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Oxford  
Policing  
Policy  
Forum

Are we doing  
enough of the right  
things to tackle  
domestic abuse?

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Report of the fourteenth Oxford Policing Policy Forum  
22 November 2013

All Souls College,  
Oxford

# POLICING POLICY FORUM

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## GUEST LIST

**Friday 22 November 2013**

Ms Diana Barran	Chief Executive	Co-ordinated Action Against Domestic Abuse
Ms Zoe Billingham	HM Inspector of Constabulary - Eastern Region	HM Inspectorate of Constabulary
Ms Siobhan Blake	Deputy Chief Crown Prosecutor	Crown Prosecution Service
Dr Samantha Callan	Associate Director for Families and Mental Health	The Centre for Social Justice
Ms Rachel Cerfontyne	Deputy Chair	Independent Police Complaints Commission
Dr Rachel Condry	Lecturer in Criminology & Fellow of St Hilda's College	University of Oxford
Mr Mark Cooper	Head, Violent & Youth Crime Prevention Unit	Home Office
Mr Hardyal Dhindsa	Deputy Police Commissioner	Office of the Police and Crime Commissioner for Derbyshire
Ms Hilary Fisher	Director of Policy Voice and Membership	Women's Aid
Miss Georgina Gillott	Intern	The Police Foundation
Mr John Graham	Director	The Police Foundation
Chief Supt Robert Hamilton	Licensing and Violence Reduction Division	Police Scotland
Ms Ali Harris	Head of Equality Strategy	Citizens Advice Bureau
Ms Rachel Haynes	Intern	The Police Foundation
Professor Marianne Hester	Chair in Gender, Violence & International Policy	University of Bristol
Mr Andy Higgins	Senior Analyst	The Police Foundation
Mrs Sophie Howe	Deputy Police and Crime Commissioner	Office of the Police and Crime Commissioner for South Wales
Dr Carolyn Hoyle	University Lecturer in Criminology and Fellow of Green College	University of Oxford
Det. Chief Supt Simon Hyde	Head of Public Protection	West Midlands Police
Mr Stephen Kavanagh	Chief Constable	Essex Police
Mr Robert Leach	Director, Police, Crime and Justice	Capita Secure Information Solutions Ltd
Professor Ian Loader	Professor of Criminology ,Centre for Criminology	University of Oxford
Ms Abie Longstaff	Legal and Policy Analyst	The Police Foundation
Karen Manners	Assistant Chief Constable, Protective Services	Warwickshire and West Mercia Police
Ms Charlotte McLeod	Crime and Justice Research Fellow	Policy Exchange
Insp. Anne-Marie McLoughlin	Domestic Abuse Unit	Humberside Police
Det. Ch.Insp. Sarah Poolman	Protecting Vulnerable People	Thames Valley Police
Detective Supt Gary Ridgway	Head of Public Protection Dept.	Cambridgeshire Constabulary
Ms Louisa Rolfe	Assistant Chief Constable	Avon & Somerset Constabulary
Mr Christopher Salmon	Police and Crime Commissioner	Office of the Police and Crime Commissioner for Dyfed-Powys
Professor Betsy Stanko	Assistant Director, Evidence & Performance, Corporate Development	Metropolitan Police Service
Mr Ian Sturgess	Domestic Abuse and Sexual Violence Co-ordinator	Office of the Police and Crime Commissioner for Norfolk
Det.Insp. Richard Tompkins	Head of Protecting Vulnerable Persons	Northamptonshire Police
Ms Rachel Tuffin	Head of Unit, Research, Analysis and Information	College of Policing
Ms Carol Vigurs	Research Officer	Institute of Education, University of London

# The Oxford Policing Policy Forum

The Oxford Policing Policy Forum is a joint initiative of the Police Foundation and the Centre for Criminology at the University of Oxford. The Forum provides an opportunity for a wide range of stakeholders interested in policing to discuss fundamental issues under Chatham House rules. The main purpose is to encourage informal debate rather than inviting an audience to listen to formal presentations. Participation is by invitation only (see guest list).

## Background

On average, two women a week are killed by a violent partner or ex-partner, and domestic violence comprises 18 per cent of all violent crimes, accounting for one in six of all violent incidents reported to the police. Notwithstanding the human and emotional costs, it is estimated that domestic violence cost public services almost £16bn in 2008 in terms of resources from sectors such as criminal justice, health, social services, housing and policing.

