

Written evidence submitted by the Domestic Abuse Commissioner for England and Wales (POP0090)

Role of the Domestic Abuse Commissioner

1. The Domestic Abuse Act 2021 established the Office of the Domestic Abuse Commissioner (DAC), to provide public leadership on domestic abuse issues, play a key role in overseeing and monitoring the provision of domestic abuse services in England and Wales and promote best practice, including in multi-agency working.¹

2. The role of the Commissioner is to encourage good practice in preventing domestic abuse; identifying victims and survivors, and perpetrators of domestic abuse, as well as children affected by domestic abuse; and improving the protection and provision of support to people affected by domestic abuse from agencies and government.

Scope of the response

3. This response to the Call for Evidence is limited to the questions which are most relevant to the DAC's work, in particular, policing issues which are pertinent to supporting victims and survivors of domestic abuse.

Context

4. According to the Crime Survey for England and Wales (CSEW) 2022, an estimated 2.4 million adults experienced domestic abuse in the last year.² Domestic abuse is a high-volume crime. In the year ending March 2022, the police recorded 1,500,369 domestic abuse-related incidents, with 910,980 of these being recorded as crimes.³ Despite this, over the past five years, we have seen an incremental fall in criminal justice outcomes for domestic abuse-related offences.

5. In the year ending June 2022, the Crown Prosecution Service (CPS) recorded a 6.5% fall in domestic abuse receipts when compared to the previous year ending June 2021, from 72,527 to 67,790. The fall was even more stark when compared to the year ending June 2016, with receipts falling by 44% from 121,457 to 67,790.⁴ Similarly, the volume of domestic abuse charges had decreased by 7% when compared to the previous year, from 48,391 to 44,892, and by 45% when compared to the year ending June 2016, from 100,268 to 44,892.⁵

6. The fall in outcomes can be seen across the criminal justice process, with prosecution volumes decreasing by 13% in the past year, from 59,709 to 52,125 and almost halving when compared to June 2016, from 100,268 to 52,125. Convictions have also fallen in the

¹ Home Office (2022) [Domestic Abuse Statutory Guidance](#)) p.128

² Office for National Statistics (November 2022) [Domestic Abuse Prevalence and Trends: Year ending March 2022](#)

³ Ibid

⁴ Crown Prosecution Service (October 2022) <https://www.cps.gov.uk/publication/cps-data-summary-quarter-1-2022-2023>

⁵ Ibid

last year by 13.4%, from 46,261 to 40,042 and by 47% since June 2016, from 75,236 to 40,042.

7. Whilst this data reveals that there are issues across the Criminal Justice System (CJS) in responding to domestic abuse, it is important to note that the police is one of the agencies to which survivors most commonly make initial reports of domestic abuse.

8. There are currently a number of high-profile inquiries detailing issues with policing and public confidence in the police's ability to respond to crimes such as domestic abuse and violence against women and girls (VAWG). Whilst the Commissioner welcomes these inquiries, they demonstrate a clear need for reform in the police's response to domestic abuse. If action is not undertaken to improve police responses to domestic abuse, the DAC Office is concerned that individuals who experience these crimes will be further deterred from reporting them, fearing that no adequate action will be taken following a report. This, in turn, would ultimately prevent perpetrators from being brought to justice for their actions.

9. It is crucial that the police and the wider CJS commit to reform and focus on supporting victims at every stage of their journey through the CJS.

Response to the Call for Evidence

2.What balance police forces in England and Wales should strike between a focus on preventing and solving crime and carrying out their other functions?

Prevention issues

10. Police resources should focus on preventing and responding to domestic abuse in order to address the falling charging, prosecution and conviction rates. The DAC Office is concerned that charging, prosecutions and convictions for domestic abuse have fallen significantly in recent years.⁶ As highlighted above, the past six years have seen a drastic fall in the volume of domestic abuse-related outcomes within the criminal justice system. These falling rates must be properly addressed by the police and the CPS. Pursuant to section 13(3) of the Police, Crime, Sentencing and Courts Act 2022, domestic abuse can constitute 'serious violence' when indicated by the factors in section 13(6).⁷ As this provision demonstrates, domestic abuse is a severe and prevalent crime. Nearly half (43%) of police-recorded violent offences against women and over a fifth (23%) against men were committed by intimate partners,⁸ and the most common type of violence experienced on a repeat basis is domestic violence.⁹ 49% of all female homicides (and 10% of male homicides) are domestic homicides.¹⁰ Through intervening and charging at an earlier stage, the police can help to prevent harm and risk from escalating. This will ensure that survivors are kept safe and perpetrators are held to account for their actions.

⁶ CPS, [CPS data summary Quarter 1 2022-2023 | The Crown Prosecution Service](#)

⁷ Police, Crime, Sentencing and Courts Act 2022, Section 13 (April 2022)
<https://www.legislation.gov.uk/ukpga/2022/32/section/13>

⁸ Office for National Statistics (ONS), [The nature of violent crime in England and Wales: Year ending March 2022](#) (November 2022)

⁹ Office for National Statistics (ONS), [The nature of violent crime in England and Wales: Year ending March 2020](#), Section 6, Levels of Repeat Victimisation

¹⁰ ONS, [Homicide in England and Wales: year ending March 2021](#)

11. There is a relationship between children and young people who are at high risk, or already perpetrating, public space serious violence, who have experienced domestic abuse. The Children and Social Work Act 2017 places a duty on three specified authorities (the local authority, the clinical commissioning group (CCG) in the area, and the local police) as statutory 'safeguarding partners' for local areas in England.¹¹ As part of the Serious Violence Duty (SVD), there should be an onus on ensuring that 'enforcement and criminal justice-based activity is a 'critical part of a public health approach'.¹²

12. In her book *Boys, Childhood Development and Gang Involvement*, the academic Dr Jade Levell explores the 'deterministic pathways or proving causal outcomes after the experience of childhood domestic abuse'.¹³ Dr Levell stresses that whilst '[i]t is imperative to always keep in mind that most child survivors do not end up following the life paths of the participants in her book [perpetrating Serious Violence]...what we need to grapple with is the relatively high prevalence of childhood domestic violence and abuse (DVA) among young men who do find themselves on-road and gang-involved'.¹⁴

13. This risk has also been detailed in the DAC Office's 'Serious Violence Duty Statutory Guidance Consultation Response'.¹⁵ Violence Reduction Units (VRUs) provide a range of relevant data in this regard and reported that in one local area around a third of serious violence incidents are domestic abuse related, whilst another local area identified 42% of children involved in public space serious violence as having experienced domestic abuse in the home (19% more than once). In general, VRUs shared emerging patterns and narratives of young boys and girls joining gangs to feel protected from domestic abuse in the home, or to 'feel strong'. Likewise, the NSPCC has also recognised domestic abuse as a risk factor for gang membership.¹⁶

14. Recommendation 1: Police should be proactive in safeguarding adults and children who are victims of domestic abuse at the earliest possible through identifying risk and providing effective interventions to prevent individuals from being subjected to further harm. Risk assessments must be dynamic in order to be effective. Police must understand the complex intersectional needs of young people and recognise which agencies and services are best placed to assist them in providing effective interventions. As part of early intervention, there must be clear referral pathways to specialist programmes.

