



# Domestic Abuse Policy

---

<b>Policy Number</b>	9
<b>Policy Owner</b>	Head of Crime Command
<b>Version</b>	1.11
<b>Last Review Date</b>	November 2020
<b>Next Review Date</b>	November 2022
<b>Date of approval</b>	September 2012 for Note
<b>Protective Marking</b>	Official

<b>This document has been assessed for:</b>	
Compliance with Legislation	<input checked="" type="checkbox"/>
Equality Impact Assessment	<input type="checkbox"/>
Freedom of Information issues	<input checked="" type="checkbox"/>
Human Rights compliance	<input checked="" type="checkbox"/>
Health and Safety	<input checked="" type="checkbox"/>
Risk Management	<input checked="" type="checkbox"/>

# Domestic Abuse Policy

## 1. Policy statement

---

It is the overriding duty of all police officers and police staff who respond to Domestic Abuse (DA) incidents to protect victims, children and any other members of the household from further abuse. DA will be treated as seriously as all other forms of violence. Positive and early action by staff responding to reports of domestic abuse leads to a reduction in the frequency of such incidents.

This policy should be read in conjunction with the College of Policing Authorised Professional Practice on Domestic Abuse, other national guidance and other force policies and procedures which have an impact on domestic abuse as identified in Appendix A.

This policy must be applied fairly, equally, and consistently by and to all Police Officers and employees irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## 2. Purpose

---

The purpose of the policy is to provide Cleveland Police specific direction and guidance to all police officers and staff in the identification of domestic abuse incidents, the particular risks involved and actions that should be taken. The procedures set out in this document are intended to offer additional guidance and instruction by detailing roles and responsibilities of officers throughout the process.

The procedures set out in this document apply to all Police Officers, Police Staff; including those employed by the Police and Crime Commissioner and partner agencies where appropriate, Special Constables and Volunteers.

Cleveland Police fully supports College of Policing Authorised Professional Practise on Domestic Abuse which consolidates and updates pre-existing Guidance. All staff should refer to the APP linked above.

The APP provides clear operational, tactical and strategic advice. It is structured to follow the pattern of reporting, responding to and investigating domestic abuse. It also contains specific advice for each role and also partnership working. There are a number of quick access checklists which should be referenced and used by officers and staff.

### 3. Underpinning procedures

---

#### Priorities

Cleveland Police priorities in relation to Domestic Abuse are as follows:-

- To protect the lives and wellbeing of both adults and children who are at risk of DA and any witnesses
- To investigate all reports of domestic abuse
- To facilitate effective action against offenders so that they can be held accountable through the criminal justice system
- To adopt a pro-active multi-agency, problem-solving approach in preventing and reducing domestic abuse.

#### Definition

Cleveland Police adopt the ACPO (now National Police Chiefs Council NPCC) definition of Domestic Abuse as follows: (this definition was implemented on the 31<sup>st</sup> March 2013.)

Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

The definition is further explained below;

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

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

\*This definition includes so called 'Honour' Based Abuse (HBA), female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

- "Intimate Partners" means that there must be, or have been, a relationship with a degree of continuity or stability. The relationship must

also have, or have had (or be reasonably supposed to have or have had), a sexual aspect such as in the relationship a husband and wife or between others generally recognised as a couple, including same sex couples. The partners or ex-partners need not be living together on a full-time, continuing basis and need not ever have done so.

- "Family Members" includes mother, father, son, daughter, brother, sister, grandparents, in-laws and stepfamily whether directly related or not.
- "Psychological Abuse" could include abuse arising out of gender, race, religion, age or disability; humiliation or ridiculing the person or their conduct, bullying or intimidation; deprivation of ordinary social contact.
- "Physical Abuse" means any offence of violence such as common assault; assault occasioning actual bodily harm or grievous bodily harm.
- "Emotional Abuse" means any harm deliberately or recklessly inflicted on another person's emotional well-being. This may not amount to a specific offence but could, for example, fall under the Protection from Harassment Act, 1997.
- "Financial Abuse" is the abuse of power in a relationship where one partner maintains control over the other's money. Again, this may amount to an offence under the Protection from Harassment Act, 1997.
- "Threatening behaviour" includes circumstances where threats are made by telephone or via other electronic communication methods e.g. social networking sites. Such incidents must be treated as DA and a Public Protection Notice (PPN) must be submitted. The PPN must capture all persons concerned, particularly children linked to the incident and/or persons involved.

DA is wide spread through every socio-economic group. Research suggests that it occurs in all sections of society irrespective of ethnicity, culture, nationality, religion, sexuality, disability, age, class or education. Circumstances may dictate how a person responds to domestic abuse.

Research suggests there are close links between DA, child abuse, abuse of vulnerable adults and missing persons. Officers should familiarise themselves with the policies in these areas. A full list of related documents is covered in Appendix A.

### **Missing Persons**

Identifying that a missing person is a victim of DA or child abuse, or is an offender, will have an important influence on determining risk and the type and level of investigation undertaken.

All missing person reports should clearly alert staff to the possibility that the missing person could be a domestic abuse victim or perpetrator.

## **Stalking and Harassment**

There are close associations between DA and Stalking and Harassment. Many offences of harassment are perpetrated against partners from a previous intimate relationship. In such cases DA is likely to have been a feature of these relationships whilst they were ongoing. The suspect may use child contact arrangements to further harass the victim.

Many offences of harassment are perpetrated by partners from a previous intimate relationship. In these cases DA is likely to have been a feature of these relationships whilst they were ongoing. Officers should refer to the Force Policy on Stalking and Harassment when dealing with these cases.

## **Stalking and Harassment in relation to children**

Harassment in relation to children may be associated with abuse by an adult known to them and may fall into the ACPO (NPCC) definition of DA.

Children may also be harassed as a means to intimidate a parent or carer and this may be related to DA (See Working Together to safeguard children 2018.)

## **Force Structure**

The Assistant Chief Constable (ACC) for safeguarding is the force lead in relation to DA within Cleveland Police.

The Detective Chief Superintendent Specialist Capabilities is responsible for force policy and strategic direction.

Detective Superintendent (D/Supt) for safeguarding is responsible for the implementation of force policy.

DA is core business for the force and all first and second line managers have responsibility for coordinating and improving their teams' response to DA.

Frontline officers will attend the majority of all reported incidents even if the caller attempts to cancel police attendance after the initial call. Initial Crime Management Team (ICMT) may deal where the Threat, Harm, Risk Investigate, Vulnerability and Engagement (THRIVE assessment) has been properly completed and this level of response is deemed appropriate. This will be in rare cases and identified by appropriate THRIVE risk assessment and safeguarding is covered and engagement face to face is not required and allows for appropriate priority of face to face policing.

A team of specialist investigators are available. The DA Investigation Unit is overseen by a detective inspector.

The force also has a DA solutions team who look at problem solving and prevention methods for reducing repeat victims and reoffending. They are responsible for the MATAC process and the police attendance at MARAC meetings. They also give Clare's Law and Sarah's Law disclosures and lead on DVPN/DVPOs.

A daily 'Pace Setter' meeting is held where oversight and support at senior manager level is given to DA suspects that are outstanding for arrest (rolling handovers) and those that are in police custody.

Regular performance monitoring of DA Incidents takes place throughout the organisation to ensure that effective investigation is taking place and that Force policy is being implemented. This includes MARAC performance (compared to national and most similar force (MSF) data) and Level 2 Tasking and Coordination Group (TCG) monitoring for repeat incidents). The DA DI in safeguarding is the lead for daily operational performance and quality assurance.

Strategic direction and governance of DA is led by the ACC(C) via the safeguarding and vulnerability group. Representatives attend from all Commands across the Force. This strategic group looks at best practice and ensures that there is a corporate approach to the delivery of DA services throughout the force area. The DCI Safeguarding DA has an Action Plan which is monitored at the DA Governance Group chaired by the D/Supt. The Police and Crime Plan 2016/21 references the support to the regional Violence Against Women and Girls' Strategy. Officers and staff are encouraged to familiarise themselves with the plan which is located on the Force Intranet.

Responsibility for tackling Domestic Abuse also lies with the local authority and each of the four local authorities in the Cleveland area hold a Strategic meeting attended by Cleveland Police.

The Local Criminal Justice Board (LCJB) priority work streams include domestic abuse and has an established Specialist Domestic Violence Court (SDVC) Strategic sub group and an SDVC Operational group. Cleveland Police attends each of these groups.

### **Equality and Diversity Impact**

Domestic Abuse can impact everyone, statistics would corroborate the stereotype female victim, male perpetrator, however under reporting occurs more outside of those stereotype leading to skewed figures.

It is important that the Police investigate the allegation without making any stereotypical assumptions regarding the relationship. Domestic abuse includes familial abuse, elder abuse, honour based abuse.

The person(s) who have custody rights relating to children may not be initially obvious. Do not make assumptions regarding such rights.

As with any other form of domestic abuse, officers should be careful about making assumptions about responsibility for violence in relation to physical size, income level and educational background.

All victims, regardless of gender or sexuality, race or religion, should receive the same standard of support, care and service as detailed in this guidance.

## **4. Roles**

---

### **Role of Police Officers and Staff**

The requirement for positive action in domestic abuse cases incurs obligations at every stage of the police response and investigation. The role that officers and staff play in dealing with domestic abuse is covered in the APP and should be referenced in conjunction with the following additional guidance for Cleveland Police.

#### **The Role of Call takers**

A victim's first contact with the Police will often be by telephone to the Force Control Room. Cleveland Police use the THRIVE risk assessment model and the National Decision Model to assess, then prioritise all calls that are made and will deploy Police Officers according to the assessment.

Cleveland Police use Storm command and control system. All interactions with the call taker and the reporting person and with the dispatcher and the officer attending will be documented on the Storm log.

As soon as the call is identified as domestic related the log should be endorsed as DA related on Storm.

In the event of a call being abandoned by the caller in every case the call taker will create an incident and an Officer will be despatched.

If the circumstances of the abandoned call indicate a possible life-threatening situation, the call should be allocated an 'immediate priority' rating and Control Room supervision should be notified.

It is important that an officer attends to verify the welfare of the parties concerned even when the caller or suspected victim re-contacts the Police to decline further assistance, this is to negate the possibility of coercion.

