

NOT PROTECTIVELY MARKED

Published

| Event History

Policy owned by Investigative Services**Domestic Abuse - Force Policy****1. Policy Purpose and key drivers**

This policy is APP compliant.

Policy Purpose and key drivers**Definition**

Domestic Abuse is defined as “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

This definition, which is not a legal definition, includes honour-based violence and abuse (HBA), female genital mutilation (FGM) and forced marriage. If domestic abuse is believed to be linked to one of the above, officers must consider the risk posed to potential victims by family and community members in any risk assessment.

Domestic abuse can give rise to a wide range of separate criminal offences, including the specific offence of controlling or coercive behaviour in an intimate or family relationship. Officers are required to take preventive and protective measures even where no criminal offence is apparent, particularly where there are signs of controlling or coercive behaviour.

Seemingly low-level or minor events which may in fact amount to a pattern of behaviour or a course of conduct indicative of stalking or harassment may be misinterpreted as non-crime incidents but to do so has potentially serious consequences. If an incident fits the definition of domestic abuse, it must be recorded as a domestic abuse incident.

Officers and staff must deal with every incident of domestic abuse, including controlling or coercive behaviour, in a professional way. The police duty is to take reasonable steps to make the victim safer, regardless of how many times they have been called and regardless of how many times a victim may have not supported police actions.

All incidents must be investigated fully and recorded properly. This ensures that any follow-up and future actions are based on the best available information and intelligence.

Domestic abuse may also be linked with other crime/incident types:

- Homicide
- Child Abuse
- Missing Persons
- Abuse of Adults at Risk
- Sexual Offences
- Stalking and Harassment
- Financial Abuse
- Forced Marriage
- Honour Based Abuse
- Female Genital Mutilation

Controlling or coercive behaviour

Officers must be able to recognise controlling or coercive behaviour as it can be a warning sign of a risk of future violence towards the victim. Although the conduct may appear low-level, any behaviour or pattern suggestive of controlling or coercive behaviour must be treated seriously and investigated to determine if an offence has been committed under the Serious Crime Act 2015 (SCA). Controlling or coercive behaviour towards another can also include or be committed in conjunction with a range of other offences.

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 everyday behaviour.

Coercive behaviour is:

An act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Further explanation of controlling or coercive behavior

Controlling or coercive behaviour can take a range of forms but often involves micro-managing the victim's daily life in an identifiable pattern. In many relationships, there are occasions when one person makes a decision on behalf of another, or when one partner takes control of a situation and the other party has to compromise. The difference in an abusive relationship is that decisions by a dominant partner can become rules that, when broken, lead to consequences for the victim. Abusers can be imaginative in the ways in which they control their partners and also in the consequences that result from disobeying. Officers and staff dealing with domestic abuse incidents should be alert to patterns of behaviour that could be controlling or coercive.

The behaviour is usually personalised, in that it means something to the victim even when the meaning is not apparent to anyone else. Individual characteristics such as a disability, membership of a closed or marginalised community, or being a

non-English speaker can increase the risk of isolation for a victim and make it easier for a perpetrator to establish controlling or coercive behaviour.

The principal characteristic of such behaviour is that it involves a pattern of continuing and repeated abuse. This abuse often appears routine and so-called low-level but, taken as a whole over time, it can cause the build-up of constant anxiety and fear. It can also create an environment in which increasingly harmful conduct is accepted as normal by the victim. It is sometimes compared to grooming a child. If the level of control is sufficiently high, the victim may actually believe that allegations made against the perpetrator are false.

One way of viewing controlling or coercive behaviour is to see it as a form of bullying in the relationship, with the victim experiencing a generalised sense of fear. As highlighted in the examples below, many individual acts of this type will not constitute an offence in isolation but can do so when taken together. Officers must be able to recognise if there is a pattern, as it is often when the victim challenges their abuser and the pattern of control is threatened that the situation can escalate into physical and sexual violence.

Examples of controlling or coercive behaviour

These may include:

- constant criticism
- humiliation
- jealous or possessive behaviour, eg, frequent phone calls to check where the victim is and what they are doing, or checking activity on the victim's phone or social networking accounts
- controlling family finances and withholding money from the victim
- isolating the victim by not allowing them to visit friends and family
- restricting a victim's movements, eg, confining them to a room
- dictating what a victim wears or how they do their hair
- dictating a victim's routine or schedule, eg, timing school runs or shopping trips
- preventing the victim from working outside the home or monitoring them at work
- restricting access to communications, eg, phone or computer
- manipulating the police, eg, scene-setting or getting into character before they arrive, reinforcing the victim's fear that they will not be believed.

