

## Freedom of Information Act 2000 (FOIA) Request 1714/21- Domestic Abuse Policies

### **Safeguarding Department - Investigation of Domestic Abuse**

The purpose of this procedure is to provide police officers and staff with clear information about the policing response to reports of domestic abuse. It is structured to follow the reporting, response to and investigation of domestic abuse.

Northumbria Police will identify and protect all victims of domestic abuse in the Northumbria force area and work in partnership to implement appropriate safeguarding measures, bring offenders to justice, and contribute to the multi-agency management of offenders to reduce the risk of further offending. Victims are at the heart of this procedure and the service we provide to them.

### **Definition of Domestic Abuse**

The Domestic Abuse Act 2021 – Statutory definition of domestic abuse

#### Section 1 - Definition of "domestic abuse"

(1) This section defines "domestic abuse" for the purposes of this Act.

(2) Behaviour of a person ("A") towards another person ("B") is "domestic abuse" if—

(a) A and B are each aged 16 or over and are personally connected to each other, and

(b) the behaviour is abusive.

(3) Behaviour is "abusive" if it consists of any of the following—

(a) physical or sexual abuse;

(b) violent or threatening behaviour;

(c) controlling or coercive behaviour;

(d) economic abuse (see subsection 4);

(e) psychological, emotional or other abuse;

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

(4) "Economic abuse" means any behaviour that has a substantial adverse effect on B's ability to—

(a) acquire, use or maintain money or other property, or

(b) obtain goods or services.

(5) For the purposes of this Act 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).

(6) References in this Act to being abusive towards another person are to be read in accordance with this section.

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(7) For the meaning of “personally connected”, see section 2.

### Section 2 – Personally Connected

(1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies—

- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated);
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2));
- (g) they are relatives.

(2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if—

- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.

(3) In this section—

“child” means a person under the age of 18 years;

“civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004;

“parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);

“relative” has the meaning given by section 63(1) of the Family Law Act 1996.

### Section 63 (1) Family Law Act 1996 states:

“Relative”, in relation to a person, means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person’s spouse, former spouse, civil partner or former civil partner, or
- (b) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership) of that person or of that person’s spouse, former spouse, civil partner or former civil partner,

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and includes, in relation to a person who is cohabiting or has cohabited with another person, any person who would fall within paragraph (a) or (b) if the parties were married to each other or were civil partners of each other.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependant 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. The Serious Crime Act 2015 creates a new offence of controlling or coercive behaviour in intimate or familial relationships (section 76).

Examples of controlling or coercive behaviour may include:

- constant criticism
- humiliation
- jealous or possessive behaviour, e.g, 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, e.g, confining them to a room
- dictating what a victim wears or how they do their hair
- dictating a victim's routine or schedule, e.g, timing school runs or shopping trips
- preventing the victim from working outside the home or monitoring them at work
- restricting access to communications, e.g, phone or computer
- manipulating the police, e.g, scene-setting or getting into character before they arrive, reinforcing the victim's fear that they will not be believed.

### **Role of all Staff**

All staff must remember that reporting Domestic Abuse is a brave step and an inappropriate response could put victims and children at further risk.

All Northumbria Police officers and staff have a duty to take all reasonable steps to:

- Recognise instances of domestic abuse and take positive action.
- Fully investigate all Domestic Abuse offences with a view to bringing the offenders to justice and actively pursue an evidence led investigation.
- Ensure the initial provision of support including safety-planning for victims and potential victims of Domestic Abuse.
- Recognise the potential for increased risk of suicide ensuring initial support is highlighted and documented.

### **Deployment / Action by Communication Staff**

#### **Incident Grading**

Incidents of domestic abuse should be risk assessed and graded in accordance with Northumbria Police call grading instructions.

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If no police officer is available for allocation, then area command supervision should be made aware. It should be understood by call handlers that victims who contact police are more than likely to have been suffering abuse for some time prior to the first report to police. This understanding is essential if Northumbria police are to understand the risk and background to any reported incident.

When telephone calls are cut off, this requires an urgent reassessment of the call grading as the safety of the caller might be further threatened.

### Information to be supplied to attending officers

Officers need to know about all information relevant to risk assessment. They also need to know anything which can help them to better understand the incident and the context.