It is recognised this procedure may not be possible with mobile phone calls (due to the "Calls Without Service Request" scheme (CWSR)) but in these instances the Force Incident Manager must be made aware to ensure that enquiries are commenced to attempt to trace the caller.

So called "Honour Based Abuse" (HBA) or Forced Marriage (FM) incidents should be brought to the attention of the Force Incident Manager for

consideration of restricting access on the Storm/Niche system. This will be in consultation with Force Silver. See also the HBA Force Policy.

The sequel to the Storm event must be accurately recorded and spelling of names must be checked to avoid duplicate entries on the Niche system. The sequel must include action taken in terms of arrest, specific details of advice given and any other positive action taken. The sequel "Advice Given – No Further Police Action" is not acceptable.

Domestic incidents reported through a third party, i.e. a voluntary or statutory agency must be recorded, this will be done directly onto Niche. An officer will ensure full details are obtained for a public protection notice.

### **The role of the Vulnerability Desk**

The vulnerability desk is based within the Force Control Room alongside the call takers and dispatchers. The purpose of the Vulnerability Desk is to support first responders in delivering a high quality, **victim focused, evidence led** service while raising our investigative standards.

The current focus of the Vulnerability Desk staff is **immediate, priority and standard Domestic incidents.**

- Desk staff will review these incidents, research the people / location / children involved and provide a bespoke **risk, investigation and safety planning package.**
- The package will be added to the STORM incident record.
- **The first responder should review the package prior to attendance,** if this is not possible the data can be supplied via Airwaves, this will allow first responders to make more informed and balanced decisions at the incidents they attend.

First responders will still need to be inquisitive and deal appropriately with what they are presented with upon attendance. Be mindful there may be children at the address not recorded on our systems and material which only becomes apparent upon your attendance.

Prior to resuming from the incident, first responders must contact the Vulnerability Desk to discuss and review the desk package against their actions at the scene. This will assist the officer by ensuring risk is properly identified, safety planning is in place and the identified lines of enquiry have been progressed or mitigated.

There may be occasions where lines of enquiry or safeguarding issues cannot be progressed for genuine reasons, these need to be recorded by the vulnerability desk. Where matters have been missed or overlooked without justification, the first responder will be required to re-attend and complete them.

## **The Role of Officers attending the scene**

### **Prior to attending**

The first priority of any member of staff attending a DA incident is to protect the victims and any other person at risk, including children, witnesses and police officers. Consider the links between DA, child abuse and abuse of adults and have knowledge of the relevant policies in these areas. Positive and prompt action by those attending domestic reports will lead to a reduction in the frequency of such incidents.

All victims must be given the advice and protection they need, utilising assistance from other statutory and voluntary organisations. Officers attending the scene of an emergency incident should ensure Body Worn Cameras are turned on prior to arriving at an incident or entering an address, are pointing in the right direction and are functioning. There is no legal requirement to obtain the permission of the victim or alleged perpetrator to record using Body Worn recording equipment. See also the force policy on body worn video. All body worn video footage from domestic incidents should be marked as evidential. Officers should receive relevant information about the incident, the people concerned and previous history prior to attending, if this is not given by dispatcher or vulnerability desk it should be asked for.

### **Entering a premises**

Officers may need to enter premises when responding to domestic abuse incidents. Powers exist in the following circumstances.

- Sec 17 (1)(b) PACE a constable may enter and search any premises for the purpose of arresting a person for an indictable offence
- Sec 17 (1)(e) PACE a constable may enter and search any 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
- a constable may enter and search any premises for the purpose of saving life or limb or preventing serious damage to property
- Under Section 48 of The Children Act 1989 a warrant may be obtained to search for children who may be in need of protection
- Where a power of arrest has been attached to a civil order and there has been a breach

Officer should keep a record of all searches, in line with PACE codes of practice

A victim may deny officers entry to the property on arrival, either when the victim has called 999 themselves or when the call has come from a member of the public. This may be because the perpetrator is inside the house prompting or threatening the victim to send the police away. The victim may tell officers that the perpetrator has left when this is not the case. The victim may also be subject to controlling or coercive behaviour which extends beyond any

immediate physical threat. Officers should use judgment to assess why the victim is refusing or is reluctant to engage with them. If it appears to officers that it is out of fear, this in itself should be seen and recorded as a risk factor.

The perpetrator may also refuse entry, claiming that nothing has happened. Officers should ask to see any other person in the house. Where this is refused but officers have reason to believe that there are others in the house, this may give grounds to invoke a power of entry under section 17(e) of PACE. If other persons are seen by officers and indicate that there is nothing wrong, officers should again use judgement to assess if fear may be a factor.

**Where entry is denied or not possible officers should refer to their supervisor for further guidance.**

### **Arrest of the perpetrator**

Other powers of arrest could lie with Section 110, Serious Organised Crime and Police Act, 2005, which provides a general power of arrest in circumstances where an offence has been committed and it is believed necessary to prevent the offender from causing injury to any other person, or it is believed there is a child or other vulnerable person on the premises who is in need of protection.

Officers should also consider; Updates to the Protection from Harassment Act, 1997 adding Stalking offences under section 2A and 4A; Section 76 of the Serious Crime Act 2015 – Controlling or Coercive behaviour in an intimate or family relationship; Sexual Offences Act, 2003; Offences against the Person Act, 1861; Criminal Damage Act, 1971 and the Criminal Justice and Public Order Act, 1994 relating to intimidation of witnesses.

Where there are signs of visible injury to the victim, Officers must consider their powers under Section 23 Criminal Justice Act, 1988 even if the victim declines to make a complaint. Section 23 provides for the submission of hearsay evidence in the form of a written statement in the absence of oral testimony where the witness is in fear of giving evidence. This may be necessary on the grounds that it protects the victim from further intimidation and acts as a deterrent to other offenders. The statement need not have been made to a person in authority. However the person making the statement must be identified to the Court's satisfaction. If hearsay evidence is admitted, it will be the responsibility of the jury or magistrates to decide what weight to give to the evidence.

Officers should arrest if a substantive offence is alleged. Breach of the Peace powers are also available but must only be used when there is no other alternative.

If the decision is made not to arrest then the officer must record the reasons for this decision as part of the officer's observations section of the PPN and on the OEL. They should explain this to the victim and their supervisor. However if evidence of an offence is present (e.g. reddening to face but a refusal by the victim to say what happened) then an arrest should be considered. In cases

where there is not enough evidence to proceed with a criminal charge but the attending officer has reason to believe that violence or threat of violence has been used and there is a further threat of harm from the perpetrator, a Domestic Violence Prevention Notice should be considered in the absence of any other safeguarding tools.

It is the decision of the officer and not the victim to arrest the suspect. The Crown Prosecution Service (CPS) make the decisions re prosecutions, initial police action should not prejudice those CPS decisions.

Officers should be mindful that failure to arrest may expose a vulnerable victim to risk of further abuse and may leave Cleveland Police vulnerable to a legal challenge under both the Human Rights Act 1998 and the law relating to negligence.

### **Victim actions**

Speak to the victim/person reporting on their own in a safe environment where they cannot be overheard. Officers must consider that some people will still be in fear to disclose if the perpetrator is still in the premises. Consider speaking to the complainant away from the home address and always speak to them again once any arrest has been made.

### **Risk Assessment**

Gather all available and relevant information required to complete a PPN including the DASH risk assessment at the scene. Obtaining answers to the risk assessment question is possible through **general conversation** with the victim rather than a series of questions and answers and would be a less formidable means of getting the information if the victim is in an emotional state. It is important that both officers and victims understand why we are asking the questions, so that a suitable risk management and safety plan can be implemented.

Specialist DA Support services should be discussed with the victim to allow the victim to make an informed choice of whether to consent to a referral. Officers should be aware that this process is on an 'opt in' basis and automatic referral to support services is not acceptable. Where the victim is undecided or reluctant to consent to referral, contact details for the appropriate support services should be given for later reference if required. It must also be clearly highlighted on the PPN whether or not the victim gives Consent for their details to be shared and if they refuse the reason for that refusal. Where cases are considered to be high risk, then consent of the victim is not required and information will be shared between agencies regardless

Ensure that the victims perception of risk is noted whatever this may be. This is an extremely important element as they will have the most detailed knowledge of the suspect. Consider that the victim may frequently underestimate their risk of harm.

Obtain details of all people that may cause harm to the victim and any children or vulnerable adults. Risks relating to children should be identified including those independent of any domestic abuse concerns, for example if the officer suspects neglect of the child/children, the risk should be documented and actioned in accordance with child protection arrangements locally.

Once the PPN has been completed (including the risk assessment) it must be submitted on Niche to your team inbox for a supervisor to complete a further risk assessment prior to retiring from duty.

Ensure that the complainant is provided with the advice slip (G01.69) containing safety planning advice and support agency telephone numbers. The event number and OIC details should be written on this slip. Consent for referral to partner agencies for additional advice and support should be requested and if not given a note made as to the reason for it not being given and marked on the PPN. Referral to and making the victim aware of the Brightsky app, which is on all force mobile devices, is recommended.

The risk assessment must be graded as standard, medium or high using DASH and professional judgement. Any cases deemed high must be brought to the attention of the Duty Inspector. This indicates that there is risk of significant harm.

A response plan must be devised for all high risk cases including safety planning and urgent target hardening. This must be in consultation with supervision. The plan must be proportionate to any risk posed. For example you may move the victim to a place of safety, consider issuing a TECSOS phone or App, fire prevention measures or a Temporary Alarm. Document this plan on the officer's observations section of the PPN and the OEL. During office hours the DA Solutions Team are available to support with this.

## Statements

Where an officer has reasonable grounds to suspect an offence has been committed and the victim either refuses to confirm the crime or provide a statement, an arrest should still be considered. The victim should be spoken to away from the alleged offender and officers should note that the mere presence of the offender may be enough to intimidate the victim and also that a person is not legally able to consent to an assault)

Reasonable steps should be taken immediately to ensure the safety of the victim, any children and/or vulnerable adults. This may include the relocation of the victim to a refuge or other venue. Details must be recorded on the PPN and Storm must be updated.

A PNC check on the perpetrator and victim must be carried out and the Niche Occurrence Enquiry Log (OEL) endorsed to say this has been done and any relevant results noted.

