



Staffordshire Police



Domestic Abuse Procedure

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COMPLIANCE WITH THIS PROCEDURE IS MANDATORY

1.0 What this Procedure is about

This procedure details the processes to be followed by officers and staff concerning the report and investigation of any domestic abuse related incident. It should be read in conjunction with the Authorised Professional Practice (APP) – Domestic Abuse which contains further guidance and best practice.

Domestic Abuse is not only high volume, but also high risk. Getting our response wrong can have severe consequences and result in a failure to protect victims from harm and death.

Tackling Domestic Abuse remains a force priority and is everybody's responsibility.

This policy is designed to ensure that officers and staff are clear in their roles and responsibilities in tackling domestic abuse as it is vital that we deliver a quality service from the point of initial contact as getting it right first time can mean that a life is saved.

- Early attendance to domestic abuse is crucial, as many victims will disengage if we do not respond promptly.
- Evidence needs to be captured at first attendance wherever possible as evidence led prosecutions should always be considered.
- Children are now recognised as victims in their own right and their voice should be heard and assess any risk posed to them.
- Always consider your options – if no arrest is made what other out of custody options are available. Ask yourself how you can safeguard the victim as this is your responsibility.
- Always consider the use of civil orders
- Ensure that support agencies are signposted.

If a victim is not supportive think why? If there is a loss of trust and confidence in policing, how can we regain it?

1.1 Introduction and Definition

The Home Office definition of Domestic Violence and Abuse states that:

Behaviour of a person [A] towards another person [B] is “domestic abuse” if A and B are aged 16 or over and are personally connected to each other and the behaviour is abusive.

Behaviour is ‘abusive’ if it consists of any of the following:

- physical or sexual abuse
- violent or threatening behaviour
- controlling or coercive behaviour
- economic abuse

- psychological, emotional, or other abuse

and it does not matter whether the behaviour consists of a single incident or a course of conduct.

Economic abuse

Any behaviour that has a substantial adverse effect on B's ability to:

- acquire, use, or maintain money or other property, or
- obtain goods or services.

A's behaviour may be behaviour 'towards' B despite the fact that it consists of conduct directed at another person (for example, B's child).

Personally Connected

Two people are 'personally connected' to each other if any of the following applies:

- they are, or have been, married to each other.
- they are, or have been, civil partners of each other.
- they have agreed to marry one another (whether or not the agreement has been terminated)
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated)
- they are, or have been, in an intimate personal relationship with each other.
- they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (under the age of 18 years)
- they are relatives*

This definition, which is not a legal definition, includes Honour-Based Abuse (HBA), Female Genital Mutilation (FGM), and Forced Marriage (FM).

Intimate partners will apply to those in a heterosexual relationship, whether married or not and also those in a same sex, bi-sexual, or transgender relationship, civil partnership, or marriage.

Non-Fatal Strangulation Non-Fatal Suffocation

A person commits an offence of non-fatal strangulation if they intentionally strangle another person.

An offence of non-fatal suffocation is committed where a person does any other activity that affects someone's ability to breathe and constitutes battery.

Coercive And Controlling Behaviour

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 Control 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.'

There are 84 sections within the Domestic Abuse Act 2021 and officers should familiarise themselves with them all.

2.0 ROLES AND RESPONSABILITIES – Force Contact Centre (FCC)

Effective response to a domestic abuse incident depends on understanding the context in which the report has been made. It is important that the police response deals with the immediate incident and the history.

Call handlers will perform a key role in identifying and safeguarding victims of domestic abuse by ensuring that the right information is obtained and recorded on STORM and by completing a THRIVE assessment, ensuring that the right police response is given.

2.1 Ensuring Immediate safety.

The following checklist should be used as a guide and is not exhaustive:

- Prioritise safety of victim and children.
- Identify any immediate risk or time restraints.
- Identify if any parties require any immediate medical assistance and request where necessary.
- Give safety first aide or safety advice
- If suspect still on scene, keep the caller on the line so that background noise is recorded.
- If call is cut off urgently reassess call grading
- Keep the caller informed of dispatch and arrival at scene.

2.2 Gathering information from the caller.

The following checklist should be used as a guide and is not exhaustive.

