



<b><u>Policy Title</u></b>	<b>Domestic Abuse</b>
<b><u>CCMT Sponsor</u></b>	<b>ACC Crime and Criminal Justice</b>
<b><u>Department/Area</u></b>	<b>Crime Support</b>
<b><u>Section/Sector</u></b>	<b>PVP Strategy Unit</b>

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## **1.0 Rationale**

Domestic abuse is a particularly pernicious crime which amounts to approximately 29% of all violence against the person crime. It accounts for nearly one quarter of all recorded crime nationally and on average, 120 women and 30 men are killed every year by a current or former partner. The lives of its victims and the children who witness it can be severely affected and victims often suffer repeated incidents before any decision is made by the victim to contact the police. It is a crime which frequently escalates over time leading to serious assault and in some cases, the aforementioned murder.

Domestic Abuse may also be linked with other crimes and staff must be aware of these lines of enquiry when taking reports and investigating both domestic abuse and the other associated offences. In particular the following types of offending may be linked.

### **1.1 Child Abuse**

There are significant links between domestic abuse and direct child abuse. In households in which domestic abuse takes place, children might be subject to direct or indirect abuse and vice versa. Children witnessing domestic abuse are exposed to harm and risk. In child protection investigations the welfare of the child is paramount, however failing to identify and fully investigate the domestic violence element of any abuse could result in failure to protect the safety and well being of both child and adult victims. Equally domestic abuse investigations must consider any child abuse issues and ensure that appropriate action is taken. Please see Force [Child Abuse Policy](#).

### **1.2 Missing persons**

There may also be links between missing persons and domestic abuse. Domestic abuse officers should be informed when a domestic abuse victim or offender is missing. Please see [Force Missing Person Policy](#).

### **1.3 Safeguarding Adults**

Older people and adults with a physical or learning disability or who have mental health problems are particularly vulnerable to suffering domestic abuse perpetrated by partners, ex-partners and family members. Suspects may also be the primary carer for the victim. Each Protecting Vulnerable People Investigation Unit (PVPIU) has an Adult Protection Co-ordinator who should be contacted for guidance in domestic abuse investigations involving vulnerable adults.

### **1.4 Honour Based Violence**

Officers investigating domestic abuse may suspect honour based violence or this may be reported to them. HBV could include forced marriage, controlling sexual activity, domestic abuse, child abuse, rape, kidnap, false

imprisonment, female genital mutilation, threats to kill and murder. Please see the Force [HBV Policy and the ACPO and Foreign & Commonwealth Office Guidance on Forced Marriage](#).

### **1.5 Sexual Offences**

Sexual abuse is often part of domestic abuse and the skill and expertise of specially trained officers who are trained to investigate sexual offences should be used to ensure that domestic abuse victims are provided with the opportunity to disclose sexual abuse and given access to relevant support services. Where the support of the victim is established for a full investigation of the sexual offences this should be carried out according to the [Force Serious Sexual Assault Policy](#).

### **1.6 Managing Sexual offenders and Violent Offenders**

Investigations that take place as part of management of sexual offenders and violent offenders and Potentially Dangerous Persons can relate to domestic abuse. In all such cases domestic abuse should be investigated with reference to [ACPO 2007 Guidance on Protecting the Public: Managing Sexual Offenders and Violent Offenders](#).

### **1.7 Homicide**

Domestic homicides represent a high proportion of homicides. When investigating a domestic homicide, the investigation should be investigated in accordance with the ACPO 2006 [Murder Investigation Manual](#).

### **1.8 Stalking / Harassment**

Domestic abuse may include harassment/stalking – type offences and vice versa. These should be investigated with reference to [NPIA Guidance on Investigating Stalking and Harassment](#).

### **1.9 Prostitution**

Abusers or family members can force victims into prostitution. Police operations addressing prostitution should identify potential links between prostitution and domestic abuse. See [ACPO 2004 Policing Prostitution](#) and [Home Office 2006 a Coordinated Prostitution Strategy](#).

### **1.10 Incidents Involving Insecure Immigration Status**

Insecure immigration status and no recourse to public funds may act as a further barrier to reporting domestic abuse. Please refer to the resource pack – [“How can I support her? - Domestic Violence, immigration and women with no recourse to public funds](#).