A detailed statement should be obtained including any injuries the victim may have sustained. If the victim is reluctant to attend court this should be recorded in the statement and observations on whether 'special measures' are required. Officers should be aware of the range of special measures that are available including providing evidence by video link from My Sisters Place for Magistrates Court and the SARC for Crown Court cases. However, officers must not guarantee to the injured party that special measures will be granted but that an application will be made to the court. Where special measures are required, the appropriate details should be included on form MG2. Where the case is to proceed to court, this must be provided for the first hearing, particularly where there is an anticipated 'not guilty' plea. If a decision is made to proceed with an 'evidence led prosecution' then pocket note book entries are not sufficient as a victim cannot receive a summons to attend court from a pocket book entry alone.

For serious incidents and cases with vulnerable or intimidated witnesses consider achieving best evidence and whether a video interview is required. See section 4.7.3 for more details.

A medical consent form (C0 01 18) and compensation form (MG19) must be completed and signed where appropriate.

#### Vulnerable Adults

Officers should be mindful of the definition of a vulnerable adult under the Vulnerable Adult procedures. **A vulnerable adult (person) is someone 18 years or over who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation.** See Force Policy on Vulnerable Adults.

The College of Policing state a person is vulnerable if, "as a result of their situation or circumstances, they are unable to take care of or protect themselves or others from harm or exploitation". Keep this in mind when assessing vulnerability.

If a person involved in a domestic incident is a vulnerable adult as per the definition, then the adult concern section of the PPN should be completed alongside the DA section. If the case also involves children then a child concern section should also be completed. If the risk is high then the case should be referred to MARAC – this is done through the Safeguarding Hub based on the risk assessment and any recommendations from the attending officer.

Officers dealing with DA cases must comply with the Victims Code of Practice (revised 2013). They should keep the victim updated at all stages of the investigation in accordance with the code. They must also determine whether the victim is vulnerable or intimidated as this increases the level of service required under the code. **All victims in domestic abuse cases are considered to be vulnerable and/or intimidated and therefore should receive the enhanced level of service under the code.**

## Further Disclosures

When officers are asking questions during the risk assessment process, historical disclosure of physical and sexual abuse may be made. Disclosures should be accurately recorded and brought to the attention of a Duty Inspector for consideration for either a separate investigation or for supporting the current prosecution.

If sexual offences are disclosed, victims should be provided with relevant information about local services including the Sexual Abuse Referral Centre (SARC) where they can access support and healthcare and contact a trained Sexual Offences Investigator Trained (SOIT) officer.

### **Protect the scene and preserve evidence.**

Officers need to consider that there may be more than one scene. As well as the location of the incident being a scene, the victim and suspect and any other premises they visit, people they come into contact with or vehicles they use could also be classed as scenes and the preservation of evidence could be vital. Consider that the victim or offender may have changed their clothing. Ask this question and ensure any clothing removed is seized.

Gather as much evidence as possible including house to house enquiries.

Officers should gain early photographic evidence of the victim and offenders injuries and any damage or devastation caused to property by the alleged offenders actions. Body worn recording equipment should always be used. See the BWV Policy for more guidance.

Mobile Working Devices can be used to obtain photographs at the scene and then loaded directly onto Niche. Photographs can be used in civil or criminal cases.

Taking photographs at the scene must not preclude the use of dedicated Scenes of Crime officers as well. Consider delayed photography of injuries where bruising is an issue.

Utilise specialist photography to corroborate the account of the victim for example bite marks, bruising, marks on knuckles, blood splattering, etc.

Officers should consider using the photographs in interview to negate the offender's version of events or corroborate the victims account.

Officers must gather as much evidence as possible from all available sources; this should include evidence from witnesses and may include;

- The 999 audio recording/s
- Body worn video footage of victims account, scene, injuries – **must be marked evidential**
- Attending officer's observations on victim, perpetrator and scene
- Static images of victims and any perpetrator injuries
- House to house enquiries

- Civil Injunctions
- Interrogation of all police systems
- Medical evidence
- Child contact disputes
- History of the relationship
- Any previous unreported sexual assaults
- Evidence of controlling behaviour from the perpetrator
- Audio messages on telephone answer machines
- Evidence contained on mobile phones and other internet enabled devices from both victim and suspect
- Evidence from CCTV (Council or private ownership)

### **Children and Vulnerable adults**

If children are present in the premises then officers should physically see them and check on their welfare before resuming even if they are asleep. This **must** be recorded on the PPN by completing the child concern section as well as domestic abuse. This should also be completed if children are normally resident at the address. Consideration of the household environment should always be “Through the Eyes of the Child”. What is it like for a child to be living in this household? Are they at risk if you leave them there?

If there is a vulnerable adult present in the premises then officers should apply the same checks as with children.

If there are any child concerns highlighted during the incident, take immediate action to address them. In the more serious cases where a risk of significant harm is identified, consider the use of Police Protection powers under the Children Act (contact the Duty Inspector in these circumstances). For all other incidents where children are present or normally resident a child concern section of the PPN must be completed alongside the domestic section.

### **Interpreters**

On occasions there may be a language barrier to communication. The use of The Big Word or an interpreter must be used. It is not acceptable for officers to leave the premises because they are unable to understand the victim. Any communication problems should be noted on the PPN for the information of follow on agencies. Family members should be avoided – consider Honour Based Abuse.

### **Witnesses**

Obtain statements from all key witnesses. If called away to another incident then ensure that you have collated the full details (with contact phone numbers), availability and date of birth of all witnesses.

## Handover of prisoners

The default position should be that ALL Domestic Abuse prisoners handed over by the IRT night shift should be interviewed and processed by either the Domestic Abuse Team or the Prisoner Handling Team, however it is accepted that these departments may have limited capacity to conduct enquiries outside of the police station.

Any handover package should contain detailed statements of from all officers attending the incident. This should include details of any injuries seen, any medical assistance given, the demeanour of the victim and any other dynamics of the immediate environment (e.g. children crying, or evidence of alcohol or drug abuse etc). Handover packages **must** be given to supervision prior to the end of a tour of duty to allow for quality assurance checks. They must complete the handover checklist and record on Niche.

A crime report must be created in all cases where a notifiable criminal offence is alleged in accordance with the National Crime Recording Standard (NCRS). **Please note** that changes to NCRS rules where controlling/coercive behaviour, stalking or harassment exists plus other offences such as assault, damage or theft then these crimes **plus** the assault/damage/theft must be recorded.

This also applies to any further disclosures made, if not already recorded as a crime.

## Handover where suspect outstanding

The officer must liaise with their supervisor if an offender is still outstanding at the conclusion of their duty with consideration of adding this to the rolling handover for the oncoming shift to take over the arrest attempts. See Section 4.6 Rolling DA Handover

## Investigation

The requirement for positive action means that in all domestic abuse cases officers should consider the incident as a whole, not just the oral or written evidence of the victim. They should also look beyond the specific incident and consider coercion and control, harassment and stalking offences.

If there are Civil or Criminal orders in place refer to the joint CPS/Police Civil and Criminal Orders guidance on the force domestic abuse Intranet site. Where no orders are currently in place and the victim wants to make an application for a restraining order as part of the criminal justice process, officers must indicate on the MG5 that a restraining order is required and provide details of the prohibitions required by the victim on the MG6 (non-disclosable). This will form a request for the CPS to consider application for a restraining order (which can be granted even if the suspect is not convicted). Where there is not likely to be a charge brought, the officer should signpost the victim to the appropriate support services who can assist them to make an application for a non-molestation order themselves through a civil process.

Officers should be victim focussed and not victim led, from the outset adopt an evidence led approach in order to build a case that does not rely solely on the victim's evidence. This is particularly important where, at any stage during the process, the victim decides not to support a prosecution. Digital evidence such as body worn camera recordings may be pivotal to the success of the case at court in these circumstances. Officers and staff are encouraged to familiarise themselves with the Police/Crown Prosecution Service joint protocol in respect of body worn camera, digital camera and digital audio evidence.

DA case files should be submitted in accordance with agreed protocols, but care should be taken to highlight the file as a DA case, including if the offender is already on bail for other domestic abuse related offences (the appropriate DA MG3 which includes a checklist must always be used).

Investigating officers should draw to the attention of the CPS the suspects offending history using both the MG3, MG6 and where appropriate MG16 (bad character application).

The file should also include any child protection issues.

### ***The role of the Duty/Risk Sergeant***

The role of the Duty Sergeant is to ensure that officers deal with Domestic Incidents appropriately. The Duty Sergeant will;

1. Closely monitor Domestic Incidents and ensure that staff are aware of their roles and responsibilities. They should provide advice and guidance to investigating officers to enable all evidence to be collated and that an appropriate investigation plan is developed and implemented. Sergeants should examine the risk assessment for the incident and ensure that it is reassessed in the light of new information.
2. Duty Sergeants should monitor the police radio and consider whether or not to attend the scene of DA incidents. It is good practice to attend incidents where there is a marker dictating that the case is very high risk MARAC or where a child at the address is subject to a protection plan. A supervisor must attend any incident involving a member of staff.
3. Ensure all protective measures have been put in place by the officer in a timely manner to ensure the safety of the victim and their family and to be able to give the rationale for their decision making.
4. Review the PPN including the risk assessment and ensure that you agree with the content. If errors are found correct these and give appropriate feedback to the officer. Assess and document the level of risk and endorse the form accordingly.
5. Ensure all available evidence has been collated.

6. Review the level of risk in light of any new information which comes to light and inform the Duty Inspector of any cases deemed as high risk.
7. Ensure that all PPNs are submitted prior to retiring from duty. Police staff (Risk Assessors/Support officers) start work at 07.00am so it is vital that the notices are submitted and ready for review before that time. Of note, with the exception of repeat standard risk cases (3 incidents in 3 months), standard risk are **not** re-assessed within safeguarding.
8. If the offender has been released ensure that the victim has been informed of the circumstances including any conditions put in place and ensure any further safeguarding required is completed.
9. Handover of Prisoners. To assist with the allocation of the investigation the following morning the reviewing Sergeant will record the team/department that they believe is most likely to deal with the prisoner on the daily handover document. Where requested provide sufficient resource from the IRT to conduct additional enquiries to progress the investigation to the point of interview.
10. Rolling DA Handover Packages where the suspect is outstanding – see section 4.6
11. It is the supervisor's responsibility to ensure that the handover package is completed to a satisfactory standard before the officer retires from duty. The package must then be passed to the oncoming supervisor so that the arrest of the offender can be prioritised.
12. NPCC defines so called "Honour Based Abuse" (HBA) as 'a crime or incident which has or may have been committed to protect or to defend the honour of the family and/or the community'. If the incident is deemed to be HBA, all paperwork must be physically handed over between shifts.