15. The DAC Office encourages police engagement with toolkits like the Youth Endowment Fund (YEF).¹⁷ The YEF summarises the best available research evidence on different approaches to preventing serious youth violence. It is based on real life data about what

¹¹ Children and Social Work Act 2017, Section 16

[https://www.legislation.gov.uk/ukpga/2017/16/section/16#:~:text=16ELocal%20arrangements%20for%20safeguarding%20and%20promoting%20welfare%20of%20children&text=\(b\)any%20relevant%20agencies%20that,of%20children%20in%20the%20area](https://www.legislation.gov.uk/ukpga/2017/16/section/16#:~:text=16ELocal%20arrangements%20for%20safeguarding%20and%20promoting%20welfare%20of%20children&text=(b)any%20relevant%20agencies%20that,of%20children%20in%20the%20area).

¹² Serious Violence Duty Preventing and reducing serious violence Draft Guidance for responsible authorities (June 2022) [SV duty draft guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108448/svd-draft-guidance-june-2022.pdf) p. 7

¹³ Levell, J. *Boys, Childhood Domestic Abuse and Gang Involvement: Violence at Home, Violence On-Road*, Chapter 10: Understanding the Pathways from Domestic Abuse to Gang Involvement p. 144

¹⁴ Ibid

¹⁵ Domestic Abuse Commissioner's Office (July 2022) [DAC-response-to-the-SVD-Guidance-Consultation-21st-July-2022-1.pdf](https://www.domesticabusecommissioner.org.uk/wp-content/uploads/2022/07/DAC-response-to-the-SVD-Guidance-Consultation-21st-July-2022-1.pdf) (domesticabusecommissioner.org.uk) p.2

¹⁶ Domestic Abuse Commissioner's Office (July 2022) [DAC-response-to-the-SVD-Guidance-Consultation-21st-July-2022-1.pdf](https://www.domesticabusecommissioner.org.uk/wp-content/uploads/2022/07/DAC-response-to-the-SVD-Guidance-Consultation-21st-July-2022-1.pdf) (domesticabusecommissioner.org.uk) p.2

¹⁷ Youth Endowment Fund <https://youthendowmentfund.org.uk/toolkit/>

has happened when these approaches have been used before and how effective an approach is likely to be.¹⁸

16. Furthermore, police who are working with children and young people who have been impacted by domestic abuse should undergo specialist training in order to have a trauma-informed and intersectional understanding of this area.

17. Whilst multi-agency responses to domestic abuse have been shown to be effective in protecting victims and challenging perpetrators, the extent to which these frameworks for working are established vary across England and Wales. Section 8 of the Police, Crime, Sentencing and Courts Act 2022 (PCSC Act) provides that 'specified authorities for a local government area must collaborate with each other to prevent and reduce serious violence in the area'.¹⁹

18. A key finding from the recent 'Domestic Homicides and Suspected Victim Suicides 2021-2022, Year 2 Report' was that 'The police alone cannot prevent domestic abuse or homicide', as from 'the cases in th[eir] dataset where the individuals were not previously known to police, almost half were known to one or more non-police agency'.²⁰ Similarly, in DAC's 'A Patchwork of Provision' report, we found the most common agencies to whom survivors first made a disclosure of domestic abuse were health (44%), police (43%), social services (16%) and domestic abuse support workers (15%).²¹ The range of organisations from whom survivors seek support demonstrates the clear need for frameworks to be developed which permit various organisations within a given local area to work together to identify vulnerable individuals and prevent them from experiencing further harm.

19. A Coordinated Community Response (CCR) provides the most effective response to domestic abuse and should be adopted as a best practice example of multi-agency working. The CCR is a sector-recognised, whole system approach which brings together a variety of agencies and community-based services to work in collaboration to prevent further harm and help victims and survivors reach safety, whilst holding perpetrators of domestic abuse to account. This is done by spreading responsibility for support and intervention across agencies, rather than relying on one individual agency or on the victim.²² This tailored model represents best practice because it has been developed to ensure that the victim is at the centre of the response and that all aspects of support are fully considered. This includes the 'broadest possible response to domestic abuse, addressing prevention, early intervention, dealing with crisis, risk fluctuation, long-term recovery and safety, [through] working with a wide range of services, pathways, agencies and systems'.²³ For policing, the wider agencies with whom information, intelligence and data would be

¹⁸ Serious Violence Duty Preventing and reducing serious violence Draft Guidance for responsible authorities (June 2022) [SV duty draft guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/108444/sv-duty-draft-guidance.pdf)

¹⁹ Police, Crime, Sentencing and Courts Act 2022, Section 8 (April 2022) <https://www.legislation.gov.uk/ukpga/2022/32/section/8>

²⁰ Home Office, NPCC, College of Policing, VKPP, (December 2022) Domestic Homicides and Suspected Victim Suicides 2021-2022 Year 2 Report <https://cdn.prngloo.com/media/e888f2af12b142449e4eff15c64014ae.pdf>

²¹ Domestic Abuse Commissioner for England and Wales (December 2022) [A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales](https://www.dac.gov.uk/publications/a-patchwork-of-provision-how-to-meet-the-needs-of-victims-and-survivors-across-england-and-wales) p.49

²² Standing Together, In Search of Excellence: A refreshed guide to effective domestic abuse partnership work – The Coordinated Community Response (CCR) (2020) [In+Search+of+Excellence+2020.pdf \(squarespace.com\)](https://www.in-search-of-excellence.com/wp-content/uploads/2020/09/In-Search-of-Excellence-2020.pdf) p.6

²³ Ibid p.6

shared include probation services, NHS/CCGs, housing and children's services, schools and colleges, mental health and substance misuse services.

20. The CCR model should be aligned with existing arrangements and partnerships. The PCSC Act does not specify the partnership model through which specified authorities must fulfil their obligations to collaborate to prevent and reduce serious violence. Rather, '[r]epresentatives from the specified statutory organisations should collectively decide on the appropriate partnership in which they will work together to undertake the requirements of the Duty'.²⁴ The flexibility of this approach is designed to allow specified authorities to build on existing infrastructure, strengths and capabilities, as they consider most appropriate. This may include pre-existing Community Safety Partnerships, Health and Wellbeing Boards, Serious Organised Crime Partnerships as well as Supporting Families Programme Structures, MARACs, Domestic Abuse Local Partnership Boards, Violence Against Women, Domestic Abuse and Sexual Violence Boards (VAWDASV), Criminal Justice Boards, Violence Reduction Units (non-statutory), Multi-Agency Public Protection Arrangements (MAPPA) and multi-agency safeguarding arrangements.²⁵

21. Multi-agency partnerships such as Multi Agency Risk Assessment Conference (MARAC) and the Multi-Agency Safeguarding Hub (MASH) are of particular importance to ensure perpetrator management teams have key information from victim-focused panels. These structures can be crucial in flagging perpetrators who are high risk. However, without a multi-agency approach being adopted, they may not be in contact with the CJS, preventing effective early intervention in or disruption to their behaviour.

