



Leeds Domestic Violence Service (LDVS) works with women, men & families in Leeds offering emergency accommodation, support, advice and advocacy around a range of issues

LDVS Response: CWJ super-complaint – police failures to use protective measures

Leeds Domestic Violence Service (LDVS) are commissioned as a partnership by Leeds City Council to offer community based support services for victims of Domestic Violence. The Independent Domestic Violence Advocacy (IDVA) Service in Leeds is delivered by Leeds Women's Aid on behalf of LDVS. We support women who have experienced Domestic or Sexual Violence or Abuse, and offer legal advice, advocacy and support. We also work in partnership with the police, courts, Probation, Crown Prosecution Service and the prison.

This response has been prepared by Lindsey Goodwin (IDVA Team Leader) within LDVS. This response is written to reflect the views of the whole organisation (please separate document which explains the full LDVS commissioned service).

I manage the IDVA Team. The IDVA Team in Leeds consists of 5x full time & 1 x part time IDVA's. The IDVA's work with high risk victims offer legal and practical support in order to reduce the risk. We also offer ongoing support to victim's assessed high & medium risk when they are due to attend to give evidence in the Criminal Courts. The IDVA's represent the Service at the Daily MARAC meetings and I sit on the MARAC operations board.

Within the whole organisation including our provision we have 30+ front line members of staff.

The LDVS Service is commissioned to work with victims assessed as being at high and medium risk of harm. We do not have involvement where the victim has been assessed as standard risk.

- **How frequent do these issues occur?**

- 1. Failure to arrest for breach of civil injunctions, in particular non-molestation orders, and for breach of restraining orders;***

We receive many referrals from our daily MARAC / MASH following victims reporting breaches of Non-Molestation Orders (NMO) & Restraining Orders (RO). It is quite common practice not to arrest a suspect for these reported offences and invite the suspect in for voluntary interview.

In general suspects are invited in for interview by the police. It would be rare for the police not to speak to the suspect at all however there are quite often long delays between the victim reporting the breach and the police speaking with the suspect. Once the suspect is voluntarily interviewed the police would complete their investigation and send the case to CPS for pre charge advice. If the CPS authorise the charge this would be dealt with by postal requisition. This again results in a long delay in the suspect being given a court date.

We see several cases following reports to the police for breaches of court orders where no charges are brought following lengthy investigations. The impact of this is victims have reported to us that they do not feel their protective orders are effective as they are





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not being enforced. Even where criminal charges are brought victims report being dissatisfied with the length of the police investigation in order to get the case to court.

2. Failure to utilise Domestic Violence Protection Notices and Domestic Violence Protection Orders;

The majority of our referrals come from the Daily MARAC / MASH meeting. During this meeting a multi-agency plan is put in place. The criteria for the meeting are to discuss incidents reported to the police within the last 24 hours which have been assessed as high risk. Due to incidents being heard quickly it is quite often the police haven't arrested the suspect at this stage.

It is quite common for actions to be sent for West Yorkshire Police (WYP) to recommend DVPN. On average we hear 15 cases a day. I would suggest on average 5 cases at least would have this action. This is approx. 25 recommendations a week, 100 per month. I have attached a separate document which outlines the number of DVPN's granted in Leeds. The number of applications being made for DVPO's at court by WYP is significantly lower. For example in November 2018 only one application was made. This routinely shows WYP are failing to use a DVPN / DVPO as a protective measure in order to safeguard high risk victims.

In February 2018 West Yorkshire Police set up a DVPO Team. This means the police officer would issue the DVPN and complete this initial paperwork. This DVPO application is then tasked to the DVPO Team. Here their case workers prepared the application paperwork, they attend Court and make the applications which means front line police officers do not need to undertake this role. It was hoped that the introduction of this team would increase the number of DVPO's granted across West Yorkshire. Although this has happened in some parts of the county this does not appear to be the case in Leeds.

If a DVPO is granted in Leeds there is a DVPO IDVA seconded to the WYP DVPO Team. Her role is to contact all victims to update if an order has been granted and go through the terms. She would then discuss local support services and refer the victim to LDVS if ongoing support was required regardless of whether the victim is assessed as high or medium risk. I would suggest DVPO's are not being routinely granted for victims assessed as medium risk as we have had no referrals from this IDVA for victims assessed as medium risk.