### ***The role of the Duty Inspector***

The role of the Duty Inspector is to provide support and guidance to their Sergeants and as appropriate have active involvement in serious / complex incidents and those involving members of staff.

The Duty Inspector will;

Maintain overall responsibility for all DA incidents during their tour of duty particularly those deemed to be high risk.

Ensure Sergeant reviews are undertaken in particular with regard to risk assessment, any new information and protective measures put in place.

In 'high risk' cases the Duty Inspector must liaise with the Communications Inspector and consider the 'Threat to life' Policy if appropriate.

All HBA cases are High and should remain High.

Also consider whether the incident has the potential to become a 'major' or 'critical incident'.

The Duty Inspector may authorise the use of police transport to convey a victim and/or any children to a police station, refuge or other place of safety. All children must travel in appropriate car seats and seatbelts in line with legislation.

Ensure that all DA incidents attended during the tour of duty have been dealt with appropriately and that there is an accurately completed public protection notice for each incident, risk assessed by the attending officer and reviewed, additionally assessed and endorsed by the Duty Sergeant.

It is the Inspectors responsibility to ensure that their team submit PPNs before the end of the tour of duty and for those that are outstanding ensure that the officers prioritise this task as soon as possible.

Timely and accurate submission of PPNs and the content of 'handover packages' should form part of the Duty Inspectors performance review processes.

Make sure there are sufficient resources and experience within the team to ensure the victim's immediate safety and that an effective investigation is carried out.

### ***Rolling DA Handovers***

A case will form part of the rolling handover in all cases where  
The PPN score risk is High *AND* the couple or perpetrator are Marac identified  
or

Breach Of Bail Case

or

DVPN/DVPO Breaches

or

Coercive and Controlling Behaviour

or

Stalking Behaviour

or

Where the IRT Sergeant's professional judgement recognises the need for this step to be taken. In making this judgement they should consider,

- Frequency of reporting/incidents
- Identified risks around the suspect (violence markers, PPO, OCG member, NIM targets)
- History of violence/abuse in previous relationships

### **Responsibilities**

#### **IRT Sergeant**

In those cases where IRT have responsibility for the investigation it will sit with a named IRT Sergeant at all times.

- The name/collar number of the named Sergeant will be added to the daily handover and reported at the 0815 Local Policing Pre Pacesetter Meeting.
- A full review of the case will be conducted at least every 24 hours, using the Niche Supervisor Review Template, here there should be an update around the needs of the victim and the most recent contact with them, lines of enquiry outstanding to investigate the crime, enquiries to be completed to arrest the suspect and the timescale for the next review to be completed (In high risk cases this may be as few as 6 hours)
- The Sergeant will maintain ownership for the duration of their shift, directing their resources until the suspect is arrested.
- That the Sergeant will seek the support of other departments (OSU, NPT, SIU, ECU, DMI etc ) where appropriate

In those cases where DA have responsibility for the investigation IRT will continue to conduct arrest attempts, when the suspect is arrested allocation within DA team will take place.

### **IRT Inspector**

- To oversee the investigations into all cases and report each to the 0815 Local Pre Pacesetter Meetings
- The IRT Inspector will highlight High Risk cases and seek support from other departments through the Pacesetter Meetings

### **Domestic Abuse Detective Sergeant**

- To be aware of all rolling handover cases and identify those which are likely to come to the unit once the suspect is arrested.
- To make themselves available for support and to provide advice around investigation planning and lines of enquiry whenever on duty.
- DA Duty Sergeants will review all HIGH risk rolling DA handovers. If agreed HIGH risk and within the remit of DA, Duty DS will accept ownership and prioritise Level 2 enquiries. This will be recorded on the OEL.
- If after consideration Duty DA DS deems the investigation appropriate to remain with IRT, this will be recorded on the OEL and any further support required via a P.I.P. will be documented, if required.
- For significant enquiries – e.g. stabbing, grievous bodily harm or rape then a discussion should take place between the DA DI and the Operational Crime (Team) DI. Ownership will remain with the PVP but may be supplemented by additional CID resources where appropriate.
- On occasions where demand exceeds resource capacity within the DA Unit, ownership of high risk, serious or complex cases may be negotiated with other units. However, oversight and supervision of such cases will remain the responsibility of the DA Unit. This will include responsibility for safety planning and support.

Any issues over 'ownership' of an enquiry can be highlighted and discussed at the daily Pace setter meeting

Any outstanding suspects will be reviewed at the Pace setter meeting to ensure proactive arrest attempts. The DA D/SGT will produce a Primary **Investigation Plan (PIP)** for high risk offences with outstanding suspects. The location and arrest of the suspect remains the primary responsibility of IRT.

There must be close liaison between the DA Unit and other forces over known domestic abuse cases that move with or without their partners into the Cleveland area and likewise those who move out of Cleveland to other areas in the country. This is compulsory for MARAC cases. There must be effective information sharing to ensure that those deemed to be high risk in one force area receive the same level of support from the police in another area. This task will be carried out by the MARAC coordinators.

### ***Role of the investigating officer***

This role could be taken on by the response team, the prisoner handling team or the Domestic Abuse Unit depending on resources, demand, risk level and severity of incident.

### **Counter allegations**

Police responding to domestic abuse incidents may be confronted with sharply conflicting accounts of what has taken place, with each party claiming to be the victim.

Officers should examine whether the victim may have used justifiable force against the suspect in self-defence.

The suspect may make false counter-allegations 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. The primary aggressor is not necessarily the person who was first to use force or threatening behaviour.

### **Withdrawal Statements**

If a complainant indicates that they wish to withdraw their complaint, the Officer in the Case should first consult with the IDVA or specialist support worker (where the complainant has engaged with support services) to seek their view; there may be scope to encourage the complainant to reconsider their decision to withdraw by seeking to address their concerns and ensuring ongoing support.

If a complainant indicates that they wish to withdraw their complaint at any stage of proceedings they will be interviewed and a statement obtained by the Officer in the Case. The withdrawal should also be captured on BWV. See the Body Worn Video – Victim and Witness Guidance. All body worn footage from domestic incidents should be marked as evidential.

If statements are taken with care, they may still be used as evidence in current or future criminal proceedings or as evidence within the family court process.

Any withdrawal requires a revised risk assessment and safety planning measures. Evidence led prosecutions should be considered where other evidence exists such as CCTV, BWV or witness statements

A withdrawal statement should contain the following;

- 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.

Where charges have been made and a file submitted, the withdrawal statement should be forwarded to the Criminal Justice Unit for the attention of CPS and accompanied by a background report by the officer in the case as to whether the case should continue without the support of the victim or whether they should be compelled to attend court. This report should include:

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

Always consider that there may be many reasons why a victim would not want to proceed in DA cases. They have been compelled to withdraw. It may however be because the complainant lacks confidence or self-esteem or has very strong feelings for the defendant.

If this is the case the complainant may still want to go to court but does not have the courage to do so. This information is vital to CPS when making a decision

whether to proceed with a prosecution as they can compel the witness to court taking the decision out of the victim's hands. Consideration can be given to an application for a witness summons to compel the victim to court. This should be discussed with the CPS and with the IDVA or specialist support worker (where the complainant has engaged with support services). The CPS would be responsible for making the application where it has been agreed as appropriate. It should be noted that where a witness summons is issued, should the witness not attend court then a witness warrant may be issued and the witness could be arrested. Officers should make themselves aware of the Local Criminal Justice Board (LCJB) Witness Warrant Protocol.

The victim should be advised that if the complaint is withdrawn this will not necessarily result in the case being discontinued, that decision will be taken by CPS, although the views of the victim will be taken into account.

### **Interview with the victim**

Consider video recording the first account from the victim and/or witnesses for serious incidents and cases with vulnerable or intimidated witnesses. Some witnesses may benefit from the services of an intermediary for interview and at court, eg some mental and physical disabilities or dementia. Consider the use of a specialist interview advisor for further support and guidance.

A statement from the victim must be obtained in all cases where a criminal offence is disclosed and should include:

- History of the relationship.
- Details and dates of all previous incidents (whether reported to the police or not) including assaults, harassment, injuries.
- Full details of current incident to include the areas covered in the risk assessment.
- Victim Personal Statement - if the victim chooses not to make a VPS this must be recorded on the MG11 witness statement form after the evidential statement has been taken.

### **Victim Personal Statement (VPS)**

The victim should be given the opportunity to provide a victim personal statement as detailed in the APP.

Where the complainant is engaged with specialist support services, officers may wish to consult with the IDVA or support worker in respect of arrangements for the VPS in accordance with the VPS – A Collaborative Approach 2013.

CPS will take into account this statement when making decisions on the case and will ensure that the court is made aware of the contents.

### **Other witness statements**

Where not already taken by the initial attending officer detailed statements should be obtained from any other witnesses who witnessed any part of the

incident, e.g. paramedics. Some witnesses may benefit from the services of an intermediary for interview and at court, e.g. some mental and physical disabilities or dementia. Consider the use of a specialist interview advisor for further support and guidance.

NB. Ask witnesses/neighbours to report immediately any further incidents or concerns to the Police.

### **Suspects not charged**

Victims and relevant witnesses must be informed when a person is released on bail prior to their release and custody sergeants must seriously consider police bail conditions not to approach or interfere with witnesses either directly or indirectly. It is the responsibility of the Investigating Officer to ensure that this is done as soon as possible.

Where there is no arrest and a decision has been made to take no further action on an incident, consideration should be given to the issue of a Domestic Violence Protection Notice (DVPN) and followed up with an application to the Magistrates Court for a Domestic Violence Protection Order (DVPO) under Sections 24-33 Crime and Security Act 2010. This can be considered where the perpetrator is 18 years or over, has been violent towards or threatened violence towards an associated person on this occasion and it is necessary to protect a victim or associated person from violence or the threat of violence. All officers and staff must be aware of the procedure for DVPNs and DVPOs; guidance can be found on the DA force intranet page. Of note, an improved and streamlined process has been devised and is due for implementation late 2020.