### **1.11 Other Types of Incidents**

Almost any offence or incident can be linked to domestic abuse and staff should be careful to make the links if they are there. Other offences or incidents could include:

- Public disorder
- Anti social behaviour
- Animal abuse
- Criminal damage
- Nuisance calls
- Assaults
- Burglaries
- Thefts
- Verbal threats
- Demeaning verbal abuse
- Financial Abuse

### **1.12 Critical Incidents**

All of the above have the potential to escalate into a critical incident. When a Gold group is convened to oversee a critical incident membership will include the PVPIU DI and a member of the HQ Protecting Vulnerable People Strategy Unit (PVPSU) of the rank of at least DI. An Internal Management Review of the incident will be carried out”

Please see the force [Critical incident policy](#).

## **2.0 Intention / Priorities**

This policy is intended to ensure that Thames Valley Police achieves a consistent and professional approach to policing incidents of domestic abuse within Thames Valley in line with the National Policing Improvement Agency document “[Guidance on Investigating Domestic Abuse 2008](#)”.

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

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

### **3.0 General Principles**

3.1 Thames Valley Police use the ACPO/Home Office definition of Domestic Abuse:

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

3.2 The Force approach to Domestic Abuse will operate on the principles of

#### **“Intelligence led Positive Intervention”**

This means that:

- All domestic abuse incidents will be recorded and thoroughly investigated as a crime
- Staff will positively intervene in all domestic abuse incidents.
- The level of intervention will be intelligence based.
- When considering the level of intervention the arrest of the alleged perpetrator must always be considered. Officers must be able to justify any decision not to arrest, and this must be authorised by their supervisor.
- The level of intervention will depend on the perceived risk of harm to victims or potential victims. Factors to be considered are:-
  - Alleged perpetrators and victims previous history (reported and unreported).
  - Risk indicators
  - Officer’s professional judgement.
- Whenever a member of staff considers that a victim may be at risk of harm, particularly where they could become the victim of a serious crime, they must refer the matter to a supervisor as soon as possible who will then consider what immediate action needs to be taken to reduce the risk.

## **4.0 Guidance, Procedures & Tactics**

### **4.1 Recording and Initial response**

Whenever (in whatever fashion) there is contact from a member of the public or from another agency reporting domestic abuse or potential domestic abuse, a record must be made and police attendance must result in accordance with National Crime Recording Standards, Standard Operating Procedures (SOP2) and the Intelligence Led Incident Attendance Policy.

Initial response will normally be by uniform response officers who will deal with the incident according to the intelligence led positive intervention policy (see 3.2).

They will also complete a risk indication form (Dom 5) and submit it to the Domestic Abuse Unit before the end of their tour of duty. This form must be completed for both domestic crimes and incidents where no crime has been committed.

It is of vital importance that whenever a member of staff considers that a victim may be at risk of harm, particularly where they could become the victim of a serious crime, they must bring the matter to the attention of a supervisor as soon as possible who will then consider what **immediate** action needs to be taken to reduce the risk and make sure those actions are carried out.

All details of children in the household, whether or not they are present at the time of the incident, must be recorded. If the children are present they **must** be seen by the attending officers to make sure they are safe. Where there is concern as to the welfare or safety of any child, officers should notify the Child Abuse Investigation Abuse Unit and take any immediate action necessary to make the child safe including consideration of exercising police powers of protection.

Where Honour Based Violence is reported or suspected then the additional HBV risk assessment must be completed and any additional safety measures considered and implemented. Refer to the Force HBV Policy at 1.4 above.

### **4.2 Firearms**

All shotguns/firearms must be seized in medium and high risk cases and consideration must be given to seizure in all Standard risk cases. Reasons for non seizure must be documented.

### **4.3 Domestic Abuse Unit**

Each of the 3 Hub Areas (designated geographical response areas) will have a Domestic Abuse Unit (DAU) as part of the Protecting Vulnerable People Investigation Unit. The DAU will have a Detective Inspector as lead and they will be answerable to the D/Supt. Crime and PVP Investigations.

The DAU will risk manage and carry out full risk assessments on all medium and High risk crimes and incidents. The risk assessment model which will be used by TVP is the ACPO approved DASH model.