- Confirm details throughout and seek clarification if unclear.
- Obtain standard details of incident and parties involved in addition **ASK:**
 - Are there any children residing at the address – if yes consider Voice of the Child
 - Are there and vulnerable adults identified as living at that address/in the household and are they safe.
 - Is there a history of DA, if so previous MARAC referrals to be flagged
 - Use of weapons or weapons available to the suspect
 - Anyone under the influences of alcohol or drugs
 - Any party has communication needs or additional needs.
 - Any court orders or bail conditions in place
 - Obtain a description of the suspect.
- Once the initial information has been gathered the relevant background checks should be conducted on IT systems – PNC/VISOR/PND (Request from I24 if required)

- Previous incidents,
- Any warning markers – MARAC, High risk DA, violence, drugs, weapons etc
- Any imposed orders or injunctions
- Any child protection information
- MARAC Flags

Incident should be tagged for I24 for PND and VISOR checks.

The above information should be passed to the attending officers it will help them to understand the presenting incident and context.

3.0 Roles and Responsibilities – First responder

When dealing with incidents of Domestic Abuse it is vital to retain an open mind that **ANYONE** can be a victim or perpetrator of Domestic Abuse. this is regardless of

- Sex or gender identity
- Cultural heritage or ethnicity
- Sexual orientation
- Religion or belief
- Age
- Disability
- Social status or wealth
- Occupation – including Police officers and Staffordshire Police

The first response to domestic abuse incidents is summarised by the 7 Step Plan

1. Prior to Arrival
2. Preservation of life
3. Build rapport.
4. Golden Hour lines of enquiry
5. Suspect management
6. Taking positive action
7. Safeguarding considerations

The 7-step plan needs to be completed before the officer leaves the scene.

En route to the incident, officers should obtain ALL RELEVANT information from the call handler.

The domestic abuse incident of which the officer is attending is unlikely to be the first, even if the police have not been called to before. Evidence of previous abuse behaviour is valuable in providing the offence of Controlling or Coercive Behaviour (CCB)

Further advice and guidance on Coercive controlling Behaviour can be found under ***DA-Controlling or Coercive behaviour in intimate or family relationship policy.***

3.1 Use of BWV

BWV **MUST** be used and record everything said by the suspect, victim and or witnesses (including children). The information received from the initial call should be compared to what is being said at the scene – where a serious complaint made initially, is being minimised at the scene, the attending officer should explore why – it is common for victims to do this when the police arrive because their attendance has removed the immediate risk and the victim may consider the situation has normalised.

Any footage recorded at an incident of domestic abuse should be marked up as evidential to prevent automatic deletion and could be used to support evidence led prosecutions.

3.2 Initial Actions

- Make a comprehensive assessment of the scene, e.g. any injuries sustained, damaged caused and record on BWV.
- Secure the safety of the victim in their home if at all possible so that they do not feel further victimised. If it is unsafe or not possible, consideration to take them to a place of safety, for example the home of a relative (may not be appropriate if HBA)
- Confirm the identity of the suspect and circulate a description if no longer at scene.
- Request appropriate checks on the suspect and household.
 - Bail conditions
 - Existence of any injunction or order
 - Child Protection information including any current or previous CP plans.
 - MARAC information
 - VISOR
 - PNC
 - PND
 - Intel
 - Warning markers
- Complete a detailed risk assessment (**DASH**) This should be done as a priority action to assess risk and explore Domestic Abuse history with the victim.
- A secondary risk assessment will be completed by the Harm Reduction Hubs and will consider.
 - Homicide Timeline
 - Referrals to Adult Social care, New Era, MARAC, and midwifery (this list is not exhaustive)
- Where a child is identified they should be added to the DASH.
- If a child is identified through the Harm Reduction Hub secondary review, the IFD will be tasked to send a manual OP Encompass alert.

Children identified in domestic abuse cases.

Children can now be considered victims of DA under section 3(2) of the Domestic Abuse Act and specifically states that a child (under 18) who sees, hears, or experiences the effects of domestic abuse and is related to the victim or suspect, is also regarded as a victim. **

The voice of the child should be captured using the pneumonic A.W.A.R.E

A – Appearance

W - Words

A – Activity

R – Relationships and Dynamics

E – Environment

- If the victim is a child aged 16 and over and is reporting domestic abuse, a DASH should be completed. There is **no** requirement to complete a child PPN in addition.
- If both parties are under 16 a child PPN should be completed.