### ***Role of the Domestic Abuse Unit***

Cleveland Police have taken a proactive stance by establishing specialist vulnerability units centralised as the Safeguarding Unit; which sits within the Crime and Justice Command. The DA Unit will provide added value to the Force's approach to dealing with DA by appointing specialist investigators (ICIDP qualified) and staff and officers engaged in problem solving and prevention – DA Solutions Team. There are also dedicated risk assessors (police staff) as part of the PVP safeguarding hub – see the section on Risk Assessment.

The expertise in risk assessment, investigation and prevention of serious harm to victims lie in the Safeguarding Unit. The staff are also available to provide advice and guidance to all officers and staff within Cleveland Police.

The DA Unit will investigate serious and complex cases of domestic abuse.

These include:

- Section 20, 18 Assaults, attempt murder
- Serious sexual offences including rape
- HBA and FM crimes

- Arson with Intent to endanger life
- Kidnap/false imprisonment
- Stalking **with** violence
- Coercive and Controlling behaviour
- Revenge Porn alongside other offences in DA remit (NOT standalone)
- Offences of a less serious nature will be reviewed and considered by the DA unit supervision when the incident is classified as 'high risk' (due to the nature of the incident) or any previous incidents involving either the perpetrator or victim. The decision on responsibility and ownership of the investigation ownership will be based on risk, severity and complexity of the case

All other DA offences e.g. common assault, criminal damage or public order offences will be dealt with by the Incident Resolution Teams (IRT), Prisoner Handling Team (PHT).

Where a suspect has been arrested the IRT Sgt will review the handover and give their opinion of the department that should deal on the daily handover sheet. There should then be a daily meeting between the DA and PHT Sergeants to discuss ownership of the handovers with the presumption that between them they will accept responsibility for all. Exceptions will be that this will be concluded before 0815 each morning, prior to the Local Policing and Safeguarding Pre – Pacesetter Meetings.

The Sergeant (DA or PHT) accepting responsibility for the investigation may then request resource from the IRT to conduct additional enquiries to progress the investigation to the point of interview.

### ***The role of the Custody Sergeant***

Custody Sergeants must always consider and where appropriate utilise:

- The use of powers to remand in custody to the next available Court and to utilise the custody clock in full within the provisions of Police and Criminal Evidence Act 1894 (PACE) to avoid unnecessary bail being granted.
- The risk to any victims if an offender arrested for breach of the peace is released from custody prior to going to court. The risk may still be extremely high. Custody Sergeants must liaise with the duty sergeant prior to any release from custody under these circumstances, to ensure that the safety of any victims has been taken into account.
- Victims and relevant witnesses must be informed when a person is released on bail prior to their release and custody sergeants must seriously consider police bail conditions not to approach or interfere with witnesses either directly or indirectly. It is the responsibility of the Investigating Officer to ensure that this is done as soon as possible.

- All domestic abuse related offences which are charged to court must be listed to the appropriate Specialist Domestic Violence Court (SDVC).
- A suspect granted investigative bail under section 37(2) PACE should be bailed for no longer than is reasonably required to complete the investigative action. Unless a protracted investigation or other compelling consideration such as the turnaround time for a forensic examination is involved; the period should be no more than three weeks.

In cases where the advice of the Crown Prosecution Service (CPS) is to be sought, the period of bail should be no longer than is necessary to complete any agreed action and submit the necessary report.

If charges are preferred for any offence against the suspect then the police can request a Restraining Order at Court to protect the victim on conviction or acquittal. The request for a restraining order and the conditions to be contained therein must be noted on the MG5 and MG6 to trigger an application to the court by CPS. Reliance should not be placed upon support services and Independent Violence Advocates (IDVAs) to make applications on behalf of the victim although they will assist and support applications when required.

When an arrest is made for DA, custody staff must ensure a DA marker is put in the classification field.

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

- Not to contact the victim either directly or indirectly;
- Not to contact the victim either directly or indirectly using any form of social media or internet based messaging;
- Not to enter specific streets or locations
- Not to enter or attend schools or other places that 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.

Where the detainee has provided a bail address, checks must be made to ensure that;

- the address exists
- is appropriate in terms of location and proximity to the injured party and their immediate family
- the occupier of the address has given consent for the detainee to reside there and is an appropriate person for the detainee to reside with (note:

- establish where possible the dynamic of the relationship and assess whether there has been coercion to agree to the detainee residing there)
- there are no safeguarding concerns e.g. vulnerable persons or children at the address.

Detainees should be warned that if they make application to amend the bail address either before or during any subsequent court appearance that they should disclose any addresses that they may provide at a later date.

Dependant on the time of day, the OIC should also trigger checks with:

- Intelligence
- PNC
- Children's services
- Independent Domestic Violence Advocate (IDVA) and the victim

All information should be recorded on the Custody Log and DA checklist.

### ***The Role of the Duty Officer/ Force Silver***

The Duty Officer will not be informed as a matter of routine about a DA incidents. They will however be informed of HBA cases and DA incidents where there is a threat to life as per the 'Threat to Life' Policy. The duty officer must also be informed of any cases which may become a major or critical incident. In these circumstances the duty officer may wish to consider the following;

- Ensure that all victims and potential victims are identified and accurately risk assessed.
- Ensure there are sufficient resources to conduct an effective investigation and to make sure that all victims are safe.
- To make sure that a Community Impact Assessment is completed but be mindful of the fact that in some cases giving information to the community may increase the risk. In these cases the decision making and rationale for either giving or not communicating with the community must be documented.

The same considerations must be taken as to whether police should consult the IAG (Independent Advisory Group).

Accurate community tension monitoring measures must be implemented including the tasking of sources and contacts.

Give consideration as to whether the incident could be classed as a critical incident and once called as such contact 'Gold' (Executive) to have this decision ratified.

**Domestic Violence Protection Notices need to be authorised by an officer of the rank of Superintendent. During normal hours officers should apply**

**to their own Superintendent for this authorisation. Outside of hours Duty Silver will be contacted.**

## **5. Risk Assessment, Safety Planning and Support**

---

Risk assessment is the process of estimating and regularly reviewing the likelihood and nature of a risk posed by an offender to a particular victim, any children or others. By conducting a professional and thorough investigation officers will be able to identify specific risks relevant to each incident.

All frontline officers should be familiar with the basics of risk assessing and understand the importance of completing the risk assessment form (contained on the PPN) with the victim.

They must be conscious of the fact that decisions on safety etc will be made in part using their risk assessment. If the relevant information is not obtained in the correct manner then public protection may be compromised.

Decisions on risk identification, assessment and management must always be justifiable, defensible and auditable.

The process of assessing and managing risk in DA cases is complex. Situations and therefore risk can quickly change. Risk assessment is dynamic and must be regularly reviewed and at every change of situation / circumstance.

Safety plans will be compiled and completed by safeguarding for medium and high risk cases, or cases they assume responsibility for investigating (This does not negate the initial attending officers' responsibility to completing safety plans in relation to high risk cases).

There are a number of voluntary organisations who can offer short, medium and long term support to victims of domestic abuse. Contact details are available on the DA intranet SharePoint site. All officers and staff are encouraged to be aware of the voluntary specialist support organisations who can offer short, medium and long term support to victims of domestic abuse. All victims of domestic abuse should be offered support from specialist services at the earliest opportunity.

### **Safeguarding Team**

On a daily basis the Support Officers (formerly Risk Assessment and Safety Planning Officers (RASPOs) from the PVP Safeguarding Hub - will review all High Risk PPNs, Medium Risk PPN's where children are involved or victims are known to MARAC and then all other Medium risk. Where there has been multiple repeat standard risk (3 in 3 months) a further review will be conducted. All PPNs where children have been listed will be reviewed by the Operation Encompass officer and a referral made to the child's school.

For all referrals reviewed checks will be made for referrals to support agencies and children's social care.

Power BI software is used to ensure PPN compliance at a command and team level.

The risk level identified dictates further action by staff on safety planning, crime prevention, support services offered, target hardening, risk management etc.

**All incidents of DA graded as high risk will be considered for referral through the MARAC process and referred to the appropriate DA Support Agency. All high risk and medium risk victims will be contacted by the Risk Assessment staff in the Safeguarding Hub.**

Criteria has been agreed with the newly formed north side Hartlepool and Stockton Safeguarding Children Partnership (HSSCP) and south side South Tees Safeguarding and Children's Partnership (STSCP) to offer guidance to the safeguarding unit staff in determining which incidents of DA could involve a risk of significant harm to a child and thereby prompting a referral to Children's Services.

### **Use of Cautions**

Cautions are rarely appropriate in domestic abuse cases. This is because cases coming to police attention are very rarely the first offence. Cleveland Police's current policy is that **no cautions** will be issued for domestic abuse incidents.

For these reasons it is always preferable, wherever possible, for domestic abuse defendants to be charged and prosecuted where the case meets the evidential prosecution test and the public interest test.

Supervisors should closely monitor the administering of cautions in domestic abuse cases and Cautions must not be authorised without the case being reviewed by CPS first.

Cautions should be considered as an appropriate disposal only when the case meets the evidential criteria for the issue of a caution and:

There is some evidence that it is a first DA offence and there have been no other reports or intelligence of previous abuse to the victim or previous partners or family members;

- The defendant has no previous police record for violence;
- The case has been reviewed by the CPS and they have taken the decision not to progress a prosecution;
- The investigation has been reviewed and the officer in charge (OIC) is satisfied that there is no further potential for investigation development;
- Any other possible criminal justice sanctions have been examined and progressed.

## **Crown Prosecution Service**

The Crown Prosecution Service (CPS) makes decisions on whether to prosecute DA cases according to the code for Crown Prosecutors. Early consultations between the Police and the CPS should take place in any case where the early involvement of a prosecutor would assist in the gathering of evidence, the questions to be asked of the suspects, any pre charge court procedures and any strategy for likely prosecution. CPS will provide advice to police officers prior to charge in all domestic abuse cases in accordance with the CPS Domestic Violence Policy and the Code for Crown Prosecutors. This is in accordance with the Specialist Domestic Violence Protocol for Teesside and Hartlepool local justice areas.

If CPS decide not to charge or decide to drop or substantially amend a charge they are responsible for informing the victim in writing of the decision and the reason for it.