The assessment utilises a range of risk indicators collected by the officer attending the incident and recorded on the "DASH DOM 5 form". The Crime Recording and Intelligence Systems are then researched to see whether there is a history of domestic abuse involving one or both of the people involved in the incident and then definitions of risk are applied to arrive at a risk level.

The definitions are:

**Standard** Current evidence does not indicate likelihood of causing serious harm.

**Medium** There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, drug or alcohol misuse.

**High** There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.

Once the risk level has been identified the DAU is then responsible for managing the risk according to agreed standards for each level.

All risk assessment decisions and risk management actions must be recorded on the CEDAR crime recording system along with actions set to investigate any notifiable crime.

The DAU is also responsible for investigating all High Risk Domestic Abuse crimes which are not already being investigated by the CID.

The DAU will pass details of all children in households where domestic abuse has been recorded to Social Services and details of all children in high risk cases to Child Abuse Investigation Unit (CAIU).

As part of the risk management process the DAUs will work with other agencies to achieve effective multi agency risk management.

### **4.4 Multi agency working**

The DAU will refer all high risk cases which do not fit into the Multi Agency Public Protection Arrangements (MAPPA) process to the local area Multi

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Agency Risk Assessment Conference (MARAC) process. This is a monthly meeting of professionals from agencies such as Police, Social Services, Health, Education, Probation, Women's Aid and Independent Domestic Violence Advisors who meet to share information and agree actions in order to manage risk in the most dangerous of cases. Please see [MARAC Protocol](#).

The force also has a commitment to actively participate in other multi agency domestic abuse arrangements such as: local area Domestic Abuse Fora, the Thames Valley Domestic Abuse Strategy Group and local IDVA/Family Justice services.

### 4.4 Specialist Domestic Violence Courts

Where specialist courts arrangements are in place all domestic crimes should be dealt with by this court.

### 4.6 Compliance

The Detective Chief Inspector within the Protecting Vulnerable People Strategy Unit has a strategic overview of the PVP Investigation Units across the force and monitors compliance with Guidance/Policy documents.

## **5.0 Challenges & Representations**

Any challenges or representations in respect of the contents of this policy should be directed to the D/Superintendent Crime and PVP Investigations.

## **6.0 Communication**

### Communication Strategy

All staff must be aware of policy and where a copy can be accessed.  
All staff must be notified when updates and revisions to policy are made.

#### Staff:

Policy and associated documentation can be accessed via the PVPSU intranet site under Domestic Abuse. Notification of revisions and updates will be made via Managers Brief, All user emails, Weekly Orders and Thames View.

#### Partners and General Public:

Policy will be available via the force internet website

Links to:

- [Police National Legal Database](#)
- [Protection of Vulnerable People Intranet Site](#)
- [Force Policy on Child Protection](#)

- [Force Policy on Missing Persons](#)
- [Force HBV policy](#)
- [Force Policy on Serious Sexual Assault](#)
- [Force Repeat Victimisation Policy](#)
- [CR&ED Standard Operating Procedure 2](#)
- [NPIA National Guidance on Investigating Domestic Abuse](#)
- [ACPO and Foreign & Commonwealth Office Guidance on Forced Marriage](#)

## **7.0 Compliance and Certification**

### **7.1 Human Rights Certification**

#### **(i) Legal Basis**

- Domestic Violence Crime and Victims Act 2004
- Crime and Disorder Act 1998
- Criminal Proceedings and Investigation Act 1996
- Youth Justice and Criminal Evidence Act 1999
- Criminal Justice and Police Act 2001
- Protection from Harassment Act 1997
- Offences against the Person Act 1861
- Sexual Offences Act 1956
- Criminal Damage Act 1971
- Criminal Justice and Public Order Act 1994
- Criminal Justice Act 1988
- Police and Criminal Evidence Act 1984
- Sexual Offences Act 1956
- Common Law
- Children Act 1989
- Family Law Act 1996
- Bail Act 1976
- Home Office Circular 19/2000

This List is not exhaustive

#### **(ii) Human Rights Articles Engaged**

It is acknowledged that this policy has the potential to engage the following Articles:-

- Article 2 Right to Life
- Article 3 Right not to be subjected to torture or inhumane or degrading treatment
- Article 5 Right to Liberty and Security

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- Article 6 Right to a Fair Trial
- Article 8 Right to Respect for Private & Family Life

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is provided within the text of the Articles.