22. Recommendation 2: As one of the organisations bound by the SVD, the police should work with other agencies to develop a 'multi-agency approach to understand the causes and consequences of serious violence, focusing on prevention and early intervention, and be informed by evidence-led best practice'.²⁶ Such an approach should be used both as means of identifying those most at risk and putting in place appropriate interventions.

23. Recommendation 3: There should be effective data sharing across the multi-agency approach. Effective data sharing is necessary in order to discharge the serious violence prevention duty. The VRUs' 'Application Guidance' provides a helpful summary of a whole system approach to violence reduction. The approach should include, 'information and intelligence sharing which should primarily consist of sharing anonymised aggregated data to inform the strategic, tactical and operational response to serious violence'.²⁷ Agencies should disaggregate domestic abuse data to capture key intersections with protected characteristics, regional data, and whether the abuse was perpetrated within an intimate partner relationship or familial abuse. This will help agencies, the government and the DAC Office to identify demographic variations and create strategic responses accordingly.

First response issues

²⁴ Serious Violence Duty Preventing and reducing serious violence Draft Guidance for responsible authorities (June 2022) [SV duty draft guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/SV_duty_draft_guidance.pdf)

²⁵ Ibid p.35

²⁶ Serious Violence Duty Preventing and reducing serious violence Draft Guidance for responsible authorities (June 2022) [SV duty draft guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/SV_duty_draft_guidance.pdf) p.6

²⁷ Ibid p.48

24. A balance must be struck between prevention and first response. A strong strategic focus on prevention is a key way of reducing harm in the long-term, however when victims report abuse, it is crucial they receive a robust response from the police. The DAC Office is concerned with feedback received from survivors noting that they have received an inadequate first response when reporting domestic abuse incidents. The police are frequently one of the first agencies to whom victims and survivors of domestic abuse make a disclosure about their experience. In a recent survey conducted by the DAC Office with over 4,000 victims and survivors of domestic abuse, 42.7% of respondents said that the first organisation to whom they reached out was the police.²⁸

25. A survivor's experience when interacting with a front-line police officer is likely to shape their decision seek help and support in the future or make further disclosures. It is therefore crucial that the police understand the nature, root causes, indicators and dynamics of domestic abuse, as well as how to make enquiries and respond to disclosures safely and appropriately. The first time a victim calls the police may not be the first incident of abuse they have experienced and reporting can put victims at risk of further harm from perpetrators, who may feel like they have lost control in the relationship.²⁹ It is therefore crucial that a full history of events is undertaken as part of the risk assessment and that protective measures are implemented to prevent further harm to victims and their families. An effective first response should balance being supportive and believing to the victim, directing victims to the services specific to their needs, and also gathering evidence effectively and through non-traumatising means. As part of the CCR model, police should work with and know the domestic abuse services available in their area, allowing them to sign post and refer victims where appropriate, including to specialist 'by and for' services.

26. Recommendation 4: The College of Policing (CoP) and police forces should provide sufficient training to officers to ensure the first response to domestic abuse is effective. Police officers should be trained to provide a robust, supportive and trauma-informed response when victims and survivors of domestic abuse first report an incident.

27. This should include best practice such as:

- Recording witness statements at the time of incident. This is important both to build a robust case and to ensure that the victim does not have to keep retelling their experiences to different officers and practitioners, which can be re-traumatising.
- Being sensitive and creating a safe and non-judgemental space when conducting interviews and recording witness statements. It is essential that the interview process itself does not reinforce previous discrimination or abuse experienced by the witness.
- Ensuring that they undertake a thorough risk assessment and implement safeguarding measures to protect victims and survivors who report an incident.
- Sharing information as to where a victim can access wider support services, such as therapeutic support, housing, health and social care services.

²⁸ Domestic Abuse Commissioner's Office, A patch work of Provisions: How to meet the needs of victims and survivors across England and Wales (Policy Report) [DAC_Mapping-Abuse-Survivors_Long-Policy-Report_Nov2022_FA.pdf](#) ([domesticabusecommissioner.uk](#)) p.50

²⁹ Barrow-Grint, K., Sebire, J., et. al (2023) *Policing Domestic Abuse: Risk, Policy and Practice*, Routledge p. 71

- Knowing what community-based and specialist ‘by and for’ services are available in a victim’s area and how referrals to these services can be made. Police referral and sign posting must happen at the earliest opportunity.

28. There is insufficient government funding for community-based services that help victims to navigate the CJS, including court-based Independent Domestic Violence Advisers (IDVAs) and specialist advocates. In the DAC Office’s report conducted with Safe Lives ‘Mapping the provision of court-related domestic abuse support and advocacy across England and Wales’, when victims were asked what made a positive impact on their experience through court, the most common answer given was the specialist domestic abuse or sexual violence services (this finding was the same for both the family court and criminal court) from whom they received support.

29. Despite their benefits, there are very few dedicated court support services, with only eight (5%) based or co-located in a court. Most domestic abuse court support is provided by wider community domestic abuse services (without a specific court focus). However, these services are becoming increasingly stretched (with 85% spending less than 40% of their time supporting the court process) and only one in five domestic abuse services providing dedicated court support.³⁰

30. Recommendation 5: The government must provide sufficient long-term and secure funding for community-based services, particularly those which can provide specialist support for survivors going through the criminal justice system. Funding should also be focused on specialist by-and-for services, which can provide specialist advocacy support for victims and survivors from minoritized backgrounds.

Investigation Issues

31. Concerns have been raised with our office that police officers do not consistently work with survivors in a trauma-informed manner. The neurological response to the trauma of violent and abusive behaviours can impact a victim’s ability to provide evidence in a coherent manner, particularly where an incident has occurred recently. This is because trauma can cause dissociative symptoms or fragment memories, leading them to be recalled out of sequence. This does not mean that victims of domestic abuse are unreliable witnesses.³¹ However, anecdotally, victims and survivors who have contacted our office have stated that they have had their allegations minimised or been accused of lying where they cannot recall information.

32. As stated in the CPS’ ‘Domestic abuse guidelines for prosecutors’, ‘all cases of domestic abuse should have an evidence-led approach and the starting point should be to build cases in which the prosecution does not need to rely on the victim’. Factors like re-traumatisation, intimidation, lack of special measures, and long delays often influence whether a victim will be able to give evidence and how well they will be able to give evidence. The combination of delays and lack of communication on the progress of cases is a huge cause of victim attrition.