There is an established national process by which officers can challenge CPS decisions, including those made by CPS Direct (CPSD), which will prompt a review of the case by CPS North East. Where the officer disagrees with charging advice or decision not to prosecute from the CPS, a briefing should be prepared and reported to their line manager who is then responsible for liaising with the reviewing CPS lawyer. This is in accordance with the Directors Guidance on Charging Section 23 (2013-5<sup>th</sup> edition).

Where the complainant wishes to challenge the CPS decision, the officer in the case should make them aware of the Victims Right to Review (VRR). This is a national scheme and details are available on the CPS website. The only responsibility for the officer is to advise the complainant that the right to review is available to them.

The Crown Prosecution Service need to be kept informed if circumstances change. The information required includes:

- The composition of the family.
- The nature of the relationship, marital status of the parties, history of the relationship including previous incidents, if known, likelihood of a recurrence if not self-evident.
- Domestic arrangements (relevant to bail).
- The future of the relationship - whether the complainant has ended/ intends to end the relationship whether reconciliation is in progress or likely, whether or not the complainant is seeking or intends to seek a Non-Molestation Order, injunction or other civil redress. This information should be recorded on form MG6

## 6. Problem Solving and Prevention

---

### Problem solving and Prevention of Domestic Abuse

A number victim and perpetrator interventions are available to give additional support and safeguarding to victims and perpetrators to prevent repeat victims and reduce reoffending. Within Cleveland Police these are co-ordinated through the DA Solutions Team. Police staff with specialism in DA support services and Police Officers offer victim and perpetrator interventions, provide the police input to multi agency risk assessment conference (MARAC) and multi-agency tasking and co-ordination (MATAC) and co-ordinate DVPN/Os and Clare's Law Disclosures

### Multi Agency Risk Assessment Conference (MARAC)

MARACs are recognised nationally as best practice for addressing cases of domestic abuse that are categorised as high risk. MARAC allows agencies to identify the high risk domestic abuse cases and for the identified risk to be managed through a multi-agency forum. All cases reaching a 'high' risk under the Domestic Abuse Stalking and Harassment' (DASH) model will be considered for referral to MARAC. All MARAC referrals are screened and accepted or declined from the process by a panel within Safeguarding, once accepted, they are presented to the chair. This gate keeping system is essential as the MARAC can only function effectively with a limited number of referrals and so these must be prioritised. Any high risk cases not proceeding to MARAC will be notified to the referrer. This will often be because the panel feels that sufficient safeguarding has already been done.

In a single meeting a MARAC combines up to date risk information with a comprehensive assessment of a victim's needs and links those directly to the provision of appropriate services for all those involved in a Domestic Abuse case: victim, children and perpetrator.

A MARAC only applies to the cases of DA that are identified as being high risk cases. There are many factors that will cause a case to be categorised as high risk.

On occasions these factors may be present in isolation and in other cases multiple factors may be present, but each case must be taken on an individual basis and in its own context.

Risk factors can be divided into 5 main categories:

1. Nature of the abuse e.g. emotional, physical, sexual or psychological
2. Historical patterns of behaviour e.g. previous convictions or abusive behaviour
3. Victims perception of risk e.g. specific fears for themselves, children or pets
4. Specific factors associated with an incident e.g. use of weapon, threats to kill

## 5. Aggravating factors e.g. drugs, alcohol, financial problems

Cases can be referred to MARAC by any agency signed up to the information sharing Protocol (ISP). Once a victim has been identified as high risk a referral should be made to the lead agency usually the police. Additionally, it is appropriate to refer cases into MARAC for which the risk of harm has been identified as a significant concern by the Domestic Violence Disclosure Scheme (DVDS) Panel.

The referring agency must undertake a formal risk assessment. This checklist is replicated by Cleveland Police and used by frontline officers to assist in the risk assessment process (DASH RIC contained within the PPN)

Risk assessment is a practical tool to assist agencies with the decision making process of which cases should be referred to MARAC and where resources should be prioritised.

Risk assessment is about balancing information with current practice, knowledge and previous experience and then making a judgement about whether a person is at risk of serious harm taking into account all factors present.

All persons to be discussed at MARAC will be referred to the IDVA

The IDVA will inform every victim by post or telephone, where considered safe to do so, that they are to be discussed at a MARAC meeting.

The IDVA should represent the perspective of the victim on the risks that they face and how best to address them. The views of the victim must be taken into account.

Agencies should always attempt to gain consent from the individual prior to referring the case to MARAC. If the victim refuses consent for information sharing their refusal and reasons for refusal should be recorded by the referring agency.

The agency must then consider whether they can satisfy the requirements under Section 115 of the Crime and Disorder Act 1998, which allows information sharing to take place without the consent of the individual concerned, where the disclosure is necessary or expedient for the purposes of any provision of the Act.

Section 115 provides a power to disclose, but does not impose a requirement to exchange information. Control over disclosure remains with the agency which holds the data and is controlled by the normal data protection regime, Human Rights Legislation and the common law Obligation of Confidence.

If a decision to override consent is taken then the referring agency must record that a decision has been made to share/disclose information without consent and identify what information has been given.

If the requirements for information sharing cannot be met, then the case cannot be referred to the MARAC, and the agency concerned is limited to providing interventions from its own resources.

If the requirements can be met; a referral can be made to the MARAC. If the Designated Officer requires guidance on this issue, the advice of their respective legal department should be sought, and the Chair of the MARAC may be consulted but the agency will have the final say.

Any agency signed up to the ISP can request a MARAC meeting.

The role of the chair is to structure the meeting and facilitate a focussed discussion between partner agencies leading to comprehensive safety plans for victims.

The chair will review actions agreed at the last meeting. Agency representatives will be held to account for incomplete actions.

Meetings take place on alternate Thursdays for North (Stockton and Hartlepool) and South (Middlesbrough and R&C)

New referrals must be received at least 10 days prior to the next scheduled meeting in order that the MARAC Coordinator / administrator can prepare the relevant documentation including the agenda to be sent out to all agencies.

Agencies will then collate the relevant information required for the MARAC meeting and return these to the MARAC Coordinator / administrator no later than two days before the next scheduled MARAC.

**Urgent actions must be carried out prior to the MARAC. It is unacceptable for agencies to wait for the decision of the MARAC.** This will include but is not limited to, referral to the IDVA, a location of interest marker being placed on the address, target hardening etc. In cases involving children agencies may also need to consider a need to take immediate precautionary measures ahead of the meeting.

All MARAC cases with outstanding actions will be raised by the chair at the next meeting.

Information sharing at MARAC conferences is strictly limited to the aims of the meeting and information gained cannot be used for other purposes without a request in writing to the chair of the MARAC.

All cases referred to a MARAC are to allow an agency to request assistance in the management and reduction of risk to the victim and any children. This does not preclude the need to consider a referral to Children and young people's services if any children are considered at risk of significant harm.

All agencies must adopt a robust approach to referring cases to MARAC in order to ensure only high risk cases are referred.

Cases will be removed from the MARAC process once the agencies are satisfied that everything has been done that can be done to reduce or manage the identified risks. A copy of all MARAC documentation will be retained by Cleveland Police and the Niche system will be updated to reflect the actions and minutes taken at MARAC meetings.

Minutes from the MARAC meeting should be circulated within 48 hours of the meeting. Minutes are sent via 'protected e mail' and retained by the respective agency in a secure manner.

Following the meeting the IDVA should make contact with the victim and update them on any relevant information and any recommendations made by the MARAC. This procedure will take place regardless of whether the victim consented to information being shared or not.

All administration in relation to the MARAC process will be retained by the police and weeded in line with the force weeding policy.

### **Multi Agency Tasking and Co-ordination (MATAC)**

There is increasing recognition that a proportion of domestic abuse (DA) perpetrators offend against multiple partners and/or family members. High profile cases of perpetrators with significant offending histories committing serious offences, including homicides, has prompted some – though by no means all – support sector agencies and activists to call for a national register of serial DA and stalking perpetrators.

Accurate and defensible identification of the top domestic abuse perpetrators can help to ensure that those who frequently come to the attention of Cleveland Police, those who are considered to pose a high risk of harm and those that are at high risk of perpetrating further domestic abuse are engaged in the most appropriate intervention or forum. Identification will afford reassurance that no perpetrators of domestic abuse, who fall within this category, will be able to 'fly under the radar' and continue their behaviour to the detriment of the victims, their children and families and the wider community.

The national definition for a serial DA perpetrator agreed by NPCC is:

'A serial perpetrator is someone who is reported (to the police) to have committed or threatened domestic abuse against two or more victims and who are or were intimate partners or family members of the perpetrator in the last rolling 3 year period.'

The College of Policing have yet to develop fully the guidance on the management of serial and dangerous perpetrators, they recommend forces adopt an RFGV calculation for identifying serial and dangerous perpetrators of DA and stalking (domestic-related, and, if appropriate, non-domestic related).

Identification of the top domestic abuse perpetrators by Cleveland Police is through the RFGV tool. Each domestic abuse perpetrator is scored on the

recency of reported incidents where they are named as the perpetrator, the frequency of calls to the police, the gravity of all offences and the number of victims of their abusive behaviour.

The top perpetrators are then reviewed by all agencies to input the information they hold on the perpetrators and their victims, including hidden victims other family members and children.

The MATAC meeting is held every four weeks and agencies come together to action safeguarding to the victims and then to progress through a menu of options for the perpetrator. A domestic abuse toolkit is referred to and interventions, including education, prevention, diversion, disruption and enforcement techniques, are tailored to perpetrators. The approach regards offender behaviour as the root of the problem, and seeks to change that behaviour.

It starts with the perpetrator being issued a letter informing them of the forces identification of their perpetrator and encouraging them to voluntarily engage in interventions to support behaviour change. This could be through awareness programmes, drug alcohol services, housing support. If intervention is not successful initially in achieving behaviour change, disruption and enforcement tactics are employed.

Whilst the predominant method for identification of the most serial and harmful perpetrators is driven through the police information and the RFGV, referrals can be made by other agencies. This is done through a risk assessment process called PPIT, Priority Perpetrator Intervention Tool,

The PPIT considers some of the same factors as RFGV – recency of offending, repeat offending, level of harm and number of victims – alongside additional factors such as escalation, perpetrator mental health and alcohol and substance abuse issues, and access to weapons. The PPIT is designed to be scored by an assessor and to incorporate professional judgement. It is a tool that may help in identifying and prioritising for intervention perpetrators that have been flagged as dangerous either from interrogation of data held on police systems, or by existing processes such as MARAC.