Appropriate background checks should be completed for previous domestic abuse history and other risk related information:

- CIS and PNC should be checked for warning markers or alerts including MARAC marker
- Domestic Abuse risk level of victim
- Bail conditions, civil / criminal court orders
- Child protection information

Provide details to the officer of:

- Results of background checks.
- Risk factors - weapons / firearms / drugs/alcohol / injury to victim
- Incident exactly as described by the victim, any communication or special needs of the victim
- Any children or vulnerable adults present, or who normally reside at the address, including any communication difficulties or special needs.
- If the suspect is believed to have left the area, this should be specifically flagged to the officer and description circulated.

### Final Incident Codes

Once a domestic abuse incident has been dealt with, the first response officer should complete a computerised domestic abuse record. When a domestic abuse record has been input, an HRN (happening reference number) will be created and added to the incident log. Details from the domestic abuse incident update screen will also populate the log.

Domestic abuse incident logs should not be closed or finalised without an HRN being displayed on the log, confirming a domestic abuse record has been created.

When an incident has been opened and created by Communications Centre staff as domestic abuse and the attending officer is satisfied beyond all doubt that this is not a domestic abuse incident, the attending officer must record a detailed rationale for this decision on the incident log. In these circumstances, a domestic abuse record will not be created and the incident may be closed without an HRN.

### Domestic Abuse Schedule Car

The Domestic Abuse Schedule Car will provide an initial response for incidents of domestic abuse that do not meet the criteria of Grade 1 or Grade 2.

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### Duty of positive action

The Human Rights Act 1998 places positive obligations on police officers to take reasonable action, which is within their powers, to safeguard the following rights of victims and children:

- Right to life (Article 2 ECHR)
- Right not to be subjected to torture or inhuman or degrading treatment (Article 3, ECHR)
- Right to and respect for private and family life (Article 8, ECHR).

Failure to make an arrest when there are grounds to do so may leave a victim at risk from further offences. It may also mean that the Force is vulnerable to legal challenge under both the Human Rights Act 1998 and the law relating to negligence.

The requirement for positive action in domestic abuse cases incurs obligations at every stage of the police response. These obligations extend from initial deployment to the response of the first officer on the scene, through the whole process of investigation and the protection and care of victims and children. Action taken at all stages of the police response should ensure the effective protection of victims and children, while allowing the criminal justice system to hold the offender to account.

### Body-worn video

Users must ensure that BWV is recorded at ALL domestic abuse related incidents and a record of its use is recorded on NPICCS.

It is imperative that all users of BWV have read and understand the BWV procedure.

BWV can significantly strengthen a prosecution case, by capturing:

- An exact record of the emotional effect on the victim, their first account and visible injuries.
- The demeanour and behaviour of the offender.
- Provides a visual record of the scene and any damage.

### First accounts and body-worn video

If a victim (or witness) first account is recorded by body worn video device, they should be given the opportunity to review their first account prior to the further interview or making and signing of a statement. Any interview or statement should make reference to the recording and review of the first account. Reviewing video material should apply only to material relating to their account.

It may be possible to record a victim using audio only, by diverting the camera away from the victim or obscuring the lens, however, officers still need to obtain consent in these circumstances.

Where it is apparent a victim or witness will require an achieving best evidence (ABE) interview by a specialist interviewer, a BWV user should only ask questions which help to identify if a criminal offence has taken place, where it occurred, who is responsible and to ensure the victim is safe.

### Completion of the DASH Domestic Abuse, Stalking and Harassment (DASH) form & MU15 domestic abuse record

The risk assessment process has the following objectives:

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- To gather detailed and relevant information from victims, which can be shared with other agencies.
- To identify those who will need more intensive support in order to save life and prevent further harm.
- To make agencies aware of the most dangerous offenders.

It is the responsibility of the first attending officer to complete the DASH risk assessment form with the victim, there and then.

The form should reflect the victims perspective of risk and must be signed by the victim. A domestic abuse record should then be completed via MU15.

When completing the DASH risk assessment officers should explain to the victim that the completion of the risk assessment allows the officer to have a clearer picture of what is happening in the relationship and to understand the level of risk which the victim and any children are being subjected to, this also assists in the identification of any coercive control offences.

Through this risk identification officers are then able to look at what available options can be put in place in order to improve the safety of the victim and children.