³⁰ Domestic Abuse Commissioner’s Office and SafeLives, Mapping the provision of court-related domestic abuse support and advocacy across England and Wales (June 2021) <https://safelives.org.uk/sites/default/files/resources/Court%20Support%20Mapping%20Report%20-%20DAC%20Office%20and%20SafeLives.pdf> p.12

³¹ Ellison, L. and Munro, V. (2017) [*Taking trauma seriously: critical reflections on the criminal justice process*](#)

Investigations should be perpetrator focused and evidence led. Police should be trauma-informed when speaking to victims and therefore must receive trauma-informed witness training to ensure that they can identify and understand the effect of trauma on domestic abuse victims. This will help to ensure the right policing response and decision-making process as to how to progress cases. Police forces should ensure that training, messaging and guidance is clear. Cases should benefit from the same quality of investigation, early gathering of evidence and supervisory oversight as other domestic abuse cases, particularly in cases where the victim does not support police action.

33. Officers should carry out proportionate, thorough and timely investigations into reported crimes. As part of this, they should exercise their professional judgement when attending callouts in order to establish whether the incident forms part of a wider pattern of behaviour which should be investigated. This means asking the victim questions about their day-to-day relationship with the perpetrator and identifying abusive behaviours, speaking to neighbours and other potential witnesses, taking witness statements and gathering other key evidence at the time of incident.

34. As part of the 'Achieving Best Evidence' (ABE) framework, there are several special measures which can be offered to intimidated victims to assist them in giving evidence in an effective manner. A key aspect of this is to ensure that interviews are planned with the victims' needs in mind, carried out in a trauma-informed way and gather as much relevant information as possible in order to prevent the victim from having to recount their story several times. As part of the framework, victims and survivors should be given access to an IDVA or ISVA in the course of giving evidence.³²

35. Police officers should consider providing special measures such as pre-recorded evidence in order to make the process easier for victims and survivors. The ability for vulnerable victims to have their evidence-in-chief pre-recorded away from the courtroom reduces the stress of giving evidence in court, in accordance with section 28 of the Youth Justice and Criminal Evidence Act 1999 (YJCEA).

36. His Majesty's Inspectorate of Constabulary and Fire and Rescue Services' (HMICFRS) 'Review of policing domestic abuse during the pandemic' highlights that Outcome 15 (Evidential difficulties: suspect identified, but evidential difficulties prevented further action) and Outcome 16 (Evidential difficulties: suspect identified, victim does not support prosecution) are increasingly being used by the police to close cases.³³ From March 2016 to March 2020, use of Outcome 16 in domestic abuse cases rose from 35.4% to 54%. Given the high attrition rates with regards to the prosecution of domestic abuse cases and the long delays for a court date it is even more important that evidence is gathered thoroughly and at an early stage.

37. The DAC Office supports HMICFRS' recommendations that the 'use of Outcome 15 and Outcome 16 is immediately reviewed by all forces.'

³² Ministry of Justice, NPCC (Jan 2022), Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses and guidance on using special measures [Achieving Best Evidence in Criminal Proceedings \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/104441/Achieving_Best_Evidence_in_Criminal_Proceedings.pdf) p.50-51

³³ HMICFRS, Review of policing domestic abuse during the pandemic (June 2021) <https://www.justiceinspectorates.gov.uk/hmicfrs/publication-html/review-of-policing-domestic-abuse-during-pandemic/>

38. Recommendation 6: Police officers should receive trauma-informed training to ensure that they understand how best to support victims and survivors in the course of investigations.

Police officers should inform victims of the special measures available for the purposes of the investigation and offer the use of ABE suites to help avoid the re-traumatisation of survivors during the evidence gathering process. Prosecutors should meet with victims before charging decisions are made to explain the nature of the offence, the criminal justice process and the special measures which are available to victims attending court as a matter of course.³⁴

39. Recommendation 7: Domestic abuse victims should be informed of and part of a discussion on special measures. Police should ensure victims are referred to court support bodies like IDVAs and domestic abuse advocates. The DAC Office recommends that every victim of domestic abuse have an IDVA in court with them.

40. Recommendation 8: Police in domestic abuse investigations should guarantee all attempts to engage with victims are explored and that all possible lines of evidence are considered so that the best possible outcomes for victims are achieved in all cases. The use of Outcomes 15 and 16 should be appropriate, and the reasons for using them, including auditable evidence of victim engagement, must be clearly recorded.

41. Since 2014, the mean number of days from offence to completion of a prosecution for all offences has increased from 150 to around 200 in the Magistrates' Court and from 400 to 650 in the Crown Court.³⁵ These delays create more opportunities for re-offending and increase the risk of harm to victims and families. His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) and HMICFRS joint inspection into Evidence-Led Prosecutions highlights the lack of data retention, gathering and system wide sharing, finding that neither the police nor the CPS can 'distinguish those cases where an evidence-led approach may be more effective because there are no systems to flag relevant cases'.³⁶ Likewise, the joint inspection stated that 'whilst training for cases involving domestic abuse was in place across both organisations (CPS and Police), because of other pressures, uptake was variable in some instances'.³⁷ The CPS has specific e-learning on domestic abuse evidence-led prosecutions. Whilst this training is mandatory, it became apparent during the court of the joint inspection that not all prosecutors had completed it. Instead, it seems that there is currently only some joint training between the organisations, conducted on a sporadic and often ad hoc basis.

42. During the Covid-19 pandemic, domestic abuse cases were prioritised by policing and the CPS, which streamlined the investigation and charging process as these agencies adopted more collaborative working approaches.³⁸ This interim protocol has now been lifted, even though the volume of domestic abuse cases has not reduced since the

³⁴ CPS, Special Measures (April 2021) <https://www.cps.gov.uk/legal-guidance/special-measures>

³⁵ CPS (September 2022) [Criminal Justice System Statistics Quarterly: April to June 2020 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

³⁶ HMCPSI and HMICFRS, Evidence led domestic abuse prosecutions (Jan 2020)

<https://www.justiceinspectorates.gov.uk/cji/wp-content/uploads/sites/2/2020/01/Joint-Inspection-Evidence-Led-Domestic-Abuse-Jan19-rpt.pdf>

³⁷ Ibid.

³⁸ CPS and NPCC, Interim Charging Protocol – Covid-19 Crisis Response (2020)

https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/Interim-CPS-Charging-Protocol-Covid-19-crisis-response.pdf

pandemic. The DAC is concerned that this will lead to further drops in referral and charging rates for domestic abuse cases. This is particularly troubling given the significant reduction in referrals, charging and prosecution volumes noted above. The police must work more closely with the CPS to ascertain why this is and ensure that they are advancing ongoing investigations as well as acting as first responders.

43. The police should work closely with the CPS to ensure that victims are appropriately and sensitively updated about the status of their case. As recommended in the HMICFRS 2021 'Review of policing during the pandemic', the police must ensure that sufficient resources are available to maintain contact with victims and to keep them up to date with the progress of their case.³⁹ We reiterate the recommendation made in our submission to the Victims' Bill Consultation in support of Standing Together Against Domestic Abuse's proposal that regular contact with victims should be timetabled into the criminal justice journey.⁴⁰ This would ensure that key updates on a case are communicated to victims and survivors in a timely manner and would help them to feel reassured that progress is being made on their case.