The offence of controlling or coercive behaviour in an intimate or family relationship

Section 76 of the SCA created a new offence of controlling or coercive behaviour in

an intimate or family relationship. The provision came into force on 29 December 2015 and applies to behaviour which occurs after that date (although prior behaviour may be admissible as bad character evidence). It closed a gap in the law around patterns of controlling or coercive behaviour in an ongoing relationship between intimate partners or family members. The offence carries a maximum sentence of 5 years' imprisonment, a fine or both

The offence is committed where all of the following elements are present:

- The perpetrator **repeatedly or continuously** engages in behaviour towards the victim that is controlling or coercive.
- At time of the behaviour, the perpetrator and victim are **personally connected**.
- The behaviour has a **serious effect** on the victim.
- The perpetrator **knows or ought to know** that the behaviour will have a serious effect on the victim.

Repeatedly or continuously

Each case must be considered on its individual facts, as the law does not specify a set number of incidents or a timeframe between incidents. The behaviour must, however, be repeated or occurring on a continuous (ongoing) basis.

This means that:

- behaviour displayed on only one occasion would not amount to repeated or continuous behaviour
- one or two isolated incidents are unlikely to establish a pattern
- occurrences do not necessarily have to take place in immediate succession, but two incidents which take place years apart are unlikely to be considered to be occurring 'repeatedly or continuously'.

As much evidence as possible must be gathered to show that the behaviour is of a repetitive or continuous nature and courts may look for evidence of a pattern of behaviour established over a period of time. There is no requirement that the activity be of the same nature but it should all contribute to showing an intent to control or coerce someone.

Personally connected when the behavior took place

This means that, at the time the behaviour occurred, the two persons must have been:

- in an intimate personal relationship (whether living together or not)
- living together, having previously been in an intimate personal relationship with each other
- living together, being members of the same family.

The offence does not, therefore, apply to ex-partners or family members who are no longer living together. In those circumstances, the stalking and harassment

legislation may apply.

The relevant time for assessing personal connection is when the behaviour occurred, not when the behaviour was reported, so the two persons do not have to still be in an intimate personal relationship or living together at the time the report is made.

The offence does not apply where the behaviour is perpetrated against a child under 16 by someone aged 16 or over who has responsibility for that child, because the criminal law already covers such behaviour, eg, offence of child cruelty and neglect.

Serious effect

The perpetrator's behaviour has a serious effect where:

- it causes the victim to fear, on at least two occasions, that violence will be used against them (section 76(4)(a))
- it causes the victim serious alarm or distress which has a substantial adverse effect on their day-to-day activities (section 76(4)(b)).

A substantial adverse effect on usual day-to-day activities may include, but is not limited to:

- stopping or changing the way someone socialises
- physical or mental health deterioration
- a change in routine at home including those associated with mealtimes or household chores
- attendance record at school
- putting in place measures at home to safeguard themselves or their children
- changes to work patterns, employment status or routes to work.

Knows or ought to know

Under section 76 (5), 'ought to know' applies where a reasonable person in possession of the same information would know.

Victims and perpetrators of domestic abuse

Anyone can be a victim or perpetrator of domestic abuse 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 staff).

When attending an incident, officers should not make assumptions about the alleged offender or victim based solely on the above factors but instead judge every case on its own merits and particular facts.

National statistics show that although women and men can be both victims and perpetrators of domestic abuse, women experience on average twice as much abuse and are far more likely than men to experience the most serious forms of abuse.

Serial perpetrator

"A serial perpetrator is someone who has been reported to the police as having committed or threatened domestic abuse against two or more victims. This includes current or former intimate partners and family members"

Self defence and counter allegations

Police officers and staff may be presented with conflicting accounts of the incident, with each party claiming to be the victim. The offender may make a counter-allegation of abuse, or argue that s/he acted in self-defence, making it difficult to identify and distinguish between the primary victim and primary aggressor. It is important to explore the nature of the relationship between the individuals; the context of the offending, including any previous call outs, allegations and/or convictions involving the individuals; and, whether there are any other factors at play which may impact on an allegation, such as civil or family proceedings.