On occasions it may appear difficult to categorise the victim/suspected perpetrator. Officers will still be required to do so but may then place the incident into context by fully utilising the domestic abuse record utilising the MU15 screen. An explanation can be given on the incident details screen to communicate to the Safeguarding Department that this particular incident was difficult to categorise in terms of victim and suspected perpetrator. Officers may use the domestic history of the two persons concerned to aid their professional judgement.

If when discussing risk with the victim, there is any indication that the victim/suspect have lived outside the Northumbria Force area, the first response officer will request a Police National Database (PND) check be completed, in order to consider information held by other forces which may impact upon the risk to the victim and subsequent risk level.

The first response officer will request a PND check by highlighting "pnd check required/offender has lived outside force area" on the computerised domestic abuse record within the free text domestic abuse incident update.

DASH Question 8 "Does the abuser constantly text, call, contact, follow, stalk or harass you?"

Where stalking or harassment is disclosed by the victim, the additional 11 questions on the DASH form must be asked and the information given updated on the appropriate MU15 screen. These questions do not constitute a risk assessment but will inform safety planning activity.

DASH Question 24 " Do you know if the abuser has ever been in trouble with the police or has a criminal history?"

If whilst completing the DASH risk assessment form the officer identifies that the offender has a known history of violence which the victim is unaware of, the officer MUST request a Clare's Law application, by highlighting "Clare's Law application required" " on the computerised domestic abuse record within the free text domestic abuse incident update. This will be processed by the MASH staff.

### Retention of the DASH form

The completed DASH form should be retained, as below:

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- If the form relates to an incident where there is a crime, the form should be retained as unused material and retained with the file.
- If not, the form should be sent to the front designated office, Middle Engine Lane, where the forms will be retained for a period of 12 months.

### Computerised domestic abuse record – MU15

Once the DASH report form has been completed a domestic abuse computerised record must be completed via the MU15 screen before termination of duty. The computer will generate a risk level based on the DASH matrix and escalation and frequency of previous incidents - the risk to victim will be graded as High, Medium, or Standard.

### Professional Judgement

It's the role of an officer to protect the victim. Officers should use their professional judgement to fully assess the threat, harm and risk towards them.

Where there are serious concerns about a victims situation even if they are not "visibly high risk", when the particular context of a case gives rise to serious concerns, even if the victim has been unable to disclose the information which may highlight their risk more clearly. Officers can raise the risk level based on their professional judgement. Full rationale for this decision must be recorded and clearly document the reasoning for the decision.

Officers have the option to escalate a victim to medium or high risk, but cannot DOWNGRADE a risk level.

When considering professional judgement, officers may wish to refer to the guidance below in relation to categories of risk:

#### Standard risk

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

#### Medium risk

There are identifiable factors 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 of circumstances.

#### High risk

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

#### **Serious Harm** (Home Office 2002 & OASys definition)

" A risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible".

### Domestic Abuse Risk Levels

The computer generated risk level will be based on the criteria below:

HIGH	14 or more ticks, <b>OR</b> Professional judgement, <b>OR</b> Repeat MARAC victim* Honour Based Abuse, Forced Marriage, Female Genital Mutilation
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MEDIUM	8-13 ticks, OR 4 incidents or more in 4 month period, <b>OR</b> Professional judgement
STANDARD	Incidents falling outside of the above

\*MARAC repeat cases which meet the Northumbria MARAC threshold will be raised to high risk by MASH staff and returned to MARAC

Please note questions 25, 26 and 27 of the DASH form do not contribute to the count of ticks which generate the risk level.

### **Referral to Support Services**

It is imperative that all officers fully explain and positively promote the importance of support services to each victim and actively seek their consent to a referral. These agencies provide specialist, emotional and practical support to victims of domestic abuse and will review each victim's individual circumstances to ensure the appropriate support is given and where necessary refer on to further specialist support services if appropriate.

Consent must be recorded on the DASH form and on the computerised domestic abuse record.

### High Risk victims

All high risk victims are referred to the relevant Independent Domestic Violence Adviser (IDVA) agency via e-mail, regardless of consent. The MASH staff will submit the high risk referrals to the IDVA services.

### Medium and standard risk victims

All medium and standard risk victims who consent to support, as recorded on the domestic abuse record will be referred to Victim First Northumbria (VFN). Medium and standard risk referrals will be processed by the MASH staff.

