The College of Policing: Domestic abuse authorised professional practice (APP) consultation

The Police Foundation’s response

The Police Foundation is the only independent charity focused entirely on developing people’s knowledge and understanding of policing and challenging the police service and the government to improve policing for the benefit of the public. The Police Foundation acts as a bridge between the public, the police and the government, while being owned by none of them. Founded in 1979 by the late Lord Harris of Greenwich, The Police Foundation has been highly successful in influencing policing policy and practice, through research, policy analysis, training and consultancy.

The Police Foundation welcomes the chance to respond to this consultation. Domestic abuse has always been a challenging area for the police and, although some progress has been made in the last decade, the effectiveness of policing in this area is still relatively poor. The 2014 HMIC Inspection found that the overall police response to victims of domestic abuse is not good enough and that; ‘domestic abuse is often a priority on paper but, in the majority of forces, not in practice.’

We are pleased to see the APP on domestic abuse which, in our view, covers professional practice in this area well. However, in order to raise victim confidence in the police (and through this, increase reporting and reduce attrition) it is crucial that the APP is supported by good training and leadership to ensure its standards are met.

1. Is the explanation of coercive control sufficient to help officers to understand it and identify when it is happening?

Identifying coercive control will be a challenging task for officers, and it will not be easy to separate what might be normal relationship behaviour (such as nagging, teasing or light manipulation) from coercive and controlling behaviour which, potentially, can be highly damaging.

The task will be particularly difficult where coercive control is used as a counter-allegation by physical violence perpetrators. Domestic abuse perpetrators are typically highly manipulative and domineering and officers will need to be aware that they may try to use claims of coercive control against victims.

The HMIC Inspection found that police officers often lack proper training and understanding of controlling behaviour. Tackling domestic abuse is core police business and in our view training in key areas such as investigative practice, working with vulnerable people, joint or partnership working, should always contain a domestic abuse element. Police training needs to focus on developing officer understanding of coercive control and course of conduct.
offences as well as on appreciating the psychology of what happens to victims over time in an abusive relationship and why they might want to withdraw from a case.\footnote{Report of the 14th Oxford Policing Policy Forum: ‘Are we doing enough of the right things to tackle domestic abuse?’ Available to download at http://www.police-foundation.org.uk/uploads/holding/oppf/oppf14.pdf} The very nature of coercive control is a difficult concept to understand and many officers have trouble empathising with low-level repeat cases, and may mistake victims as culpable rather than vulnerable.

We have previously called for police training to involve a greater amount of practical experience. The concept of coercive control is very subtle, circumstantial and highly nuanced. Officers will need real, on-the-ground experience of picking up on hidden, non-verbal clues. HMIC’s 2014 Inspection was critical of police training on domestic violence, which relies to a large extent on e-learning, rather than more practical, training. It found that in many cases, officers are failing to gain the skills necessary to identify and assess domestic abuse, particularly in cases where there is psychological intimidation and control, rather than physical violence.\footnote{Everyone’s business: improving the police response to domestic abuse HMIC 2014} Some controlling behaviours do not manifest themselves as criminal offences and the pattern of incidents may include those not previously reported to the police.

In our view, the APP is still rather unclear as to what officers are to actually do if they identify incidents of coercive control where there is no physical violence. The guidance envisages controlling behaviour to be used to demonstrate a pattern of abuse, or as an early warning of later physical abuse, but does not set out a course of action for officers to follow. The guidance states that in these cases ‘a criminal justice outcome may not be possible’, but it doesn’t then go on to clarify what the alternatives might be. Officers need to understand the full range of options available to victims who have experienced coercive controlling behaviour so that they can advise them accordingly, including the civil options available under the Protection from Harassment Act 1997. Furthermore, they need to know in what circumstances other agencies should be informed, such as health, social services and education, and in what circumstances such liaison or even referral should take place. Ultimately, they should receive guidance on what courses of action should be considered with a view to maximising the chances of the coercive behaviour stopping.

2. Are the definitions proposed by the Serial and Repeat Offenders Working Group appropriate and workable?

On the whole, we support these definitions. The only question we have is whether incidents reported by victims to other professionals, such as a social worker or a doctor, should be included in the definition of a repeat victim, as reports to the police are likely to be relatively rare or infrequent. Reporting coercive and controlling behaviour to the police is also likely to be a last resort, so if interventions are to be put in place to prevent escalation to physical abuse, they need to be in place as early as possible. By the time a victim has reported such behaviour to the police she/he is likely to already be a repeat victim. Also, if the definition of
being a repeat victim is only based on two or more incidents reported to the police, it will fail to capture those cases where multiple reports are made to other agencies.

3. Do we adequately capture the reasons why domestic abuse victims might not engage with the police?

The list provided by the Ava project is a good, comprehensive summary, but a list only solves part of the problem. According to Women’s Aid, many victims view calling the police as an option of last resort and ultimately, victims will not engage with the police if they do not trust the officers to take the incident seriously or if they do not think the police will be able to protect them. It is therefore essential that when a victim comes forward regarding any form of abusive behaviour their concerns are taken seriously and actively and constructively responded to, taking account also of the wishes of the victim her/himself.