44. Recommendation 9: The police should work closely with the CPS to build cases and obtain early legal advice on case files to ensure that they are robust for charging and prosecution.

45. Recommendation 10: The police and the CPS should communicate closely throughout the course of the investigation and ensure that victims are regularly updated about the progress of their case throughout the course of the investigation to help them remain engaged in the criminal justice process.

Risk Management

46. The CWJ's super-complainant on 'Police failure to use protective measures in cases involving violence against women and girls' notes that there is currently a failing by the police to enforce protective measures (bail, non-molestation orders, Domestic Violence Protection Notices and Domestic Violence Protection Orders and restraining orders).⁴¹

47. Similarly, the joint investigation by HMICFRS, CoP and Independent Office for Police Conduct (IOPC) entitled 'A duty to protect: Police use of protective measures in cases involving violence against women and girls' found that there is a need for better data collection and a requirement for research to be conducted to identify a more robust system of nationwide information sharing which can be used to improve the safety of vulnerable people.⁴²

³⁹ HMICFRS (June 2021) [Review of policing domestic abuse during the pandemic – 2021 - HMICFRS \(justiceinspectorates.gov.uk\)](https://justiceinspectorates.gov.uk/review-of-policing-domestic-abuse-during-the-pandemic-2021-hmicfrs/)

⁴⁰ Domestic Abuse Commissioner's Office, Domestic Abuse Commissioner's response to: Delivering justice for victims, a consultation on improving victims' experiences of the justice system <https://domesticabusecommissioner.uk/briefings/victims-law-domestic-abuse-commissioners-response/> p.8

⁴¹ Centre for Women's Justice, Super-complaint: Police failure to use protective measures in cases involving violence against women and girls https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/797419/Super-complaint_report.FINAL.PDF p.45

⁴² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012890/a-duty-to-protect-police-use-of-protective-measures-cases-involving-violence-against-women-and-girls.pdf

48. The benefits of information sharing can be demonstrated by Project Shield in North Yorkshire. Project Shield is a multi-agency scheme aimed at preventing harm by delivering an improved service around the enforcement of non-molestation orders (NMOs), by sharing the court ordered NMOs with police and safeguarding professionals. The pilot had a considerable impact as it enabled the police to respond more effectively when victims reported breaches of their NMOs and helped the police to take decisive safeguarding action to prevent harm from occurring.⁴³ The Commissioner encourages the further funding of the Project Shield pilot to different areas across England and Wales.

49. A large proportion of individuals who are arrested are released under investigation without bail conditions due to a failure to correctly apply the legal test, which is that bail conditions can be used when 'necessary and proportionate'. Guidance, training and supervision is required by police forces to ensure that the test is applied properly to protect victims, and that release without bail conditions is not being used simply in order to avoid the additional demands imposed on police officers by pre-charge bail rules.

50. When bail conditions are imposed, they are almost always lifted after 28 days. The Commissioner supports the CWJ's finding that there is a fundamental problem with the legislation on extensions of bail. This prevents extensions if the police investigation has not been progressed diligently and expeditiously, regardless of the level of risk faced by the victim. The practice of releasing suspects under investigation should be restricted in cases of domestic abuse due to the danger posed to victims and their family. In most cases where the police are not ready to charge a suspected perpetrator, they should be released on pre-charge bail, rather than released under investigation.

51. Recommendation 11: Police officers should have thorough guidance training and supervision on use of protection orders. Police in domestic abuse cases should release suspects under pre-charge bail as opposed to release under investigation. Co-ordination with the CPS is needed when perpetrators are released on bail or where perpetrators are not being subject to bail conditions. Where this is the case, it is important to have safeguarding measures in place.

3.What roles police forces should prioritise?

52. Roles in Community Safety Units (CSUs) and Public Protection Units should be prioritised. CSU officers are often the most regular point of contact that a victim will interact with throughout their investigation and so they must have a strong investigative capacity and be trauma-informed. Recent roundtables held by the DAC Office with police officers revealed that working in CSUs is seen as undesirable, with the working environment being vicariously traumatic and unsupportive.

53. There is currently a lack of capacity in CSUs which is partly due to high staff turnover and regular rotation out of the unit. This impacts specialist knowledge-sharing between officers and creates skills gaps as it means there are fewer members of staff with extensive experience and expertise in this area.

⁴³(North Yorkshire Police), North Yorkshire Police and IDAS, in partnership with HMCTS, Edge Hill University and CGI, lead seminar to address domestic abuse (November 2021)

[North Yorkshire Police and IDAS, in partnership with HMCTS, Edge Hill University and CGI, lead seminar to address domestic abuse. | North Yorkshire Police](#)

54. Recommendation 12: The police should prioritise CSUs and Public Protection Units and combat skills gaps by making the roles more desirable, in particular by providing opportunities to specialise. Officers in these units must be specially trained on domestic abuse and be trauma-informed. Additionally, more should be done to attract the people most appropriate to respond to domestic abuse and work in these units. One of the functions of CSUs is to help gain the co-operation of the public with the police in preventing crime and enhance local community safety, so the resourcing into this area would also be a good step in rebuilding trust in the police.

4. What can be done to improve community policing and increase trust in police officers and forces, including on funding and on disciplinary powers when police officer behaviour falls below required standards?

55. The DAC Office welcomes the independent reviews taking place into police misconduct and is deeply concerned by the handling of incidents of domestic abuse and sexual abuse uncovered within police forces. As the Centre for Women's Justice (CWJ) super-complainant states, 'police victims of PPDA, when they work in the same force as their perpetrator, are in a uniquely difficult position' as they may feel at risk of employment repercussions which discourages them from coming forward. CWJ's statistics show that only 3 out of 104 respondents (police victims of PPDA) agreed that they could trust the police involved in their case to respond and make case decisions impartially. Only 6 participants said that they would feel confident to report domestic abuse to the police again. There is clearly an urgent need for examination of police processes and handling of gross misconduct.⁴⁴

56. In light of the Casey Review and Angolini Inquiry, police forces must examine their culture, training and handling of gross misconduct where allegations of police perpetuated domestic abuse (PPDA) are made. Cases of domestic abuse and sexual harassment within police forces and externally (police to member of the public) must be thoroughly investigated and safeguards must be implemented where an officer is not suspended from service to prevent the investigation being compromised or the victim from coming to further harm. The MPS and Nottinghamshire Police have introduced Domestic Abuse and Sexual Offences Units (DASO) and Domestic Abuse Support Units to investigate allegations against officers. Currently there are over 600 allegations are being investigated by DASO which reaffirms prevalent this issue is.

57. A commitment to cultural change is needed across all police forces. Forces must act to create a culture where police officers will feel empowered to report and challenge PPDA and be supported in doing so. Cultural change programmes should be embedded into forces. The programmes should be developed to ensure that individuals within the police and the wider CJS have a good understanding of VAWG and domestic abuse and recognise that responding is a part of their core business.