### Child Concern Notification

A Child Concern Notification must be submitted in all cases where a domestic abuse incident has occurred and:

- A child was present at the time of the incident;
- A child normally resides at the home, but is elsewhere; or
- Either the victim or suspect are parent to a child not residing with them but have access to the child.

For example: Where the child has been staying with grandparents for the night when the incident took place, or where the perpetrator may have access to children from a previous relationship.

It is important to include within the child concern notification, the impact the incident had on the child and what they experienced, and ongoing risk towards the child. Do not just provide an explanation of how the incident occurred.

It is essential when attending a domestic abuse incident that officers consider the welfare of any children at the address and officers should seek out the children within the address to check on



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their well-being. This will include talking to the children. Officers should take immediate positive action where they have concerns. Concerns observed should be detailed on a child concern notification.

If when speaking to a child a disclosure of an offence is made, this should be recorded on a CID 3 form. Any views or opinions that child may have around any subsequent investigation or decisions made which impact upon them, should be recorded on the CID 3 and Child Concern Notification, thus ensure "the voice of the child" is captured.

Details of where the child attends school should be noted and recorded on the child concern notification, this will support Operation Encompass.

### Operation Encompass

Operation Encompass - Is an operation between Northumbria Police, Local Authorities and nominated "Key Adults" within schools. Following a domestic abuse incident being reported to Northumbria Police, specialist officers will make contact with Children's Social Care who will in turn communicate relevant and necessary information to nominated school staff. This ensures the school is aware as soon as possible to support the child.

### Adult Concern Notification

An Adult Concern Notification should be submitted in cases where the victim is over 18yrs and they may be in need of community services by reason of their mental health, age, disability or other illness.

### Victims Code - VCOP

The Code of Practice for Victims of Crime (VCOP) is the statutory code that sets out the minimum level of service that a victim should receive from the criminal justice system.

A victim of domestic abuse is automatically eligible for enhanced entitlements, as they are defined as a victim of a most serious crime. They may also be eligible for enhanced entitlements as a vulnerable or intimidated witness.

It is essential that a "Y" is highlighted in the VCOP box within the victim needs assessment. This flag then highlights that the victim is entitled to enhanced services through the criminal justice system.

### **Safeguarding the Victim / Children**

It is the responsibility of the first responding officer to initiate safety planning and set out options for the victim, even when this may be followed up by a specialist officer. The safety plan should:

- Reduce the risk of further harm.
- The plan should reflect management of the risks identified through the DASH risk assessment form.
- Bespoke to the needs of the victim.
- It should build upon existing coping strategies, encouraging the victim to increase their own safety.
- Consider risks to others: children / new partner / family member.
- The plan should be dynamic and subject to review at any trigger point.

The plan should be recorded on the Victim's DT screen and follow the RARA model.

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**Remove the risk**

**Avoid the Reduce the risk**

**Reduce the risk**

**Accept the risk**

Practical safety methods are outlined in the domestic abuse toolkit.

### Particular issues affecting certain groups of victims

When completing safeguarding officers need to be mindful that certain victims may have specific needs or issues relating to their age, gender, sexual orientation, disability, cultural background, immigration status, or profession. The safety plan should take into consideration and address individual needs.

Officers should be reminded when a victim identifies as LGBT, this should be flagged on the DA record. By placing a Y in the LGBT field on the initial DA record screen.

### **The Role of the Response Supervisor**

It is the duty of the front line supervisor to ensure that the DASH form is completed with/signed by the victim and domestic abuse screens are fully completed before the officer terminates their duty, this includes completion of the DT screen with details of safeguarding carried out. The completed form should be retained.

The duty supervisor should monitor the incomplete domestic abuse queue for front line staff via the MU15 screen, Domestic Abuse Menu. This is a list of domestic abuse records which officers have not yet completed. Incomplete records should be completed as soon as possible to avoid further delay in the risk assessment process.

The duty supervisor must be confident that the first attending officer has dealt with the domestic incident appropriately.

### **The role of the MASH staff**

Every victim of domestic abuse is subject of the risk assessment process, devised to identify the level of risk to victims. The MASH role is to review each domestic abuse submission.

Once the domestic abuse record has been completed via MU15 and the risk level generated, staff within the MASH will complete the following checks:

#### Accuracy check

An accuracy check will be completed for all DA records, MASH staff will:

- Check the nominals for duplicate records and merge any duplicate record.
- Check that child concern notifications and adult concern notifications have been submitted.
- Create child concern notifications and adult concern notifications where missed by an attending officer.
- Check the risk assessment number of ticks/risk level.