4. Is the APP clear about the issues that first responders should address?

The list of issues is clear and comprehensive however, as with question 3 above, it needs to be supported by good, on-the-ground training that emphasises that the attitude of the responding officer is crucial in terms of gaining the victim’s trust and confidence. It should also set out how they should go about responding – it’s not just a matter of knowing what to respond to but also knowing what is the most appropriate and constructive manner of carrying out such a response. This links again to the notion of legitimacy – the response needs to be fair and respectful, not just effective, taking full account of the victim’s concerns and wishes and thus ensuring their satisfaction.

5. Is the APP clear about the responsibilities of senior managers to support first responders to tackle domestic abuse?

Yes.

6. This APP includes quick reference guides for call handlers and first responders and an outline example of the same information constructed around a National Decision Model (NDM) tool for first responders, which could be further developed.

- Are these quick reference guides useful for practitioners?
- Do these quick reference guides contain sufficient information as standalone guides?
- Would you like to see more for other roles?
- Would the development of guidance and tools using the National Decision Model in the context of domestic abuse be useful?

We think they are broadly useful, relevant and contain sufficient information, but maybe the guides should include specific material for sergeants in terms of their supervisory role.

7. Is the information in the arrest section adequate to help officers consider their options for positive action when responding to domestic abuse incidents?

Yes.
However, in relation to the ‘Alternatives to Prosecution’ section we have questioned previously whether prosecution is always something victims want. Although we agree the police have a duty to keep people safe, and that in many cases prosecution will be the correct approach, we are mindful that the primary concern of many victims of domestic abuse is simply to ensure the violence stops and that their children are protected. Many choose to continue living with their partner following contact with the police.

Prosecution is not necessarily right for every victim and a debate needs to be had on alternatives to prosecution, which are still relatively rare. The use of Restorative Justice (RJ) techniques in this field is controversial and many charities\(^3\) are opposed to its use in domestic abuse cases. However, others argue that, as formal methods of criminal justice are not always successful, broader forms of justice should be trialled, at least alongside traditional prosecution.\(^4\) One study has looked at the use of RJ post-conviction, as a means of restoring the power balance between victim and offender.\(^5\)

In this respect, the Police Foundation is following with interest the CARA project in Hampshire, which trials the use of conditional cautions.

8. \textit{Is the information in the investigative development section adequate to support officers in constructing an evidence-led case?}

Yes.

9. \textit{Is the information on domestic violence protection notices and orders clear and appropriate?}

Yes.

10. \textit{Is the information on the domestic violence disclosure scheme clear and appropriate?}

Yes.

11. \textit{Are there specific actions that are not covered in the APP that the police should be doing to keep victims and children safe?}

Cases frequently depend on the word of the victim over the perpetrator, so officers might want to advise victims on how to gather evidence of perpetrator behaviour. Perpetrators can

\(^3\) Such as Women’s Aid (Women’s Aid 2003 Consultation response: Response to Restorative Justice 13.10.03) and Refuge (Refuge statement on the use of community resolutions in domestic violence cases http://refuge.org.uk/2014/07/28/refuge-statement-on-the-use-of-community-resolutions-in-domestic-violence-cases/)


be cunning, and abuse is often made up of a number of small behaviours. However, it may not be safe for victims to keep a diary or written log and controlling behaviour may be very difficult for a victim to describe or particularise as it may be deeply rooted within a complex relationship dynamic that has evolved over time. But, if controlling behaviour is seen as a warning sign of abuse, thought needs to be given as to how victims can both protect themselves in the future as well as gather evidence that may help their case without compromising their safety.

If the main aim of any intervention is to stop the coercive or controlling behaviour from recurring, then there may also be effective remedies contained in the antisocial behaviour legislation. A study by the National Audit Office found 65 per cent of those given an Acceptable behaviour Contract did not re-engage in antisocial behaviour and it might be worth trialling a similar intervention in response to low level coercive and controlling behaviour where the victim is happy with such an approach. MARACs are well-placed to identify controlling behaviour and could assist in making contracts, offering alongside this support counselling, anger-management, substance abuse or other perpetrator programmes.

12. Is there any additional information you feel is missing that could improve the police response to domestic abuse?

We would like to see the APP also cover prevention work. In its 2013 inquiry into Essex police, HMIC found: ‘Generally there was a poor level of awareness among local officers of the identity of the most prolific domestic abuse perpetrators in their area. There was also little in the way of analysis carried out in relation to repeat perpetrators to support targeted activity through the force’s intelligence processes.’

The 2014 HMIC Inspection suggested that the police could do more prevention work, such as using neighbourhood policing teams to target and manage the local perpetrator population. It also recommended that intelligence analysts could do more to support disruptive action, as used in tackling organised crime. We would like to see guidance to assist forces in this regard.

---

6 HMIC (2013) Essex Police’s Approach to Managing Cases of Domestic Abuse