Police Perpetrated Domestic Abuse

Where it has become apparent that a police officer/staff has committed domestic abuse related offences, there are additional actions should be completed to ensure impartiality and include.

- A supervisor of at least the rank of Sergeant will attend ALL incidents of PPDA.
- Force Incident Manager (FIM) to be informed.
- Duty Superintendent will be notified who will then notify the Professional Standards Department (PSD)
- CID will allocate an Investigating Officer to the case.
- PSD will appoint a case manager.
- Independent Office for Police Complaints (IOPC) will be notified in relevant cases.

Further guidance can be found in the PPDA policy and should be referred to in all cases.

4.0 Initial Investigation

The investigation must be progressed as much as possible at the first opportunity and look for corroborating evidence immediately on arrival at the scene as this is the best opportunity to investigate and apply the **Golden Hour Principles** of investigation.

- Preserve Life
- Secure material
- Minimise the amount of material that could be lost to the investigation.
- Maximise the chance of securing material that will be admissible in court.

Further considerations should include.

- Victims, witnesses, and Suspects
- Scenes
- Physical evidence
- Records
- Intelligence
- Community impact

Positive Action (To arrest or not to arrest)

The decision to arrest lies with the first responder, having attended the scene and directly engaged with the victim and or witnesses. They will be aware of any history and are best placed to make an informed decision.

Officers should be reminded that arresting is an initial safeguarding mechanism and will remove presenting risk. It will also allow for additional measures to be initiated from the suspect being in custody. There should be early consideration for the suitability of a DVPN where it has been established that.

- The alleged perpetrator is aged over 18 years.
- The alleged perpetrator has been violent towards or has threatened violence towards the associated person on this occasion.

For further guidance on DVPN's please refer to DVPN process map

The OIC should always consider the application of ancillary orders in order to further safeguard the victim and can include.

Domestic Violence Protection Notice (DVPN)

- Provides immediate protection to victims of domestic abuse when there is insufficient to charge the perpetrator or apply bail conditions.
- Superintendents' authority.
- DVPN is effective from the moment it is served.
- The police must apply to a magistrate's court within 48 hours from when a DVPN is served for a DVPO.

Forced Marriage Protection Orders (FMPO)

- To protect individuals who are at risk of Forced Marriage or already in a forced marriage.
- The order is a civil order issued by the family courts.
- The order can be applied for by – the person at risk, a relevant 3rd party, any other person with court permission, the local authority.

Stalking Prevention Orders (SPO)

- To protect individuals from stalking behaviour before it escalates
- SPOs can be applied for at any stage of an investigation—even without a criminal charge.
- They are civil orders, but breach is a criminal offence.
- They can be used in domestic abuse cases as well as stranger stalking.
- Orders can be made against individuals aged 10 and above.

Sexual Risk Orders (SRO).

- Designed to safeguard and the public from individuals who pose a risk of sexual harm.

- Applies to an individual who has committed an act of a sexual nature.
- There is a reasonable cause to believe that the subject poses a risk of sexual harm.
- The subject of the SRO does not have to have been convicted of a sexual offence.
- An interim order can be issued for immediate protection whilst the full order is considered.
- Application is through the magistrate's court.

The Harm Reduction Hubs should be consulted with for further advice and guidance on the completion of DVPN's and SPO's.

5.0 – Roles and Responsibilities – Officer in Case (OIC)

The OIC should remain the same throughout the investigation and prosecution process in order that the victim has continuity and a point of contact, working closely with any IDVA or partner agency representative. If a change in OIC is unavoidable, a comprehensive handover should be given by the previous OIC, and the victim should be informed of the change and recorded on Niche.

The OIC should remain in contact with the victim and give a meaningful update as agreed in the victim contract, by the method specified.

The OIC should complete regular reviews and updates must be recorded at a minimum of every 28 days, so the progression of the investigation can be ascertained. Updates should be provided against any set investigation plan

6.0 – Roles and Responsibilities Supervisors - Sergeant

A supervising Sgt has the responsibility in ensuring that the investigation is being conducted expeditiously and that all reasonable lines of enquiry have been pursued and will include:

- Confirm that the 7-step plan has been adhered to?
 - ✓ Has the victim been appropriately safeguarded?
 - ✓ Has the voice of the child been captured?
 - ✓ Has a PPN been completed?
 - ✓ Have golden hour principles of investigation been met?
 - ✓ Is there a clear suspect strategy?
 - ✓ Has the officer completed a victim contract?
- Quality assure standards of investigation by completing a supervisor's review on Niche every 28 days.
- Review and requests for domestic abuse rolling handovers (see Rolling handover policy and procedures)

7.0 – Roles and Responsibilities Supervisors - Inspector

Inspectors are required to review any investigation that has reached 3 months duration. This is to ensure that the investigation has been progressed sufficiently.