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- Read the free text update for context and consider this against the risk level.
- If there is insufficient detail in the update, check the incidents log, ACN/CCN to gain further understanding of the incident.
- Process referrals to support agencies.
- Process referrals for Operation Encompass
- Where the free text update suggests the risk level is too low then quality assurance will be completed.

### Quality Assurance

Quality assurance will be completed for: all high risk cases, those assessed as medium risk (due to 4 incidents in a 4 month period) and MARAC repeat incidents where the victim has been discussed in MARAC in the previous 12 months. Together with those incidents where the risk level has been deemed too low following an accuracy check.

Staff will:

- Check the previous domestic abuse history of the victim/perpetrator
- Check the warning markers of the victim and perpetrator
- Research previous MARAC domestic abuse incidents
- Research the offending history of the perpetrator
- PNC/PND would checks would be considered is there is suspicion the offender is from outside of the Northumbria Force area.
- For HIGH risk cases Clare's Law disclosures are considered.
- When reviewing incidents raised to medium/high through officers professional judgment, the initial officer will be consulted where possible. If for any reason the original officer who calculated professional judgement level cannot be contacted for consultation, the risk level will remain the same as initially judged.
- Rationale will be recorded by MASH staff in cases where the risk level has been changed.
- Rationale will be recorded by MASH staff for MARAC repeat cases and medium (4 incident in 4 months) in those cases which do not progress to MARAC.

It will be the MASH Supervisor who authorises any escalation in risk level.

MASH staff will queue standard/medium risk victims to the Neighbourhood Inspectors covering the sector in which the victim resides. High risk victims will be queued to the Safety Planning Team for further safeguarding.

Officers within the MASH deliver Clare's Law authorised disclosures to the person at risk, as outlined in the Domestic Violence Disclosure Scheme (Clare's Law) IIS procedure.

### **The role of the Safety Planning Team**

The Safety Planning Team is responsible for:

- Conducting the Safety Planning for high risk victims identified via the submission of DASH forms following a domestic incident
- Liaise with investigating officers
- Link with refuges/housing providers/support agencies/fire service
- Advise victim on self-protection including civil remedies and signpost to other agencies
- When the incident is HBA/HBV, the officer will take the fingerprints/photograph and DNA of the victim.
- Deal with the actions to re-contact or safety plan victims which have been generated from

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MARAC meetings.

- Deal with referrals from outside agencies into MARAC.
- On occasions when a high risk victim is known to move to another force area, officers will notify the force and consider a MARAC to MARAC transfer.
- Link in with MATAAC.
- In cases of high risk victims, when the perpetrators are in Police custody, the team will update the victim as to the outcome at Court.
- Liaise with OICs and assist with MG7s and MG13s if required.
- Safety plan high risk victims when the perpetrator is due to be subject of a prison release.
- Manage the issue and management of TecSOS handsets - Management of the Technical SOS (TecSOS) Units procedure.

### **The Role of the Neighbourhood Teams**

Neighbourhood Policing Team (NPT) is responsible for:

- Every standard risk victim will be reviewed by a Neighbourhood Policing Team Sergeant, please see below.
- Conducting the Safety Planning for medium risk victims of domestic abuse (except where the victim is downgraded from high if a plan has already been completed by Safeguarding Staff).
- In order to complete safety planning for medium risk victims, NPT officers should conduct further in depth research in order to understand the victim and their complex issues and apply a problem solving approach.
- If research highlights any concerns which impacts upon the risk to the victim, the officer should consider through professional judgement whether the victim should be raised to high risk. If so, the officer will need to notify the MASH supervisor to ensure records are updated.
- Safety Plan all standard/medium victims when the perpetrator is due to be subject of a prison release.

Gathering intelligence and seize opportunities to support the victim by prosecuting the perpetrator for any aspect of criminality which comes to attention.