Unlike many other crimes, the prevalence of domestic violence has not fallen in recent years. With this in mind, the 14<sup>th</sup> Oxford Policing Policy Forum met on the 22 November to ask “Are we doing enough of the right things to tackle domestic abuse?”

This meeting of the Forum was chaired by John Graham and an introductory presentation setting out some key issues was given by Professor Marianne Hester OBE, Professor of Gender Violence and International Policy at the University of Bristol.

## Presentation

Marianne has been researching domestic violence and rape for many years, tracking and analysing cases as they pass through the criminal justice system. She opened the Forum by saying that only one in five women who experience domestic abuse report it to the police. Victims often do not have confidence that the police can help or they are afraid for their safety. From the policing point of view, domestic abuse accounts for approximately 25 per cent of their work.

Marianne posed three questions for the Forum to consider:

### **1. Does the criminal justice system fit the crime?**

There is currently no specific offence of domestic violence, which can make it difficult for the police to identify and means forces are not consistent in terms of the offences for which suspects are arrested and charged. The police and the criminal justice system tend to adopt an incident-based approach, yet domestic violence is a pattern of sustained coercion over time. The conviction rate for domestic violence is generally very low and the attrition rate is high: victims refuse or are afraid to give a statement in 16.7 per cent of recorded cases.

### **2. Are male and female perpetrators being identified correctly?**

There is a difference in the type of on-going violence used by men and women. Whereas women will use extreme retaliation and protective violence, on-going abuse is much more severe from male partners.

Women are also more likely to have violent partners. Women who are recorded by the police as perpetrators are often labelled alcoholic or mentally ill. Although men are most likely to be the primary aggressor, women are three times more likely to be arrested per incident and are more likely to own up to their crime.

### **3. Are Multi-Agency Risk Assessment Conferences (MARACs) increasing effective policing for domestic violence?**

It appears that MARACs have assisted the policing of domestic violence, but further work is needed to evaluate their full impact. Research needs to be undertaken on whether risk assessments are accurate in terms of case outcomes (i.e. whether those defined as high, medium or standard risk remain so).

## **Discussion**

### **Legislation**

The Forum began by discussing the legislation. The two main issues for debate were whether the offence should include a course of conduct element, and whether a specific offence of domestic violence needed to be created.

### **Course of conduct**

As mentioned above, the criminal justice system tends to deal with single incidents rather than a series of offences or a pattern of coercive behaviour over time (course of conduct). The recent broadening of the definition to include coercion and control was welcomed but there was support for the addition of a course of conduct element to the current definition of domestic violence.

### **Specific offence**

There was disagreement in the Forum about the need to create a specific offence of domestic violence. Those who thought a specific offence would help pointed to the example of Spain, where a precise offence allowed for a more holistic approach to domestic violence, with the police able to identify and flag the offence at an early stage. Some participants thought a specific offence would send a powerful message that domestic violence is unacceptable; it was compared with the campaign against drink-driving, which conveyed the strong message that drink-driving was morally wrong and would be severely punished by the courts.

Other participants felt that legislation should not be changed merely to send a message or to raise public awareness, which could be achieved through other means. They also felt the creation of a specific offence was not required for delivering justice - the existing range of offences was easily sufficient to cover all aspects of domestic abuse - and concerns were raised that such an offence might be too rigid and would hamper professional discretion. It was felt that more subtle solutions to the problem were required, with the prosecution able to shape the charge to fit the particular circumstances of the offence and the victim. This led on to a discussion of what victims really wanted from the police and the wider criminal justice system.

### **What do victims want?**

Some participants felt strongly that the high attrition and low conviction rate was a failing of the criminal justice system. This dissuaded victims from coming forward initially and from seeing a case through to court. They were of the view that victims expect a higher conviction rate and stronger sentencing than is currently being achieved. One participant said that court sentences rarely reflected the seriousness of the

offending. Another felt that the CPS too often failed to proceed with cases, particularly where it considered they would have a low chance of being successfully prosecuted.

While the Forum all agreed conviction rates were too low, some participants questioned whether prosecution and conviction were what the majority of victims wanted. Many victims want to carry on living with their partner (who is often the father of their children). Their main concern is to stop the violence. The Forum heard that women with children were much less likely to go to the police and more likely to withdraw their statements. Are prosecutions genuinely reducing harm to the victim and the children? Prosecution is not necessarily right for every victim and a debate needs to be had on alternatives to prosecution.

