and management of risk of harm in domestic violence cannot be effectively undertaken by one agency alone. The NPS, with partner agencies, collates information to assist in its assessment of risk and dangerousness of individual offenders. Offenders, including domestic violence abusers, who are assessed as presenting a potentially high risk of serious harm, fall within MAPPA. The NPS matches convicted offenders' needs with the interventions (including programmes) most likely to tackle offending behaviour and to reduce re-offending. For domestic violence this involves inter-agency risk management and work with the known victims of offenders on the programmes, as well as structured group work.

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

The Criminal Justice and Court Services Act 2000 places a legal obligation on the NPS to consult victims of offenders sentenced to twelve months or more for a sexual or violent offence. Domestic violence programmes run by the probation service always involve contact with the known adult victims of the participants, to inform them about the programme and direct them towards appropriate resources to improve their safety planning. Information about the offender's attendance on the programme will be given to the victim. Social services will be notified if there are children in the family.

### c) Deliver offender programmes that have a track record in reducing re-offending

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

#### **d) Valuing and achieving diversity in the NPs**

The NPS reviews service delivery, in particular using ethnic monitoring, to ensure that services are available and meaningful to the full range of victims and offenders. This includes recognition of the prevalence of domestic violence and specific needs generated by same sex relationships, male victims and different cultures.

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

### **9.7 PRISON SERVICE**

Following the introduction of the Criminal Justice Act 2003 the Prison Service now has statutory responsibilities alongside the police and probation services (the 'responsible authorities') under the Multi-Agency Public Protection Arrangements. The prison service therefore has a duty to share risk management and other relevant information with MAPPA partners and to participate in the planned release of those offenders subject to the management of a Multi-Agency Protection Panel.

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

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

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

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

### **9.8 REFUGE/OUTREACH SERVICES**

#### **Women's Aid Federation of England**

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

Women's Aid supports a network of local projects across England and Wales providing over 500 refuges, helplines, outreach services and advice centres. Local organisations provide a range of services including refuges, resettlement and community based advocacy, and support for both women and children affected by domestic violence. These services are dependent on funding being available and providers vary from the largest national housing associations to local providers or other independent charities. Specialist refuges and advice services are available in some parts of the country for black and minority ethnic women and other victims with special needs. Note that some refuges are not affiliated to Women's Aid.



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

### Refuge

Refuge is a national charity for women and children who experience domestic violence. It offers the following services: a confidential 24-hour national Domestic Violence Freephone Helpline in partnership with Women's Aid; safe emergency accommodation through a network of refuges, some specifically for African Caribbean and Asian women; a children's programme; counselling; outreach services and a resettlement service.

For further information see, <http://www.refuge.org.uk/>

## 9.9 REGISTERED SOCIAL LANDLORDS (RSLs) AND HOUSING ASSOCIATIONS

In some areas the local authority no longer owns any housing stock of its own and works in partnership with local RSLs and housing associations. RSLs and housing associations do not have the powers to assess whether a person is statutorily homeless.

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

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

For further information see, <http://www.rsls.co.uk/>

## 9.10 SOCIAL SERVICES

Children who are experiencing domestic violence may benefit from a range of support and services, and may need protecting from harm. Local authorities have legal duties under the Children Act 1989 to safeguard and promote the welfare of children who are in need in their area, and to protect children from significant harm.

More information about the duties of social services in relation to children in need and children at risk of significant harm can be found in *Working Together to Safeguard Children*, (official guidance produced by the Department of Health, the Home Office and the Department for Education and Skills in 1999). Refer to paragraphs 6.38 – 6.42 of *Working Together* which set out the responsibilities of various agencies in addressing the needs of children experiencing domestic violence.

For further information see, [www.doh.gov.uk/PublicationsAndStatistics/](http://www.doh.gov.uk/PublicationsAndStatistics/)

Vulnerable adults who are the victims of domestic violence may also benefit from a range of support and services. The Department of Health launched the *No Secrets Guidance (2000)* under section 7 of the Local Authority Services Act 1970. It is available from:

<http://www.dh.gov.uk/PublicationsAndStatistics/>

In Wales the appropriate guidance is called *In Safe Hands Implementing Adult Protection Procedures in Wales* and it is available from:

<http://www.wales.gov.uk/>

Central to the department of health guidance is the concept of multi-agency working, especially between health, social services and the police in order to reduce the incidence of abuse. *No Secrets Guidance* deals with developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, both in care and non-care settings.

In terms of accessing care services, the Department of Health issued guidance to local councils in circular *LAC (2002)13 on 28 May 2002, Fair Access to Care Services: Guidance on Eligibility Criteria for Adult Social Care*. The eligibility framework for accessing social care services is graded into four bands. These describe the seriousness of the risk to an adult's independence or other consequences if their needs are not addressed. The highest band 'critical' includes the category of serious abuse or neglect having occurred or which might occur, while the next highest band 'substantial', includes the category of abuse or neglect having occurred or which might occur.