### **Incidents where the victim is assessed as standard risk**

Staff within the MASH will queue standard risk victims to the NPT Inspector with responsibility for the sector in which the victim resides. The purpose for doing this is to allow the NPT Supervisor to decide whether it is appropriate for further intervention given the holistic understanding of the broader issues which may exist with regard to the family of individuals concerned. The NPT supervisor should manage the queue and look at each incident as soon as practicable. This is NOT a review of how the incident has been dealt with or the risk assessment. If the NPT supervisor determines that further intervention is required, an appropriate entry should be made on the DT screen. If one is not required there is no need to record anything. This part of the process recognises the wealth of knowledge and understanding that NPTs have in relation to their local communities and provides a framework for a flexible approach to be adopted with regard to standard risk victims of domestic abuse.

### **The Role of the Secondary Investigation Team**

The role of the Secondary Investigation Teams is to:

- Assume responsibility for the investigation of all domestic abuse crime, with the exception of domestic abuse rape.

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- The Detective Inspector Rape Investigation Teams will chair the MARAC process ensuring that meaningful support interventions are put in place by partners and stakeholders.
- The Safeguarding Dept will assume responsibility for attendance at Domestic Violence Partnerships, MARAC steering groups, Domestic Homicide Review groups.

### **MARAC (Multi Agency Risk Assessment Conference**

MARAC is a multi-agency risk assessment conference held by each of the area command of the six local authority areas.

It is chaired by Rape Investigation Team Detective Inspector with responsibility for Rape Investigation.

All victims who are assessed as high risk by police or any other MARAC partner agency will be considered for referral to MARAC applying the Northumbria MARAC Threshold.

Risk of serious harm (Home Office 2002 and OASys 2006) "A risk which is life threatening and/or traumatic, and from which recovery, whether physical or psychological, can be expected to be difficult or impossible.

During MARAC, if a partner agency reports an incident of domestic abuse not previously reported to police, the MARAC chair should always consider whether or not a retrospective police investigation should take place, in order to further reduce the risk of harm to the victim. All crimes which have not previously been reported will be recorded as per National Crime Recording Standards.

### **MARAC Repeat incidents**

Safelives define a MARAC repeat as:

ANY instance of abuse between the same victim and perpetrator(s), within 12 months of the last referral to MARAC.

The individual act of abuse does not need to be "criminal", violent or threatening but should be viewed within the context of a pattern of coercive and controlling behaviour.

Some events that might be considered a 'repeat' incident may include, but are not limited to:

- Unwanted direct or indirect contact from the perpetrator and/or their friends or family
- A breach of police or court bail conditions
- A breach of any civil court order between the victim and perpetrator
- Any dispute between the victim and perpetrator(s) including over child contact, property, divorce/ separation proceedings, etc.

These events could be disclosed to any service or agency including, but not exclusive to, health care practitioners (including mental health), domestic abuse specialists, police, substance misuse services, housing providers etc.

MASH staff will apply quality assurance to Northumbria Police MARAC repeat incidents to decide which cases meet the Northumbria MARAC Threshold. MARAC Repeat cases which meet the threshold will be raised to high risk and returned to MARAC.

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### **(Multi Agency Task and Coordinating) MATAC**

#### Dealing with Domestic Abuse Perpetrators

In order to identify the most harmful and serial perpetrators, a process has been developed using an analytical programme namely the Recency, Frequency and Gravity process. Data is extracted from the Qlikview system to identify the most harmful perpetrators of domestic abuse by a process of quantitative analysis, using weighted matrices. Once these perpetrators are identified and selected they will be entered into the MATAC process.

### **Investigation of Domestic Abuse**

There are many occasions where the victim will not support a prosecution, or having initially engaged with police, will later wish to retract and not cooperate in the criminal justice process.

In all cases where a domestic incident is being investigated, officers should acquire evidence from the outset on the basis that the victim may not cooperate and should attempt to gather sufficient evidence to enable the CPS to initiate an evidence led prosecution.

#### Domestic Violence Protection Notices (DVPN)

Officers have a duty to take or initiate steps to make a victim as safe as possible. Officers should consider domestic violence protection notices (DVPN) and domestic violence protection orders (DVPO) at an early stage following a domestic abuse incident as part of this duty.

### **Submission of File of Evidence**

Officers should seek CPS advice at the earliest opportunity to assist with the evidence gathering process. All available evidence should be gathered and presented to CPS and officers should always begin the investigation on the premise the victim may later retract, therefore victim's account to be corroborated at every stage.

Should CPS refuse to charge and officers disagree with the decision of the advising lawyer then authority to appeal that decision should be sought from an officers supervision. An officer of at least the rank of Inspector should be made aware and contact CPS direct if out of hours or local if daytime to appeal the decision and have the case reviewed.

