

# **The Police Response to Domestic Violence/Abuse in South Cumbria**

## **Information for partner agencies and victims**

This information was provided to Champions at the Network meeting in March by Detective Inspector Dave Banks.

### **The strategic role of the Police with regards to Domestic Abuse:**

- To increase the confidence of the public to disclose domestic abuse to us and our partner agencies.
- To prevent re-victimisation, domestic homicide and serial perpetration through effective and efficient intervention, by the right agency at the right time which is victim centred
- To continue to work in partnership with the statutory agencies, third sector and prosecution partners to provide holistic support to the victim, families and perpetrators of domestic abuse
- Develop in partnership a clear accountability for the Police and all other agencies, including statutory and voluntary partners.

### **How do the police find out about DV:**

- Member of the public
- Patrolling Officer
- Phone call to the communications centre via 999 or 101

### **When a victim (or other individual) calls 999 or 101 to report an incident of domestic violence, communications centre staff will:**

- Create an incident log
- Assess the safety of the victim and any children
- If the suspect is present, they will keep the caller on the line
- Grade the Police response, ensuring an immediate (999) response is given when necessary
- Keep the caller updated.

### **Action of the officer attending the incident**

The officer may have come across the incident on the street, or what is most likely, is that they have been sent there following a call to the communications centre on 999 or 101.

#### **The officer will:**

- Protect **ALL** those present from further harm.
- Secure and preserve evidence.
- Make use of body cam
- Identify suspect and take 'positive action' (explained below)
- Safeguard victim/ children.

**If the suspect has left the scene**, the officer will give immediate safety and crime scene preservation advice.

The officer will get a full description of the offender and circulate this description to all other officers on patrol.

**Police have a 'Duty of Positive Police Action'. This means they must:**

- Take positive action in all domestic abuse cases
- Exercise any powers of arrest where they exist and where it is necessary and proportionate, in order to carry out an effective investigation and/or prevent further offences
- **Record reasons why an arrest was not made in a domestic abuse incident where a power of arrest existed**

**Once the (alleged) perpetrator has been arrested, the following will happen:**

- Police officers will obtain first accounts. Statements are not always taken at this stage
- The officer will take a balanced view of counter allegations considering ALL the circumstances
- Police will ensure all available evidence has been secured and preserved
- Police will complete a record to go onto the police intelligence system. This includes the DASH Risk Assessment.
- When the individual who has been arrested arrives at the custody suite (the cells), Custody Officers always consider the rights of the suspect versus those of the victim
- A police officer will ask the victim for permission to refer the matter to an Independent Domestic Violence Advisor

**Will the perpetrator be charged? Charging policy:**

- Use of the formal caution is very rarely appropriate.
- Cases will be referred to the Crown Prosecution Service who makes the decision as to whether a case is taken to court. This is available 24 hours a day, 7 days a week. Use is made of threshold and evidential tests.
- The Custody Officer has the ability to impose bail conditions if and when the alleged offender is released from custody. A suspect may be bailed whilst officers collect more information; whilst the Crown Prosecution consider the case; or until the case is brought before the courts
- If the case is to go to court, it will be to a Specialist Domestic Violence Court. The suspect will be bailed to appear at this court.
- Prior to release, the custody officer will consider any self-harm issues in relation to the suspect.
- The victim will be kept updated.

**Role of the Public Protection Unit (PPU):**

- Review and action reports of domestic abuse that are entered onto the police intelligence system
- Ensure the DASH Risk assessment has been fully completed by the officer attending the incident.
- The Detective Sergeant reviews the police response to all high and some medium risk cases. At this stage they can be re-graded if appropriate.
- The PPU take over investigation of all high risk and complex medium risk cases.
- Lower and medium risk cases continue to be dealt with by the officer/s attending the incident. The investigating officer always has access to the knowledge and experience of officers in the PPU if needed.

## **DASH Risk Assessment**

Incidents/cases are graded using the DASH Risk assessment and separated into Standard, Medium and High risk. Different levels of risk require different levels of response. These are outlined below:

### **Standard cases:**

- Victims are sent a Standard Risk victim letter.
- Consideration is given as to whether to send a letter to the suspect. In some situations this is not appropriate as it will inflame the situation.
- A safety plan will be discussed with the victim.

### **Medium risk cases**

- Further contact will be sought with the victim by the Officer In Charge (OIC) or a member of PPU.
- A referral will be made to the IDVA (Independent Domestic Violence Advisor) service
- Consideration will be given as to whether the offender should be sent a letter.
- A safety plan will be discussed with the victim. This can include the use of alarms, mobile phones, storm alerts where appropriate.
- Consideration will be given as to whether other police staffs need to be briefed on the incident. This may involve briefing community police working in the area where the victim and/or offender live.
- All medium risk cases are reviewed by the rank of Detective Sgt after a maximum of 28 days.

### **High risk cases**

- A referral is made to MARAC (Multi-Agency Risk Assessment Conference)
- The victim will receive personal contact by the PPU
- Consideration will be given as to whether the victim needs (and wants) to be relocated
- An extensive safety plan will be developed
- The PPU will consider whether to send a 'high risk' letter to the offender
- The PPU will consider the "threats to life Policy" (discussed below)
- The cases will be reviewed by the rank of Detective Sgt after 14 days
- The PPU will maintain contact with the victim

## **The Offence of 'Threats to kill'**

### **What does 'threats to kill' mean?**

A person who without lawful excuse makes to another a threat, **intending that that other would fear it would be carried out**, to kill that other or a third person shall be guilty of an offence liable on conviction on indictment to imprisonment for a term not exceeding ten years.

### **Proving the 'threat to kill'**

The key to this is proving that the offender was **"intending that that other would fear it would be carried out"**.

It does not matter whether the accused intends to kill; his intent has to be that the other person would fear the threat would be carried out to kill that person or a third person.