For further information see, <http://www.dh.gov.uk/PolicyAndGuidance/>

## 9.11 VICTIM SUPPORT (VS) AND THE WITNESS SERVICE

VS provides information, a free and confidential telephone support line, practical help and emotional support to victims who have experienced a crime (reported or unreported). This service also extends to their families and friends. Services are based on the principle of community involvement. For many people, the expression of concern by a fellow citizen can be helpful in repairing the harm done by crime. VS ensures that its volunteers reflect the diversity of the communities in which they work, and that its services are equally accessible to all. Services are delivered locally by a network of volunteers who are trained to help people to cope with the effects of crime, and who are supported and managed by paid staff. VS is an independent voluntary organisation that works alongside the criminal justice system, government and other organisations nationally, and in local communities. VS promotes the rights of victims and witnesses. Referrals are made to VS with the full consent of a victim of domestic violence, and VS will only contact a victim if it is clear that they have given permission for their details to be referred.

Victim Support's service is provided in the following ways:

- Contacting people by letter, telephone or visit. For some types of crime, such as domestic violence, contact is made in a different way that reflects the particular sensitivity of the situation;
- Arranging for a trained volunteer to see victims in their homes, at a local office or if appropriate at another place that is safe and convenient for the person being supported. Volunteers supporting victims of domestic violence have further training on this issue;
- Providing a volunteer to allow the victim to talk about their reaction to a crime (in a sympathetic environment). If help is wanted that is beyond the scope of VS, such as bereavement counselling or re-housing, VS will assist with finding that help;
- Providing practical help including applying for criminal injuries compensation, providing support if the person wants to go to the police station, help with claiming benefits, access to crime prevention advice, and a range of other services;
- Providing information which might include information about the victim's rights, and if they have reported the crime, progress in the case;
- Arranging support at court through the Witness Service.

### **The Witness Service**

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

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

For further information see, <http://www.victimsupport.org.uk>

# APPENDIX 1

## ACRONYMS

<b>ACPC</b>	Area Child Protection Committee
<b>ACPO</b>	Association of Chief Police Officers
<b>ASBO</b>	Anti-Social Behaviour Order
<b>BCU</b>	Basic Command Unit
<b>BVPI</b>	Best Value Performance Indicator
<b>CAFCASS</b>	Children and Family Court Advisory and Support Service
<b>CCTV</b>	Closed Circuit Television
<b>CDRP</b>	Crime and Disorder Reduction Partnership
<b>CAIU</b>	Child Abuse Investigation Units
<b>CPS</b>	Crown Prosecution Service
<b>CRB</b>	Criminal Records Bureau
<b>CSI</b>	Crime Scene Investigator
<b>DfES</b>	Department for Education and Skills
<b>DNA</b>	Deoxyribonucleic acid
<b>ECHR</b>	Convention on Human Rights
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary
<b>IT</b>	Information Technology
<b>LEA</b>	Local Education Authority
<b>LSP</b>	Local Strategic Partnership
<b>MAPPA</b>	Multi-Agency Public Protection Arrangements
<b>NCOF</b>	National Crime and Operations Faculty
<b>NCPE</b>	National Centre for Policing Excellence
<b>NHS</b>	National Health Service
<b>NIM</b>	National Intelligence Model
<b>NIMHE</b>	National Institute for Mental Health in England
<b>NPD</b>	National Probation Directorate
<b>NPS</b>	National Probation Service
<b>NSPCC</b>	National Society for the Prevention of Cruelty to Children
<b>OCU</b>	Operational Command Unit
<b>PACE</b>	Police and Criminal Evidence Act
<b>PEACE</b>	Police Interview Training Model mnemonic P-Preparation/Planning; E-Engage; A-Account; C-Close, E-Evaluation
<b>PHA</b>	Protection from Harassment Act 1997
<b>PNC</b>	Police National Computer
<b>POA</b>	Public Order Act 1986
<b>PPAF</b>	Policing Performance Assessment Framework
<b>RIPA</b>	Regulation of Investigatory Powers Act 2000
<b>RSL</b>	Registered Social Landlord
<b>SLA</b>	Service Level Agreement
<b>SSD</b>	Social Services Department
<b>UK</b>	United Kingdom
<b>VISOR</b>	Violent Offender and Sex Offender Register

# APPENDIX 2

## REFERENCES

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- ACPO (forthcoming) *Guidance on the Management, Recording and Investigation of Missing Persons*
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**Home Office (2000)** *Domestic Violence: Break the Chain Multi-Agency Guidance for Addressing Domestic Violence*

**Home Office (2000)** *Domestic Violence: Revised Circular to the Police Circular 19/2000 a Revision of Home Office Circular 60/90 – Domestic Violence*

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**Home Office (2003)** *Manual of Guidance for the Preparation, Processing and Submission of Files – 2003 Edition* Home Office Communication Directorate February 2003

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**Home Office (2004)** *Safety and Justice: Sharing Personal Information in the Context of Domestic Violence – An Overview* (London: RDS)

**NCIS (2000)** *National Intelligence Model (NIM)*

**Trial Issues Group (2002)** *Revised Agreement on the Arrangements for the Attendance of Interpreters in Investigations and Proceedings Within the Criminal Justice System*