58. Recommendation 13: Police forces across England and Wales should establish specialist Domestic Abuse and Sexual Offences Units across England and Wales. As part

⁴⁴ IOPC and College of Policing, Police perpetrated domestic abuse: Report on the Centre for Women's Justice super complaint (November 2022)

[Police perpetrated domestic abuse: Report on the Centre for Women's Justice super complaint - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/106444/Police_perpetrated_domestic_abuse_Report_on_the_Centre_for_Women's_Justice_super_complaint.pdf)

of this, there should be specialist domestic abuse advocates within police forces who work to support police officers experiencing incidents of PPDA.

59. Recommendation 14: Police forces should commit to the development and implementation of a VAWG and Domestic Abuse Strategy. Police should have thorough training on domestic abuse, sexual violence, misogyny, power, and control. There must be a zero-tolerance policy within the police towards all forms of abuse. As stated in the 'Policing violence against women and girls national framework', police forces must 'complete an urgent review of all current allegations of sexual misconduct, domestic abuse and other VAWG-related offences against officers and staff, ensuring that they are being investigated fully and quickly'.⁴⁵

60. Police forces can build trust by committing to partnerships and multi-agency work. There are already many existing structures in place where commitment from the police should be maintained and further aligned with the CCR. As noted above, there are key benefits to integrating partnership working as part of a criminal justice response, particularly with regard to building strong relationships with agencies and victims' services. A HMICFRS inspection into the police response to VAWG showed that 'roles and responsibilities for partners working together in multi-agency safeguarding arrangements vary considerably'.⁴⁶

61. Police must ensure that all forces are a part of the multi-agency response and be proactive in setting up working groups involving IDVAs and other front-line professionals to discuss challenges, sample cases, share data and ensure that performance issues are continually addressed. In turn, these groups should feed into the work of Local Strategic Groups/Partnerships and Local Criminal Justice Boards.

62. Police officers should rebuild trust by working more closely with minoritised groups. Where there are victims of domestic abuse from these groups, police should have knowledge of specialist 'by and for' services in their local area. Groups who may need specialist services include those who are LGBTQ+, Deaf and disabled, Black and minoritised, and those who have multiple disadvantages and complex needs (including drug and alcohol support needs, mental health problems, and homelessness).

63. This is evidenced in our office's recent report which mapped the provision of domestic abuse services across England and Wales. Completed by over 4,000 survivors of domestic abuse, we found that '67% per cent of Black and minoritised survivors, 68% of LGBTQ+ survivors, 55% of disabled survivors and 16 of 62 Deaf survivors wanted access to a specialist 'by and for' organisation to provide them with the help they needed. When looking at trans people specifically, a particularly high proportion of the respondents wanted access to a specialist 'by and for' organisation – with 21 of 23 trans victims and survivors requesting this type of support'.⁴⁷ This specialist support could include, for example, a

⁴⁵ NPCC and College of Policing, Policing violence against women and girls, National framework for delivery: Year 1 (December 2021)

<https://www.npcc.police.uk/documents/VAWG/Policing%20VAWG%20national%20framework%20for%20delivery.pdf> p.16

⁴⁶ HMICFRS Police response to violence against women and girls final inspection report (September 2021) [Police response to violence against women and girls: Final inspection report - HMICFRS \(justiceinspectorates.gov.uk\)](https://www.justiceinspectorates.gov.uk/hmicfrs/reports-and-publications/police-response-to-violence-against-women-and-girls-final-inspection-report/)

⁴⁷ Domestic Abuse Commissioner's Office, A patch work of Provisions: How to meet the needs of victims and survivors across England and Wales (Summary Report) (November 2022) https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-

strong understanding of multiple forms of discrimination and the delivery of tailored services and intersectional advocacy to address a range of needs.

64. It is important that police officers understand that victims and survivors from these communities face structural barriers to finding or accessing support, and services delivered from outside their community may fail to understand the complexity of the abuse they have experienced, or lack the trust needed for survivors to fully disclose the abuse.

65. It is particularly notable that, of the Black and minoritised survivors who responded to our survey, 78% of those who had accessed a 'by and for' service felt safer, compared to 48% who had accessed another kind of service, and 30% who had accessed no support whatsoever.⁴⁸ A similar pattern is seen for other minoritised groups who responded to our survey – notably LGBTQ+ and Deaf and disabled survivors, although this cannot be robustly reported on due to low sample sizes. The lack of a significant sample size to compare LGBTQ+, Deaf or disabled survivors who had accessed a 'by and for' service with other services is itself notable, and reveals the paucity of these services across England and Wales.

66. Recommendation 15: Where a survivor has protected characteristics, they should be informed of relevant specialist by-and-for services in their area and offered a referral as to the same to support them through the proceedings. Police forces should keep an up-to-date list of such services and establish clear referral pathways with relevant organisations. Whilst police may not be co-located with a specialist 'by and for' service they should have knowledge of where these services are and be able to sign post victims to them.

67. Recommendation 16: Police should prioritise helping Deaf victims who report crimes to access interpreters. Our survey suggests that one particularly affected group, for whom relatively few provisions are available, are those who needed access to British Sign Language (BSL) interpreters or interpreters in other languages.⁴⁹ Many survivors have shared that their statements have not been properly recorded or that they were not able to even give a statement. We have also heard accounts of victims being required to prove their disability before they were even offered an interpreter.

68. Recommendation 17: As part of the CCR, the police should join in discussions on the provision and funding allocations of 'by and for' services to ensure that the needs of domestic abuse victims in their community are being adequately and most effectively resourced.

69. Recommendation 18: The government should commit long-term funding into community-based services and specialist 'by and for' services in addition to national services. The government must make this a priority. Funding is greatly needed for specialist 'by and for' services in the CJS, with quality-assured interpreters and communication support needed throughout the CJS. The government should develop a programme of work to address the barriers to accessing the justice system for disabled people, incorporating training for police, court staff, magistrates and judges, as well as considering the impact of remote video-links.

70. A firewall between police and immigration authorities should be established as a matter of priority to help victims experiencing immigration abuse. The joint investigation by HMICFRS, the CoP and the IOPC found that victims of crime with insecure or uncertain immigration status are fearful that, if they report crimes to the police, their information will be shared with the Home Office.⁵⁰ Furthermore, research by Liberty and Southall Black Sisters also states that these features deter domestic abuse victims and witnesses engaging with the police because of their unsettled immigration status. As a consequence, victims and survivors are denied justice, while offenders go unpunished and remain a threat to the public.⁵¹

71. This again underlines the importance of specialist ‘by and for’ services being available to victims and survivors going through the criminal justice process. Some migrant and minoritised women face additional barriers including lack of English language skills (which may inhibit their understanding of rights and services available), social isolation, and notions of honour and shame in some communities, including fear of censure from wider family and community. This leads victims to delay in making reports and can increase safety risks.⁵²

72. Recommendation 19: A firewall should be urgently implemented between the police and immigration authorities to help victims experiencing immigration abuse.