### Article 2 Right to Life.

The Police Service has a positive obligation to its own staff and the public under Article 2, Right to Life, in which;

‘the duty to take reasonable measures to protect life includes a duty to put in place effective criminal law provisions to deter the commission of offences against the person, backed up by law enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions, it may also include, in certain well defined circumstances a positive obligation on the authorities to take preventative operational measures to protect an individual whose life is at risk from the criminal acts of another individual’

### Article 3 Right not to be subjected to torture, or to inhuman or degrading treatment

Article 3 requires the state to protect children and other ‘vulnerable persons’, and to take steps to prevent ill treatment, of which the authorities had or ought to have had knowledge.

### Article 5 Right to Liberty and Security.

Article 5 (b) allows for ‘the lawful arrest or detention of a person in order to secure the fulfilment of any obligation prescribed by law’

Article 5 (3) (c) also provides that this right can be interfered with “the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing having done so”.

### Article 6 Right to a Fair Trial.

It applies in its entirety when a person is detained/arrested/charged.

### Article 8 Right to Respect for Private and Family Life.

A public authority may interfere with the exercise of this right in accordance with the law and as is necessary in a democratic society in the interests of:-

- national security
- public safety or the economic well-being of the country

- the prevention of disorder or crime
- the protection of health or morals
- the protection of rights and freedom of others

**(i) Prohibition of Discrimination**

By engaging any of the aforementioned Articles, there is the potential to engage Article 14 of the European Convention. Article 14 states that the enjoyment of the Rights and Freedoms set forth in the European Convention of Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. Actions taken as a consequence of this policy will be applied fairly and impartially, having due regard for natural justice and human rights.

**7.2 Diversity Equality Impact Assessment**

Please refer to the associated diversity impact assessment at Appendix B

**7.3 Diversity (Human Resources)**

In the application of this policy, the Force will not discriminate against any persons regardless of their gender, sexual orientation, race or ethnic origin, religion, age or disability.

**7.4 Management of Police Information (MOPI) Compliance**

Domestic Abuse and child information is routinely captured within electronic and manual processes and affects key business areas as identified by the Management of Police Information (MOPI). It is essential that all information should be collected, processed and deleted in accordance with the MOPI Guidance.

**For further guidance on MOPI requirements please contact the Information Management Department.**

**7.5 Community Engagement Strategy and Standards.**

This policy has the potential to engage the Force Community Engagement Standards.

Please use the following links for further information:

[Community Engagement Strategy Standards](#)

**7.6 Data Protection**

Any information shared as a result of the operational requirements of this policy is subject to the guidance on information sharing between agencies as

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set out under sect. 115 of the Crime and Disorder Act 1998: Exchange of Personal Information.

### 7.7 **Freedom of Information Act**

This policy will be made available to the public via the Thames Valley Police Freedom of Information Publication Scheme the appendices are exempt under the Freedom of Information Act 2000, section 31.

### 7.8 **Protective Markings**

This policy has been assessed as NOT PROTECTIVELY MARKED.

### 7.9 **Health & Safety at Work**

This policy should be read in conjunction with the Force Health and Safety Manual. In addition to the generic risk considerations for General Patrol and Custody, there is a number of additional welfare issues connected with this policy.

Due to the nature of the work, supervisors in the DAU should:

- Closely monitor their staff to ensure they are supported and where they identify stress arising from the nature of the work they should ensure the staff member has the appropriate confidential counselling available to them if they want it.

Statutory duties are set out in the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work regulations 1999.

### 8.0 **Monitoring and Review.**

The policy will be reviewed annually or sooner should an operational need require it.

### 8.1 **Review Process**

A full review will be carried out annually by the policy author and will examine:

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant Race Equality data

This policy contributes to the following Strategic Objectives:

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- To strengthen Neighbourhood Policing to respond to local need and increase public confidence.
- To develop our partnerships to reduce crime and disorder.
- To improve the service provided to victims, witnesses and the public.
- To use information and intelligence to be more effective.