See the MATAC SOP as referenced in Appendix A for the referral form and more information. Referrals are then graded with RFGV and considered by a panel from the safeguarding team for inclusion in the MATAC process.

MATAC is not just a one off meeting. The perpetrator will remain within the MATAC process until their offending has reduced. This is generally measured by a reduction in their RFGV score and by agreement at the MATAC meeting. They remain on monitor only for 12 months and any reoffending will bring them back into the formal meeting for review and further action.

All administration in relation to the MARAC process will be retained by the police and uploaded to Niche at the conclusion of the process for each perpetrator. From here it will be weeded in line with the force weeding policy.

## Multi Agency Working

By using the knowledge and expertise of different agencies both MATAAC and MARAC look at reducing or managing the identified risks in the most appropriate and effective way.

All agencies involved in the MARAC and MATAAC processes sign up to an Information Sharing Protocol which is regularly reviewed.

Agencies involved in the processes are as follows; (this list is not exhaustive)

- Police
- Probation
- Children's Services
- Adult Services
- Education
- Health
- Drugs and alcohol services
- Voluntary organisations.
- IDVA
- Larger social Housing providers

The aims of multi-agency meetings are to

- Share information to increase the safety, health and wellbeing of victims – adults and their children;
- Determine whether the perpetrator poses a significant risk to any particular individual or to the general community;
- To construct jointly and implement a risk management plan that provides professional support to all those at risk and reduces the risk of harm;
- Reduce repeat victimisation;
- Improve agency accountability
- Improve support for staff involved in high risk domestic abuse cases.
- Identify situations where there is a need to for the Local Safeguarding Children Board's Child Protection Procedures to be initiated.

MARAC and MATAAC is not a formal part of the Multi-Agency Public Protection Arrangements (MAPPA) process although it should be complementary to and have links with the process.

On occasions offenders will meet the criteria for both MAPPA and MARAC or MATAAC management. However, cases will only be discussed at one of the forums and discussion will take place between the chairs as to the most appropriate forum. **Generally MAPPA will always take precedence.**

## Third party reporting

If a during the multi-agency process a third party reports an incident that may be a crime, which has not previously been reported to the police, the crime must be

recorded in line with National Crime Recording Standards NCRS. Attempts will be made through the third party to engage with the victim to encourage them to make a formal complaint.

Unless there are concerns that the crime is so serious that the police must be involved then this will be an end to any criminal investigation at this stage. If officers do see the victim and she/he refuses to make a complaint to them, this should also be fully documented on Niche and through MARAC. If the victim does disclose a crime then NCRS principles should be applied. The safety of the victim is paramount. Child Protection matters must be addressed but a victim's wishes should be respected. However, police may still wish to consider an unsupported prosecution.

### **Perpetrator interventions**

The need to challenge and change the behaviour of domestic abuse perpetrators has become an increasing concern as demographics and other changes in society have led to consistently high volumes of repeat and serial perpetrators and, consequently, high volumes of vulnerable and intimidated people in need of support in Cleveland.

Whilst there are individual forums that focus the attention on high risk, serial and prolific perpetrators, there is a significant requirement for a role specific to offer support to the perpetrators within these forums, those who are subject to a DVPO and those identified through their arrests to custody.

Within the DA Solutions Team a domestic abuse intervention officer will focus on perpetrators with the intention to encourage and support change by addressing criminogenic and social needs that have contributed to the individual's propensity to behave in an abusive manner towards intimate partners, family members or both. The overarching objective is to work collaboratively with partners in efforts to reduce the risk of harm and/or recidivism, to ensure the safety of those who are at risk or suffer abuse in their daily lives and that will respond to perpetrators in a way that manages or reduces such risks while ensuring choice, dignity and rights of all are preserved.

### **Further Victim interventions**

The interventions discussed above cover those victims that are identified through a high DASH risk assessment score and those victims who are subjected to abuse from a serial and dangerous perpetrator. However there are still a large number of repeat victims who may not fall into either of those categories. Alongside the RFGV score for perpetrators Cleveland Police use a similar algorithm to identify repeat victims. The top repeat victims are identified and where they are not already supported through MARAC or MATAC or another multi agency forum then the DA Solutions Team will make contact with them and offer them support and safeguarding through signposting to other agencies for example DA support agencies, drug alcohol treatment, mental health and housing.

## **Independent Domestic Violence Advocate (IDVA)**

The role of the IDVA is to advise and support victims who are high risk to help ensure their safety independently of any other organisation. They help victims make decisions about their future and assist them to access the range of services that they need. It is of note that women's support services will also provide advocacy for all victims regardless of risk and all victims in cases which proceed to prosecution in the Specialist Domestic Violence Courts will be offered the opportunity of support.

IDVAs are trained under the Coordinated Action against Domestic Abuse (CAADA) accredited programme to understand the full range of remedies and resources available in the Civil and Criminal justice systems as well as the physical safety options available to a victim through other statutory and voluntary sector services.

IDVAs will be part of the multi-agency forums and will work in partnership with all relevant agencies.

## **Domestic Violence Disclosure Scheme (Clare's Law)**

The police have a common law power to disclose information where it is necessary to prevent and detect a crime, it is on this common law power that gives the police authority to disclose information under the DVDS. However, this common law power must be exercised in accordance with statutory obligations.

At all times, the ability to both share and disclose information must be considered on a case-by-case basis to determine whether the sharing and disclosure of information is lawful, necessary and proportionate. Disclosure is the sharing of specific information about a person (Subject) with a third party (Person at Risk or Applicant/third party) for the purpose of protecting the public. The third party could be a member of the public such as a victim, a person forming an intimate relationship with an offender, or a person acting in a professional capacity but not party to the DVDS arrangements.

Disclosures can be made following an application made under the "Right to Ask" entry route or indirect information received under the "Right to Know" entry route.

Initial reports can come into the force in a number of different ways.

For Right to Ask

- Single Online Home
- Call to 101/999
- Attending a front desk

In addition to the above routes "Right to Ask" could come in to the force via:

- Multi agency meeting action

- Police via review of DA incident or PPN.

Once a decision has been made to disclose to a victim then the victim is flagged on Niche so any officer having subsequent interaction with that person can see the disclosure and give it.

There is also a dedicated officer as part of the DAST who monitors and manages the disclosures.

For further information about Clare's Law see the SOP in the policy folder.

## **7. Administration and Performance Management**

Officers who attend DA incidents are responsible for ensuring that the PPN is completed and submitted prior to the end of their tour of duty.

It is the supervisor's responsibility to ensure that all domestic abuse incidents dealt with during their shift have the relevant paperwork completed and submitted accordingly.

The Safeguarding Hub are responsible for the day to day collation of information about domestic abuse incidents and will record relevant criteria on a performance spreadsheet.

A PowerBI report is available to all supervisors to enable checks to be made that a PPN has been submitted where required. Each command is responsible for managing the performance of their teams against this.

All administration in relation to the MARAC process will be retained by the police and weeded in line with the force weeding policy.

Crime reports will be completed according to NCRS before the end of the officer's tour of duty.

### ***Performance***

DA performance is an integral part of the overall performance management framework within Cleveland Police.

Mechanisms are in place to identify, record, link and analyse information fully and accurately.

Performance will be measured in relation to;

- Number of DA incidents attended
- Arrest and charge statistics
- Repeat victim rates
- Attrition rates
- Cases referred to MARAC

- Number of repeat cases at MARAC.
- DVPN/O sought and achieved
- DVPO breaches
- Clare's Law disclosures received, approved and given

Performance will also be measured in relation to the number of domestic abuse PPNs submitted against those closed as a QL23 code on the Command and Control system.

There will also be targets in relation to how long the information takes to be recorded on the Niche system, again through the use of Power BI.

The Dedicated Decision Maker (DDM) working within the Force Crime Registrars office will decide whether any DA incidents are suitable for Crime cancellation if additional verifiable information (AVI) is obtained.

The decisions to dispose of DA incidents by means of an out of court disposal will be subject to dip sampling and scrutiny by the Out of Court Disposal Scrutiny Panel. Any learning from the Panel will be fed back to the Police and Crime Commissioner who will in turn hold Cleveland Police to account for the decision making.

The Domestic Abuse Scrutiny panel, comprising of members of Police and Partner Agency staff will meet quarterly and review cases which have not progressed to prosecution stage. Any learning from the panel will be fed back to Cleveland Police to account for decision making and improve police procedures.

## **8. Domestic Incidents Involving Specific Groups**

### **Police Staff and Officers**

The over-riding principles to be borne in mind when dealing with an incident involving a Police employee is the need for confidentiality and all persons should be treated with dignity and respect. This section should be read in conjunction with the DA Workplace Policy.

The Duty Inspector, or in their absence the Duty Sergeant, will always attend any domestic abuse incident where a Police employee is involved.

The PPN will be completed by the attending Officer unless the Duty Inspector / Sergeant directs otherwise. It is essential in cases involving Police employees, that a member of staff from the DA Unit makes personal contact with the victim as soon as possible to offer support.

The District Duty Inspector will inform the Duty Silver Officer (Force Duty officer or a member of the relevant Department Management Team during the day) of any Domestic incident involving Police employees. The Force Duty officer will

ensure force policy is followed and that the relevant Management Team is notified in due course.

When a Police employee is arrested the Custody Officer will ensure that the Duty District Officer (or Force Silver as appropriate) of the arrested member of staff is informed promptly of the employees arrest and that they should inform the appropriate Executive Officer.

As well as the statutory responsibilities of the Custody Officer the Duty District Officer or Force Silver will consider what action is considered appropriate depending on the individual circumstances of the case.

The Directorate of Standards and Ethics (DSE) should be informed as soon as possible if a police officer or member of police staff is arrested, in order that a Liaison Officer may be appointed.

The investigative ownership will be determined by the District Duty Officer or Force Silver, to ensure an appropriate level of independence. The risk assessment and safety planning for the victim will remain the responsibility of the Safeguarding Unit. Investigative ownership of any domestic abuse offences involving a police officer or staff will rest with the domestic abuse team.