The complainant in the reported incident may also have acted in retaliation, which may add to the complexity of the report;

Police officers and staff need understand the vulnerability of complainants and the particular impact that control, coercion and psychological abuse may have on the individual. There may be some circumstances in which the offender or primary aggressor will accuse the complainant of having mental health difficulties, and that the allegation reported did not occur, or that the offender used violence to control the person. Each case should be considered on its own facts and merits. Victims should not be subjected to any preconceptions of what a 'perfect' victim or complainant will look like.

In cases where a counter allegation has been made, police officers and staff should

conduct an immediate further investigation to attempt to establish the primary aggressor and to assess whether the 'primary' victim may have been justified in using a reasonable level of force to defend themselves or another person, such as a child. A thorough investigation should be conducted into the background of the relationship between the complainant and alleged perpetrator to ensure that the full context of the incident is understood.

When there are counter allegations, the following information must be recorded:-

- the nature of the relationship between the complainant and alleged perpetrator;
- whether either party, or both, are involved in other proceedings, such as civil proceedings/orders, or family proceedings;
- the comparative severity of any injuries inflicted by the parties;
- whether either party has made threats of future harm to others (including children, other family members, or others living in the same household);
- any prior history of violence by either party;
- any previous counter allegations by either party and the results of those allegations; and,
- whether either party acted defensively to protect himself or herself or a third party from injury.

Counter allegations may give rise to difficulties in prosecutions, particularly as instances where the actual perpetrator alleges that the 'primary' victim is the abuser. This may result in a counter allegation being used as the basis of bad character applications against the victim (section 100 of the Criminal Justice Act 2003 allows for the bad character of any witness to be admitted, subject to certain conditions).

Policy Purpose

To achieve the safeguarding of those affected by domestic abuse including victims, children and adults at risk by providing clear direction to all staff and enable effective work with partner agencies, including non-statutory organisations. Successful joint working to safeguard victims and their children and prevent repeat victimisation requires the co-ordination of all agencies and professionals who have different roles, skills and expertise regarding domestic abuse and who may also be located in different geographical areas.

This policy includes the areas of Domestic Abuse, Honour Based Abuse, Forced Marriage, Female Genital Mutilation and Stalking & Harassment. Separate force procedures in relation to how the force will respond to and investigate these areas have been prepared and should be read in conjunction with this policy.

Policy Statement

Staffordshire Police is committed to reducing the risk of harm and will use all appropriate preventative options to safeguard victims and family members affected by domestic violence and abuse.

Our priorities are:

- to protect the lives of both adults and children who are at risk as a result of domestic violence and abuse;
- to provide a consistent approach to understanding, recognising and effectively responding to reports of domestic violence and abuse;
- to provide the highest standards of service to those affected by domestic violence and abuse;
- to take action against perpetrators so that they can be held accountable through the criminal justice system;
- to identify repeat victimisation and work with victims, communities, partners and perpetrators to prevent domestic violence and abuse
- to promote reporting by working together with partners and communities to raise awareness and inspire confidence
- to work with victims and perpetrators to promote their access to support

Staffordshire Police recognises that there is an under-reporting of domestic abuse and will work with partners and communities to encourage victims from all communities to report incidents.

Staffordshire Police will positively intervene in all reported incidents and they will be investigated, even when the victim does not wish to support a criminal prosecution. The arrest and prosecution of perpetrators will enhance the safeguarding of victims; where the necessity to arrest can be demonstrated in accordance with the requirements of the Police and Criminal Evidence (PACE) Act it will be used.

Staffordshire Police recognises that domestic abuse occurs across a range of relationships including intimate partners/ex-partners and wider family members, regardless of gender or sexuality.

Staffordshire Police will adhere to the protocols of best practice guidance contained within Authorised professional Practice (APP).

The strategic ownership of domestic abuse is the responsibility of the Chief

Constable. The strategic response is monitored through the force Domestic Abuse Steering Group led by the Assistant Chief Constable (Investigative Services); the operational response led by the Head of Safeguarding (Detective Superintendent).