### **Third Party Reporting**

Guidance received from the Home Office states that reports from professionals who have a duty of care towards a victim (e.g. teacher, doctor, social worker) and parents (or others in loco parentis) will always be regarded as acting on behalf of the victim. If there is no doubt about the status of the third party and the veracity of the report it will be recorded, regardless of the victim giving their consent and irrespective of whether the victim subsequently confirms.

### **High risk domestic abuse victim - Third party disclosure of crime/s**

If there is significant risk to the victim, evidence to meet the required threshold and support of the victim, arrest should be promoted at all times.

If there is significant risk to the victim but not support for the prosecution, nor evidence to meet the threshold, then consideration should be given to potential increase in risk to the victim should an arrest be made, instead the focus should be on management of this risk and the promotion of intervention from third party agencies for immediate and long term support.

## **Freedom of Information Act 2000 (FOIA) Request 1714/21- Domestic Abuse Policies**

Consideration should be given to Clare's Law Disclosure, MATAC /Disruption re the perpetrator and civil orders.

### **Retraction/Withdrawal statements**

All retraction/withdrawal statement should follow the guidance below regardless of risk .

If withdrawal statements are taken with care, they might still be used as evidence in current or future criminal proceedings or as evidence within the family court system. Any withdrawal of support for a prosecution should prompt a revised risk assessment process and safety planning.

### **Taking Comprehensive Withdrawal Statements**

A withdrawal statement should contain the following information:

- Confirmation of whether the original statement given to the police was true – if the original account 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 continues.

Withdrawal statements should be forwarded to the CPS and accompanied by a background report from the officer in the case which 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, of proceeding or not proceeding with the case.

If a victim states their original allegation is not true and wishes to withdraw their allegation, officer should always seek guidance from Safeguarding Dept. / CPS before any action is taken to arrest or prosecute the victim.

The CPS has specific guidance about such cases and evidence needs to be reviewed before any such prosecution takes place against a domestic violence victim.

### **Domestic Abuse and the Workplace**

Northumbria Police has a responsibility to provide all staff and officers with a safe and effective working environment. For some officers and staff, the workplace is a safe haven and the only place that offers routes of safety.

Northumbria Police acknowledges that domestic abuse is a significant problem which has a devastating impact on victims and their families. Northumbria Police is committed to taking all reasonable steps possible to combat the reality and impact of domestic abuse on those being abused and to challenge the behaviour of perpetrators.

## Freedom of Information Act 2000 (FOIA) Request 1714/21- Domestic Abuse Policies

Domestic abuse is not condoned under any circumstances and all officers and staff must adhere to high standards of behaviour detailed in the Codes of Ethics. Any allegation, disclosure or conviction of domestic abuse related offence will be managed using the "Domestic abuse committed by Northumbria Police officers and staff" procedure.

Northumbria Police expects all officers and staff to report their concerns if they suspect a colleague is experiencing or perpetrating abuse. An officer or member of staff should speak to their line manager about their concerns in confidence or use the confidential reporting hotline 0800 111 444.

### Support for officers and staff

It is essential officers and staff feel able to disclose personal information and are encouraged to discuss this with their line manager. However, if they feel unable to raise this with their line manager, support is available from their second line manager, the HR service Centre Advisors or via the EAP.

The EAP service is available 24 hours a day, 7 days a week to all police officers, staff and members of their immediate family.

### Perpetrators

Domestic Abuse perpetrated by officers and staff will not be condoned under any circumstances, nor will it be treated as a purely private matter. Conduct outside of work may lead to disciplinary action being taken against an officer or member of staff.

### Domestic Homicide Review

When a domestic homicide happens, the police will inform in writing the relevant community safety partnership (CSP) of the incident. The CSP has overall responsibility for setting up reviews, the aim of the review is to look at any lessons learnt so agencies can implement change in policy/procedure.

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**CRITERIA:** This procedure should be applied when dealing with incidents of domestic abuse

**ACCESS AND DISCLOSURE RESTRICTIONS:** None

**FORMAL TRAINING REQUIREMENTS:**

**IS A LOCAL PROCEDURE REQUIRED IN SUPPORT OF THIS DOCUMENT:** No

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### **Categories**

Victims Vulnerable People

**Related Documents**