5. Specifically, what must the Metropolitan Police do to increase trust under its new Commissioner?

73. A number of independent reviews have recently been conducted, which have investigated the MPS – including the practices used by officers and the culture within the force. In January 2021, published data from the MPS revealed that there are 150 convictions relating to currently serving officers.⁵³ As stated previously in this response there are also a number of PPDA allegations being examined in DASO units. Given the prevalence of this issue and grave levels of public concern, reviews concerning the culture and standards of the MPS are wholly appropriate and welcome. Despite one of the standards of professional behaviour for police officers and police staff being a requirement to ‘report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour’, the findings of Operation Hotton show ‘a reluctance to challenge inappropriate behaviour and misconduct’.⁵⁴ Operation Hotton identified several structural issues relating to working practices which allowed conduct issues to permeate and behavioural problems to go unchallenged. These issues included

⁵⁰HMICFRS, Safe to share? Liberty and Southall Black Sisters’ super-complaint on policing and immigration status (December 2020)

<https://www.justiceinspectorates.gov.uk/hmicfrs/publications/liberty-and-southall-black-sisters-super-complaint-on-policing-and-immigration-status/>

⁵¹ Ibid

⁵² Domestic Abuse Commissioner’s Office, A patch work of Provisions: How to meet the needs of victims and survivors across England and Wales (Summary Report) (November 2022)

https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Survivors_Summary-Report_Nov-2022_FA.pdf

⁵³

⁵⁴Ibid p.13

the nature of work, shift patterns, isolation, supervision, acting up, and unofficial promotions.⁵⁵

74. The Operation Hotton investigation into the MPS found evidence of a culture of 'toxic masculinity', sexual harassment and misogyny within the force. There was evidence of teams dominated by 'macho' officers using discriminatory, misogynistic and offensive language. Likewise, the investigation found numerous messages between police officers about domestic violence, as well as sexually explicit, misogynistic and demeaning conversations.⁵⁶ When challenged by colleagues, those who reported the behaviour were ostracised, harassed and humiliated. Urgent action, including the immediate suspension of those reported to have engaged in or perpetuated these behaviours, is required to combat these unacceptable practices.

75. The Casey Review's 'Interim Report on Misconduct' echoes those findings, stating that the MPS is both too slow to resolve allegations of misconduct and that the force is not clear what constitutes misconduct and how this will be challenged.⁵⁷

76. Speaking to officers across the MPS revealed that training is needed consistently across officers at all levels on domestic abuse and VAWG, and more generally on misogyny, power and control. Officers who fed back to us noted that usually there is only sporadic training which is optional to attend, thereby preventing consistent knowledge of these issues across the force. Training should be compulsory and frequent. In particular, there should be a focus on how to speak to domestic abuse victims and work in ways which are trauma-informed.

77. Recommendation 20: The MPS must commit to a programme of cultural change and publicly address its major structural and cultural issues. This should be underpinned by regular and consistent training. There must be stronger responses and transparent disciplinary action in cases involving misconduct. The MPS must move away from an introspective and protective culture to one of openness and transparency. All allegations of misconduct must be taken seriously and investigated. Recruitment and dismissal policies should also be re-examined.

78. Recommendation 21: It is crucial that all recommendations for improvement from the Casey Review and Operation Hotton are implemented and that the progress on implementation is monitored and shared with the public.

79. The MPS must work more closely with the communities it serves and build collaborative and constructive relationships with Black and minoritised communities. National data from May 2022 shows that Black people are almost nine times more likely to be stopped and searched than White people and the rate at which the police use force is five times higher for people perceived to be Black.⁵⁸

⁵⁵ Ibid p.5

⁵⁶ Ibid p.11

⁵⁷ Metropolitan Police, Baroness Casey Review, Interim Report on Misconduct (October 2022) [Baroness Casey's report on misconduct | Metropolitan Police](#)

⁵⁸ Home Office, (2022). Police powers and procedures: Stop and search and arrests, England and Wales year ending 31 March 2021 second edition [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021 second edition - GOV.UK \(www.gov.uk\)](#)

80. As a result of this historical over-policing and institutional racism, victims from these communities are more likely to mistrust the police and therefore often more hesitant to report crimes.⁵⁹ As voiced in Imkaan's the 'Decriminalisation of Rape' report, Black and minoritised victims face multiple barriers to accessing justice. These barriers range from 'the racialised stereotypes about black and minoritised survivors held by multiple professionals, to disproportionate and discriminatory policing'.⁶⁰ A 'fundamental issue for Black and minoritised women and girls relates to their sexual violence and abuse being seen by communities and sometimes by professionals as an extension of their culture and/or religion. This diminishes the experiences of victims/survivors and delegitimises their trauma.'⁶¹

81. As is captured in the 'Police Race Action Plan' the MPS must 'review all national standards for practice and training, to ensure that they support the development of an anti-racist police service. The MPS must make a 'commitment to anti-racism'. This drive should be 'embedded as part of leadership programmes at all levels, wider promotion frameworks and appraisal processes.'⁶² There must be zero tolerance of racism in policing.⁶³

6. What steps can be taken to improve national conviction rates, including via relationships with other bodies such as the Crown Prosecution Service

Police and CPS

82. The CPS and police must work together effectively as part of the CCR to secure better outcomes for survivors of domestic abuse and to bring perpetrators to justice. There is encouraging work like the Rape and Serious Sexual Offences Strategy (RASSO) where ‘the CPS have committed to a wide-ranging, joint programme of work with the police through a joint police/CPS rape action plan which aims to improve case progression, help [CPS] build stronger cases from the outset, and accelerate the time taken to bring cases to court’.⁶⁴

83. The Director of Public Prosecutions (DPP), Max Hill, recently spoke to the Justice Committee about the provision of enhanced services when contacting rape victims, an idea which stemmed from the National Rape Conference.⁶⁵

84. The DAC would encourage that these enhanced services be extended to domestic abuse victims. Both the police and CPS must ensure that communication with victims is

⁵⁹ Lammy D, The Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System (September 2017) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf%20 p.17

⁶⁰ Centre for Women's Justice, End Violence Against Women, Imkaan and Rape Crisis, The Decriminalisation of Rape: Why the justice system is failing rape survivors and what needs to change (November 2020) <https://rcew.fra1.cdn.digitaloceanspaces.com/media/documents/c-decriminalisation-of-rape-report-cwj-evaw-imkaan-rcew-nov-2020.pdf>

⁶¹ Ibid p.56

⁶² NPCC, College of Policing, Police Race Action Plan: Improving Policing for Black People (2022) [Police Race Action Plan: Improving policing for Black people \(college.police.uk\)](https://www.college.police.uk/en/race-action-plan)

⁶³ Ibid p.47

⁶⁴ CPS, Rape and Serious Sexual Offences Strategy (July 2020)
<https://www.cps.gov.uk/sites/default/files/documents/publications/RASSO-2025-strategy.pdf>

⁶⁵ Justice Committee, Formal meeting (oral evidence session): The work of the Director of Public Prosecutions (November 2022) <https://committees.parliament.uk/event/15551/formal-meeting-oral-evidence-session/>

vastly improved and that updates on the progression of their case and information about the offender following conviction are shared with the victim. The police must ensure that victims of domestic abuse are contacted through methods of their preferences and that they are trauma-informed if they are going to reach out many months or years later.⁶⁶

85. The CPS must itself do more to tackle the huge backlog of cases (through increasing its capacity) as it is the victims who suffer from huge delays and an associated inability to gain closure. Given the significant court delays faced by survivors and victims of domestic abuse it is critical that the CPS reinstate prioritisation of domestic abuse cases. There are already high attrition rates with regards to the prosecution of domestic abuse cases. Long delays for a court date are likely to compound this problem.