Application

This policy and its supporting procedures applies to all police officers, police staff and those within the wider policing family including those working voluntarily or under any employment contract to the Chief Constable of Staffordshire Police or the Office of the Police and Crime Commissioner.

Staffordshire Police Employees

Police employees may also be the victims or the perpetrators of domestic violence and abuse. Where this is the case Staffordshire Police will respond in accordance with this policy and the accompanying force procedures.

Related Documents

Links to related documents:

[Domestic Abuse - CPS Evidence Checklist \(Procedure\)](#)
[Domestic Abuse - Domestic Violence Disclosure Scheme \(DVDS\) \(National_Guidance\)](#)
[Domestic Abuse - DVPNs/DVPOs - Gatekeepers \(Inspector and above\) \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Authorising officers \(Superintendent or above\) \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Custody officers for breaches \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Custody sergeants \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Domestic Abuse SPOCs \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Investigating Officers \(Procedure\)](#)
[Domestic Abuse - DVPNs/DVPOs - Investigating Officers for breaches \(Procedure\)](#)
[Domestic Abuse - Female Genital Mutilation \(FGM\) \(Procedure\)](#)
[Domestic Abuse - Force Procedure \(Procedure\)](#)
[Domestic Abuse - Forced Marriage \(Procedure\)](#)
[Domestic Abuse - Honour Based Violence \(Procedure\)](#)
[Domestic Abuse - Stalking and Harassment \(Procedure\)](#)

Gatekeeper - the Author suggested the following Procedure document(s) to link to.

Domestic Abuse - CPS Evidence Checklist; Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Gatekeepers (Inspector and above); Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Authorising officers (Superintendent or above); Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Custody officers for breaches; Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Custody sergeants; Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Domestic Abuse SPOCs; Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Investigating Officers; Domestic Abuse - Domestic Violence Protection Notices and Orders (DVPNs/DVPOs) - Investigating Officers for breaches; Domestic Abuse - Female Genital Mutilation (FGM); Domestic Abuse - Force Procedure;

Domestic Abuse - Forced Marriage; Domestic Abuse - Honour Based Violence; Domestic Abuse - Stalking and Harassment

Relevant Dates and Review Period

Effective Date:	31/03/2017
Review Date:	26/03/2019
Review Frequency:	Annually

Policy Basis and Implications

2. Legal Basis:	Human Rights Act 1998 and the European Convention on Human Rights (ECHR)
3. Management of Police Information (MoPI):	<p>MoPI Policing Purpose: Protecting Life and Property, Preserving order, Preventing the commission of offences, Bringing offenders to justice, Any duty or responsibility arising from common or statute law</p> <p>MoPI Review, Retention and Disposal addressed as follows: This policy will be reviewed annually. All other information collected during the operation of the policy in connection with Domestic Abuse will be classified according to the MoPI category of the offence under investigation e.g. assault, rape and homicide.</p>
4. Associated Benefits:	The policy is designed to deliver effective policing of Domestic Abuse situations based on the revised Government definition of Domestic Abuse adopted in March 2013. The policy and its supporting procedures outline the details of the Staffordshire Police response to incidents of Domestic Abuse, provide a victim focussed service to victims and those affected by Domestic Abuse in collaboration with other agencies as appropriate. The net effect will be to encourage victims to report incidents of Domestic Abuse and for support to be given to the most vulnerable and perpetrators.
5. Consultation:	Staffordshire Police Federation, UNISON, Crown Prosecution Service, Stoke-on-Trent City Council, Staffordshire County Council, Staffordshire Women's Aid, Stafford Borough Council, South Staffordshire District Council and ARCH North Staffs.
6. Financial Implications:	Implementation to be met through existing funding.
7. Human Resources / Training:	No Human Resource implications. Domestic Abuse training is constantly under review to ensure it is in accordance with changes in legislation and national best practice.
8. Associated Policy:	None

FOI, Human Rights and Equality Impact Assessment Indicators

FOIA:	Release to Public	
ECHR:	Compliant with proportionality test	Articles engaged: Article 2 Right To Life; Article 3 Prohibition of Torture; Article 5 Right to Liberty and Security; Article 6 Fair Trial; Article 7 No Punishment without Law; Article 8 Right to respect for Private and Family life; Article 14 Prohibition of Discrimination
EIA:	Compliant	Compliant with Code of Ethics: Yes

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Protecting Vulnerable
People

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