In this context, the appropriateness of Restorative Justice (RJ) was discussed. One participant stated very strongly that RJ was not suitable in cases of coercive control. An example was given of an RJ meeting where the perpetrator manipulated and intimidated the victim in order to control her. The option of using RJ should however not be ruled out in all cases.

The Forum was in general agreement that victims want the police to turn up promptly, stop the violence, identify the primary aggressor, take statements and carry out an investigation. A good evidence base increases the strength of the prosecution case and officers can help by collecting the 999 tapes, taking good photographs or using bodycam (video) devices. Many of these are basic elements of investigative policing, yet the police do not always get the basics right. It was also felt that there was more the police could be doing. The example was given of Austria, where the police remove the perpetrator from the home for two weeks, the keys to the house are handed over to the court, and the police are legally required within 24 hours to contact a specialist domestic violence intervention service.

Victims also wanted support through the criminal justice process. Although they often found the police contact supportive, once they got to court victims often felt alone and were not always kept informed about the progress of their case.

One attendee pointed out that the best solutions often lay outside the control of the police and the criminal justice system. Victims want the problem solved and for their life (and their children's lives) to be safer, but this is sometimes beyond the influence of the police and requires the support of other agencies. The job of the police is to provide immediate protection, to prevent harm to the victim, not to change the behaviour of perpetrators. The discussion moved on to address whether there is a shared vision for dealing with domestic abuse.

### **What does society want?**

Victims and perpetrators of domestic violence are diverse, each with different individual needs. This can make decision-making difficult. It might be helpful, one participant said, to identify a shared vision for domestic violence so that each agency can be clear about its role. What is the shared vision for domestic violence? Is it safety for women? Is it to affirm as a society that this kind of behaviour is morally unacceptable? Or is it more about gender equality? It was generally agreed that any overall vision should cover the whole family - the victim, the perpetrator and the children - and should encompass the process from the earliest possible point of intervention through to post-custodial support for victims and perpetrators. Children should not grow up thinking violence is normal or something adults can get away with and perpetrators must realise that society thinks what they are doing is wrong. The Forum felt it was important to avoid just reinventing the wheel, which has characterised policy and practice in relation to domestic abuse for too long.

## **Achieving change**

Participants questioned whether we know what the right things to do are. For example, given such high attrition rates, the impulse is to reduce them, but perhaps the focus of attention should be more on doing whatever is necessary to stop the violence rather than simply defaulting to prosecuting and convicting the perpetrator. The criminal justice system can be a blunt instrument that doesn't always meet the needs of victims.

An ideal outcome would be the kind of cultural and societal change that occurred in the case of drink-driving. The causes of domestic violence are complex, encompassing psychological, inter-relational, economic and social factors. Early intervention and prevention strategies are needed alongside better multi-agency working to help both victims and perpetrators secure the help they need. But it is important not to use the complexity of domestic abuse as an excuse for not doing more to address it. All crimes are complex in some way or another. There is a danger that by describing domestic violence as complex it might lead to this area of crime being defined as 'specialist', rather than part of frontline, day-to-day policing. Given its prevalence and potential seriousness, it is important that all officers are able to deal competently and sensitively with cases of domestic violence.

## **Policing domestic abuse**

For the most part, the Forum agreed that the policing of domestic violence, including the service and support given to victims, had generally improved, although some still thought that the response of the police was 'frankly not good enough' and that while society's attitude to domestic abuse had moved on, the police approach had not. Participants pointed in particular towards problems of culture and leadership in the police.

The Forum heard that officers did not always get the basics right – the evidence gathering, the file preparation – which contributed to high attrition rates and lack of public confidence. Some of the early forensics that are routinely carried out in rape cases are not always done well in domestic violence cases. The police also sometimes find it difficult to identify the primary aggressor. When they attend an incident there is often a long history of incidents which needs to be collated and understood. Getting the basics right ensures the victim has more choice over how to proceed and participants felt the police had let too many victims down in this regard.

It was also felt that the heavy criticism directed at the police had made the service defensive and risk averse. Given that victims report, on average, only after 35 incidents of violence have taken place, there should be ample opportunity for earlier intervention, particularly by other agencies (e.g. health, education). Better training and awareness were also needed. The very nature of coercive control is a difficult concept to understand and many officers have trouble empathising with low-level repeat cases and seeing victims as vulnerable rather than culpable.