- An Inspector must review any request to NFA a domestic abuse related crime and fully record their rationale for this.
- An Inspector can authorise a conditional caution (out of court disposal) for STANDARD risk only.
- A CR1 can be authorised by an Inspector for **Non-Intimate** domestic abuse cases only.

8.0 – Crime allocation

Investigations will be allocated and owned as per the current Crime Allocation Procedure with crimes being allocated to and investigated by officers/police staff that have the appropriate skills and capacity to undertake an effective and proportionate investigation. Each investigation must be judged on its own merit.

- **Category 1** – Allocated to reporting officer/police staff to develop, document and implement a proportionate investigation plan. To be managed by Response or Neighbourhood policing teams unless aggravating factors
- **Category 2** – Can be allocated to either Response Neighbourhood Policing or Crime Command investigators and will be judged on individual merits. If aggravating factors would lean towards CID for ownership. In the absence of this, initial DS overview should be sought to ensure investigative standards are maintained.
- **Category 3** – To be allocated to CID, PPU or specialist Crime Command Investigators following review by a DS.

** CID, Public Protection Unit or Specialist Crime Command can investigate category 1-3 investigations **

Further guidance on crime allocation can be found in *Appendix A* Crime allocation procedure.

Below are some offences that could be considered DA related – this list is not exhaustive but highlights some of the high-volume crimes.

CATEGORY 1 OFFENCES	CATEGORY 2 OFFENCES	CATEGORY 3 OFFENCES
Section 39 Assault Section 47 Assault Harassment without violence Breach of restraining order or harassment injunction Breach of non-molestation order Theft Criminal damage TOMV Harassment, alarm distress (s5 PO)	DA related coercive control Stalking Harassment with violence (s4) Threats to kill. Sexual assault non penetration Financial motivated sexual exploitation (adult victim) Criminal damage / Arson to endanger life. blackmail	Wounding (s20) FGM Murder/manslaughter HBV/Forced marriage. DA non-fatal strangulation Rape Sexual offences – penetration Encourage or assisting suicide.

Other factors to consider which may influence which investigator or department shall take the lead:

- Severity of offence
- Linked offences by Victim and suspect relationship.
- Position of offence (number of outstanding enquiries)
- Complexity of the investigation
- Specific vulnerabilities of the victim
- Risk posed by the suspect.
- The criticality of the offence.

9.0 - Implications of the Procedure Document

Financial Implications

There is no known financial implication that are thought to be connected with this policy.

Risk Assessment

There is an organisational risk to the reputation of the Staffordshire Police brought about by a failure to implement the measures detailed within this policy.

10 - Monitoring and Review

This policy will be reviewed by or on behalf of the head of Adult Public Protection every 2 years to ensure that it remains compliant with legislation and contains best practice for dealing with incidents of domestic abuse.

11.0 - Data Security

Staffordshire police have measures in place to protect the security of data in accordance with our Information Management Policy

12.0 - Retention and Disposal

Staffordshire Police will only hold data in accordance with our Records Review and retention Policy and will only hold data for as long as necessary for the purposes for which it is collected.

13.0 – Other Sources to be referred to

- Code of Practice for Victims of Crime
- Authorised Professional Practice (APP) – Domestic Abuse
- College of Policing Domestic Abuse guidance
- DVPN process maps.

14.0 – Other Force Procedures to be referred to

- PPN policy and process map
- MARAC policy
- Stalking and Harassment policy and procedure
- Forced Marriage policy and procedure.
- Honour Based Abuse policy and procedure.
- Out of Court Disposal policy and procedure
- DVPN/DVPO guidance – Process map, Safeguarding officers, DA SPOCS and breaches
- Crime Allocation
- Children as Victims of Domestic Abuse Guidance
- Domestic Abuse in the workplace Policy and procedure.
- Use of BWV policy
- PPDA – Policy and procedure