Proper consideration is to be given to the provision of welfare services to all parties involved in the incident. The responsibility lies with the employee's Service Unit Manager to ensure services are formally offered and made available to them. The Human Resources Department (HR) have created guidance for all staff involved in domestic incidents. This provides advice on dealing with issues surrounding the matter and identifies suitable support mechanisms. (An up to date domestic abuse in the workplace policy has been devised).

Where a member of staff is under investigation the employees Service Unit Manager will liaise with the Executive and the Head of HR, to consider suspension or re-deployment of the employee pending the final outcome of the case. DSE will ensure that appropriate monitoring and assessment arrangements are in place to identify the risk factors associated with any cases involving police staff. These arrangements should involve the representatives from the relevant Command, HR, Staff Associations and Executive.

Police employees arrested in Cleveland but from other Forces will be treated in the same way as our own employees. Early notification of the arrest to the Officer in charge of the appropriate Force Communications Centre will be made by the Custody Officer.

The Service Unit Manager of any police officer involved holds the responsibility for consideration of whether misconduct procedures are appropriate. In the case of police staff this responsibility lies with the Head of HR. However, consultation should take place with the Head of Directorate of Standards and Ethics in every case.

All completed files in relation to police officers and staff must be forwarded to the DSE where they will be stored and retained.

### **Domestic abuse incidents involving a holder of a Firearms Licence**

All Firearms Licence holders are listed on both Niche and PNC. Cleveland Police IT systems automatically flag any call to police that involves either the name of a Firearms Licence holder or their home address so that this information is available immediately. There is a protocol in place between Firearms Licensing Unit and safeguarding whereby any incidents involving licence holder are notified to Firearms Licensing Unit which then may require intervention by a member of safeguarding to obtain statements or reports.

In 2018 there were over 19126 DA incidents reported to Cleveland Police. In the Cleveland Force area there are currently 2828 Shotgun and 1175 Firearms Licence holders.

Any DA incident involving a Firearms Licence holder will be immediately reviewed by the Control Room Inspector. If the threat assessment indicates a potential lethal threat to the victim, attending officers or the public then a Silver Commander to be contacted. The Firearms Licensing Unit will also be notified.

If safe to do so a District supervisor **must** attend the scene.

Legal advice suggests police have no automatic power to seize the weapon if there is no immediate threat. However, Force policy is 'if in any doubt whatsoever then seize the weapon.' With any DA incident there is always an element of risk. Once the decision has been taken to seize the weapon the Armed Response Vehicle (ARV) should attend the scene, make safe and seize the firearm.

The Firearms licensing unit will contact a safeguarding supervisor ASAP after the incident to carry out a comprehensive risk assessment of the domestic incident including PNC, previous history, previous partners etc.

Safeguarding will also consider the risk level and necessary safety planning around any increased risk to the victim following the seizure of their partner/ ex partner's weapons. i.e. does the Firearms Licence holder blame them for the loss of their weapon?

If the Firearms Licence holder appeals against the seizure of their weapon(s), a strategy meeting will be held between the Firearms Licensing Manager and DA DI. Legal advice will be sought but if police identify any ongoing risks the weapon(s) will not be returned without consultation with NPCC.

### **Domestic abuse incidents involving victims without indefinite leave to remain**

Where a victim's relationship with a British citizen or someone settled in the UK has broken down because of DA, the victim may be able to apply for indefinite

leave to remain.

The 'no recourse to public funds' policy is a general rule for most people who apply to come to the UK. The policy is based on the principle that people without a permanent right to remain in the UK should not have the same access to benefits as British citizens. However, the government will provide help to these victims who have been admitted to the UK with leave as spouses, unmarried partners or civil partners of a British citizen, or of a non-citizen who is settled in the UK.

This allows DA victims to apply for indefinite leave in their own right if they have been victims of domestic abuse during the first two years of that relationship.

## **9. Civil and Criminal Orders**

---

### **Civil and Criminal Orders to assist in Domestic Abuse cases**

Evidence gathered within a criminal investigation should also be regarded as evidence that may be appropriate for the Family Court to consider and use in child contact hearings and civil court order hearings. It may also be required for non-molestation orders, Forced Marriage Civil Protection Orders and Occupation Orders.

Where possible, officers should inform victims of domestic abuse that records of incidents (including recordings of 999 calls, withdrawal statements, interviews, photographs and forensic medical reports) may provide evidence of domestic abuse in situations where suspects are not charged or prosecuted with an offence, e.g. child contact hearings or applications for civil court orders.

A joint procedure written by police, CPS, Magistrates Court, Crown Court and Family Court which underpins this policy gives detailed information for staff on how to ensure that complainants are fully aware of when, how and where they can have their cases heard.

The procedures give clear step by step advice with regards to Non Molestation Orders, Occupation Orders, Undertakings, Forced Marriage Protection Orders, Exclusion Orders, Harassment Orders and Restraining Orders.

Legislation introduced on 1<sup>st</sup> July 2007 (Section 1 of the Domestic Violence Crime and Victims Act 2004, part 1V, section 42A) made the breach of a Non Molestation Order a criminal offence.

The complainant now has the choice whether to go along the criminal route when an order is breached or to return to the issuing Family court to have the person dealt with by way of committal for contempt of court.

The two jurisdictions cannot run in parallel to enforce a breach of a Non Molestation Orders. The complainant therefore has to decide whether they wish

to go along the criminal or civil route. Officers should always promote the criminal route as this will safeguard the victim quicker than the civil route.

If the order is made at an ex-parte hearing (without the respondent's knowledge), then the offence will only be committed if the person was aware of the existence of the order at the time he/she breached the order.

It is important therefore that officers check Niche and PNC prior to arresting any potential offenders to ensure that the order has actually been **served** on the defendant.

Staff need to have a clear understanding of how information can be given to them from the civil process, so that the Crown Prosecution Service are able to make informed decisions at the charging stage about the enforcement of an alleged breach.

Under the new guidance solicitors will get permission from the complainant for their statement/ affidavit to be given to the police once the order has been served. This will be stored in a folder at the relevant police station enquiry office to be used in the event of any breach.

If a breach of a Non Molestation order is reported to Cleveland Police it will be investigated sensitively and pursued through the criminal courts. Officers should also consider whether other criminal offences such as Harassment or Stalking have occurred and investigate these offences rather than breach of orders.

On 8<sup>th</sup> March 2014, Domestic Violence Protection Orders (DVPOs) were rolled out. These are civil orders which allow the Police and Magistrates Court to put in place protective measures in the aftermath of a violent incident where charges or bail conditions cannot be imposed. A DVPO can prevent the perpetrator from returning to a residence and having contact with the victim for up to 28 days. For full details of how to process these applications, see the guidance on the Domestic Abuse site.  
See the force policy on DVPO.

On 30<sup>th</sup> September 2009 legislation was introduced (Section 12 of the Domestic Violence Crime and Victims Act 2004 section 5A) which extended the courts power to impose Restraining Orders. Under these rules an order may be made following conviction for any offence, including when someone is acquitted. These should be requested on the MG6.

Staff should make themselves familiar with the joint police, CPS and Courts procedure entitled 'Guidance for service and breach of Civil and Criminal Orders in relation to Domestic Abuse'.

## **10. Training**

---

All student officers will receive an input on Domestic Abuse whilst undertaking initial police training.

All DA staff in the Safeguarding Hub will receive risk assessment training.

All public facing staff will receive training in relation to so called Honour Based Abuse and Forced Marriage.

All DA detectives will complete Tier 2 witness and suspect interviewing plus the Initial Criminal Investigators development Portfolio (ICIDP).

## **11. Welfare**

---

All supervision have a continuing responsibility to consider the welfare requirements of staff dealing with domestic abuse incidents.

The welfare of all safeguarding will be closely monitored considering the distressing nature of domestic abuse cases.

On an annual basis safeguarding operational staff will be subject to a psychological assessment consisting initially of a questionnaire from the Occupational Health Unit.

Depending on the results of the questionnaire or any other concerns that have been raised, a decision may be made to invite the member of staff for a face to face appointment with Occupational Health.

This does not negate the right of any member of staff to request the support of Occupational Health at any time.

## **12. Appendices**

---

<b>Appendix</b>	<b>Description</b>
1.	List of related documents

## **13. Compliance and monitoring**

---

The Head of Domestic Abuse is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of Domestic Abuse will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 14. Version control

---

This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	May 2010	Revised policy	[REDACTED]
0.2	Sept 2010	Revision following feedback	[REDACTED]
0.3	June 2011	Revised policy	[REDACTED]
1.0	August 2011	Agreed by SDG members to go live	[REDACTED]
1.1	Sept 2012	Annual policy review – minor amendments at 3.1.16, 3.3.26 (pt33 & 37), 3.4.16 and 3.5.27	[REDACTED]
1.2	Nov 2012	Policy amended to reflect introduction of PCC, statement only	[REDACTED]
1.3	April 2013	Addition of section 3.12 Domestic violence incidents involving a holder of a Firearms Licence	[REDACTED]
1.4	June 2013	Definition updated	[REDACTED]
1.5	October 2013	Amended to reflect the new Force structure (ORBIS programme)	[REDACTED]
1.6	Oct 2014	Two yearly review and update	[REDACTED]
1.7	Aug 2016	Two yearly Review and update	[REDACTED]
1.8	May 2018	Update to reflect public protection notices replacing G01.66 forms	[REDACTED]
1.9	Oct 2018	Two yearly review and update	[REDACTED]
1.10	Oct 2019	Review and update for release to Single On Line Home	[REDACTED]
1.11	Nov 2020	Policy Review	[REDACTED]

[College of Police APP – Domestic Abuse](#)

Missing Person Policy – awaiting revised guidance

[Stalking and Harassment Policy](#)

[Threat to Life Policy](#)

[Body Worn Video Policy](#)

[Body Worn Video Victim and Witness Guidance](#)

Vulnerability Desk SOP

Honour Based Abuse Policy

MARAC Protocol – under review

[MATAC SOP](#)

[Clare's Law SOP](#)

[DA Workplace Policy](#)

[Domestic Abuse Guidelines for Prosecutors | The Crown Prosecution Service](#)

[Working Together to safeguard children 2018](#)

[Cleveland Police and Crime Plan](#)