The response of the police varies from force to force, with some forces demonstrating a better understanding of domestic violence than others. Initially participants felt consistency of approach was required, however, it was also pointed out that the use of discretion is important too. Victims want an individually tailored service that takes account of the wide variation in the complexity, nature and seriousness of different cases rather than one based on ticking boxes. By submerging themselves in the process, officers could lose sight of the value of exercising professional judgment.



## **DASH and risk assessment**

The Forum was divided on the usefulness of DASH.<sup>1</sup> Some felt it was too complicated and that officers would do better with proper training in the use of their professional judgement and discretion. Officers do not always fully understand why they need to complete DASH and training needs to focus on developing officer understanding of coercive control, course of conduct offences and risk assessment. Training was also required to understand the psychology of what happens to victims over time in an abusive relationship and why they might want to withdraw from a case.

Some participants thought the police were better at dealing with standard-risk cases rather than high-risk. Others thought the opposite. It was agreed that risk-assessment was also an art rather than an exact science. Risk levels can change: very quickly a standard-risk case can become high risk, and even standard-risk cases can culminate in homicides. Similarly the risk to a partner is often different from the risk to a child.

One participant felt that we need to bring together all the different agencies more coherently: at the moment a victim has to fill out a DASH form with the police along with forms for different third sector agencies such as Women's Aid or Victim Support.

## **Multi-agency working**

The issue of multi-agency working came up many times. To provide an effective response that really improves the lives of both the victim and the perpetrator, timely, high quality intervention from other agencies is essential.

Currently, MARAC has no statutory basis. Combined with the effect of funding cuts, effective partnership working has become more difficult as agencies scale down staff or switch to short term contracts for services. Good multi-agency working can improve reporting rates by, for example, co-locating practitioners or placing domestic violence advisers in hospitals rather than police stations. For women who feel isolated, or those in a heavily controlled relationship, maternity appointments, GPs and schools often provide the best opportunity to disclose information. It was also suggested that Police and Crime Commissions (PCCs) might help to bring together support services.

## **Police and Crime Commissioners**

The fact that victims report, on average, after 35 incidents of abuse, means there are many opportunities for other agencies to get involved at an earlier stage. In 2014 PCCs will become responsible for commissioning victim's services and may be able to do more to encourage non-statutory groups to work together. It was also hoped that PCCs might be able to hold services to account better; they will be in a position to ask questions of partner agencies to identify if opportunities to help victims are being missed.

## **Assisting perpetrators**

The Forum recognised that there are no high quality, independently-evaluated perpetrator programmes. Many perpetrators have a genuine desire to change and there is little help available for them. The court process may help stop the violence short-term but it does not fix longer-term problems. The Forum heard about the 'Strength to Change' programme in Hull which helps men stop using violence, using strategies such as a helpline for men who feel they are slipping. Early intervention in this area is also crucial and

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<sup>1</sup> DASH stands for Domestic Abuse, Stalking and Honour Based Violence Risk Identification, Assessment and Management Model.

schools could do more to educate both boys and girls about violence and domestic abuse. Perpetrator support was a sector considered to be seriously under-funded.

## **Resources**

Reduced resources were impacting on all areas of domestic violence work, from support services for victims and perpetrators to policing and multi-agency working. Although the Forum agreed it was important to raise awareness and increase reporting, participants were concerned that this would place even more pressure on an under-funded sector. Risk assessment was an important part of resource-allocation and for this reason, as well as victim safety, it was crucial to get it right.

## **Conclusion**

Participants at the Forum were eager to achieve change and were keen that the conversation on domestic violence did not result in a simple reiteration of previous discussions. Looking back over the last twenty years it was clear that some level of change had been accomplished. Participants pointed to the focus by the CPS on domestic violence and praised the ex-Director of Public Prosecutions, Keir Starmer, for bringing together forces to hear reports on domestic violence cases every six months. They hoped this would continue under the new Director. The Forum wanted to keep a spotlight on domestic violence practice and hoped that funding for the sector would be prioritised. The new role of the PCC in commissioning victim services was seen as a real opportunity for change in terms of bringing together a range of agencies and holding them to account for their approach to domestic violence. There are still concerns however that there is no national domestic violence prevention strategy, that all too often the CJS is seen as the default response to domestic abuse and that not enough effort is directed to breaking the cycle of violence by actively intervening to support children who witness domestic violence.

**Abie Longstaff**