86. Both the CPS and the police must actively invite scrutiny and hold scrutiny panels where there are No Further Action (NFA) decisions. Where a NFA decision is made, victims should be contacted by telephone as well as by letter as a matter of course to ensure that they have received notice of the decision and to give them the opportunity to ask any questions regarding why this decision has been made. As part of this process, victims should have the Victim's Right to Review (VRR) process raised to them and explained.

87. Alongside scrutiny of NFA decisions, it is important that police and the CPS work to improve data quality to enable further and more nuanced insights. Data should also be collected and recorded on factors driving NFA decisions. Following an extensive review undertaken by the CoP, CPS and NPCC in February 2022, Joint Operational Improvement Meetings (JOIMs) were launched.

88. Recommendation 22: The CPS and police should develop a programme and joint strategy for domestic abuse victims. To do so, they must work closely with victims, survivors and the domestic abuse sector, including specialist 'by and for' services and wider victim support organisations who will be able to provide expert advice and input to inform this work.

89. Recommendation 23: The DAC Office encourages the use of JOIMs for forces and the CPS to refresh existing local governance structures and work to improve casework performance through strong working relationships, sharing and solving issues and discussing good practices.⁶⁷ Domestic abuse support workers should be involved in JOIMs to ensure that survivors' needs are incorporated into the improvements of these CJS bodies.

90. Specialist Domestic Abuse Courts (SDACs) have consistently demonstrated better outcomes for victims and survivors and yet their provision has been allowed to wane in recent years. SDACs operate across many areas of England and Wales to provide survivors of domestic abuse the support needed to successfully access and navigate the court system and form effective links across agencies and with Community Safety Partnerships.

⁶⁶ Ministry of Justice, Code of Practice for Victims of Crime in England and Wales (November 2020) [MoJ Victims Code 2020 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/92811/moj-victims-code-2020.pdf) p.33

⁶⁷CPS (October 2022) [Police-CPS Joint National Rape Action Plan – refresh 2022 | The Crown Prosecution Service](https://www.cps.gov.uk/publications/policies-and-guidance/police-cps-joint-national-rape-action-plan-refresh-2022)

91. SDACs are specially adapted magistrates courts hearings which seek to increase the number of successful prosecutions and improve safety for victims, and include the provision of specialist IDVAs, criminal justice staff who are specially trained in the dynamics of domestic abuse and clustering of cases to better facilitate the provision of these specialist services. These Specialist courts go well beyond the Domestic Abuse Best Practice Framework, and genuinely provide a better wrap-around for survivors to more effectively manage risk and support them through the process.

92. Standing Together Against Domestic Abuse, which was one of the organisations instrumental in the establishing the first SDACs in England, also emphasises the importance of Domestic Abuse Court Coordinators within SDACs.⁶⁸ These Domestic Abuse Court Coordinators attend court every week to observe proceedings and assist in ensuring that information is provided to the Court to enable safe decisions to be made. By delivering a report on each case to all agencies and practitioners involved, and by maintaining a record of information from all agencies, they are able to track cases accurately.⁶⁹

93. Recommendation 34: The CPS and His Majesty's Courts & Tribunal Service (HMCTS) should revitalise the SDAC model and should support its roll out across England and Wales. Revitalising the SDAC model will improve outcomes for domestic abuse cases by ensuring the safety and support of victims while managing risk. The findings from the 'Evaluation of the Westminster Specialist Domestic Abuse Court' concur that SDACs 'improv[e] victim-survivor feelings of safety and engagement during the court process as well as improving information sharing, multi-agency working and accountability between CJS agencies. The SDAC model facilitate[s] more informed recommendations and decision-making by the professionals who [are] able to access more information about cases as well as apply their specialist knowledge of DA (domestic abuse) when imposing sentences, bail conditions and protective orders'.⁷⁰

Police and Government

94. As highlighted above, the need for sustainable and effective funding for community-based services, IDVAs and specialist 'by and for' services underpins the viability of a CCR. We would reiterate our earlier recommendation that specialist 'by and for' and community-based services' funding must be ring-fenced and not afforded at the expense of national services.

95. The National Oversight Group was set up in 2014 'to monitor and report on the progress made in implementing recommendations for police responses to domestic abuse'.⁷¹ The intention was the group should report publicly on progress every quarter, however it has fallen into abeyance.

⁶⁸ Standing Together Against Domestic Abuse, Coordinating the partnership response to domestic abuse: Specialist Domestic Abuse Courts [Standing+Together+-+SDAC+&+Coordinator+role.pdf \(squarespace.com\)](https://standingtogetheragainstdomesticabuse.org.uk/wp-content/uploads/2022/07/STADA-SDAC-Coordinator-role.pdf)

⁶⁹ Ibid

⁷⁰ Centre for Justice Innovation, Standing Together, Evaluation of the Westminster Specialist Domestic Abuse Court Part of the Standing Together Against Domestic Abuse Mentor Court project https://justiceinnovation.org/sites/default/files/media/document/2022/cji_sdac_wip.pdf p.3

⁷¹ Home Office, HMIC Domestic Abuse Review, National Oversight Group Update Report (December 2014) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/395680/Domestic_Abuse_National_Oversight_Group_Update_v4_WEB.PDF p.2

96. There are currently huge gaps in data and poor data retention across the CJS. For example, there is no dedicated data which shows the average length of cases involving domestic abuse going through the criminal courts and no way of tracking attrition properly.

97. Recommendation 35: The government should renew the National Oversight Group for Domestic Abuse. It should report on progress of police strategies and response to domestic abuse, seek to understand and address the falling outcomes for domestic abuse in the CJS and oversee domestic abuse training throughout the CJS. The government must embark on a considerable programme of work to clear court backlogs, including through re-prioritisation of domestic abuse and VAWG cases by the CPS. This should be monitored and overseen by the National Oversight Group.

98. Recommendation 36: The government should fund the creation of a new data tool in the CJS to address the huge data gaps. This tool should track cases and map victims' journey through the CJS. More must also be done to ensure the CPS and police can share data. There must be greater system alignment set up to ensure there are file sharing capabilities between these bodies.

December 2022