3. Failure to impose bail conditions:

a. Where suspects are interviewed as volunteers and not arrested, bail cannot be used;

When attending the Daily MARAC / MASH as discussed above we routinely hear that suspects are being invited into the police station in order to be voluntary interviewed (VA). I would say on average 2-3 cases a week. This is happening when the perpetrator has been assessed as posing a high risk of harm or of homicide to the victim. Our IDVA's routinely challenge that VA is not appropriate in high risk cases

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due to this meaning bail conditions cannot be put in place. The police are sometimes asked to review this decision but in practice this does not change this practice. We have heard Officers in the meeting saying there is not the necessity to arrest hence why this is happening. We raise concerns about this practice but this does not seem to alter this decision. There appears to be a lack of understanding that the police can have a necessity to arrest in order to implement bail conditions. I would suggest that in the last 3 years there has been a significant increase in the number of suspects being invited in for VA.

b. Where suspects are interviewed under arrest, release pending further investigation without bail, or release on bail without bail conditions.

Since the introduction of The Bail Act 2017 we have seen a significant increase in the number of suspects being released under investigation without being subject to bail conditions. There is a presumption that if the police are not in position to charge the suspect will be released without condition. However the Bail Act does state police bail conditions can be put in place for 28 days where it is consider 'necessary and proportionate'. Our IDVA Service has advocated with the police that if a victim has been assessed as high risk it is just and proportionate to put police bail conditions in place. Our experience is WYP have interpreted the presumption of no bail literally and it is quite common practice to release a suspect without bail conditions. This was certainly the case in the first year the Bail Act came into force. Recently we have seen a small increase in a handful of cases of suspects being put on conditional police bail.

Following the implementation of the Bail Act we expected to see an increase in the number of DVP's / DVPO's being granted to offer victims continued protection. As explained above this did not happen.

LDVS are extremely concerned when a suspect is VA'd or released under investigation there are not restrictions placed on the perpetrator in order to keep them safe. As a result of this we see cases where perpetrators get back in touch with victims. As a result of this contact it is understandable why victims may want to retract their statements and no longer support the prosecution due to influence from the perpetrator. The knock on effect of this is the number of suspects being charged is reducing. This also needs to be viewed in the context of coercive and controlling behaviour that without placing restrictions on a perpetrator they can continue this type of abuse and make it more difficult for a victim to seek support.



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- **Reasons why this may have occurred?**

We were initially of the opinion that DVPN's / DVPO's were not being granted as front line police officers did not have the training, experience or time to put these measures in place. Prior to February 2018 the Officer in the Case (OIC) would be required to prepare all the paperwork and attend court in order to make the application. This is quite time consuming. We hoped that the introduction of the WYP DVPO Team would mean there was an increase in officers applying for these. This has not happened.

We believe one of the reasons for this is lack of training and awareness of these orders. Training has been provided by the WYP DVPO to all districts within the county but Leeds does not seem to have seen an increase in the number of applications. Quite often at MARAC we hear from the Police Rep a DVPO was considered and deemed not appropriate as the victim did not support this. The guidance is quite clear that although victim's wishes can be considered the order can be granted without their consent. Although the IDVA's try to challenge this view through the MARAC there does not appear to be the desire for change or to challenge this. There seems to be a feeling that due to the high volume of police call outs / high risk cases we deal with in Leeds there is no time or resources within the police to do this.

Since the introduction of the Bail Act we have seen a significant increase in the number of suspects being released without conditions. One of the reasons for this is due to Officers interpreting the Act literally that there is the presumption no bail conditions are put in place. There appears to be a lack of understanding of risk and that if a DVA victim is assessed as high risk of serious harm or suicide it could be considered 'necessary and proportionate' to implement bail conditions.

We have seen a huge increase with suspects being invited in for 'voluntary interview'. In our opinion this does seem to have coincided with the reduction of police funding. If police officers can invite someone in for police interview and they attend this saves officers time and resources as it prevents officers having to arrest someone.

In the last few years LDVS have seen a change in the police response to DVA and how they address safety. In some ways it feels we have taken steps backwards, and it no longer feels like the victims safety is paramount.

In summary the reasons we feel the police are failing to implement protective measures are:

- Lack of resources / funding to fully utilise these measures
- Lack of understanding / training about the measures available and impact on victim safety.





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Month	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Team Court Appearances	18	30	34	25	26	22	16	22	22	12	7
Leeds DVPO Applications	7	8	4	1	2	2	0	2	6	1	1
Leeds DVPO Breaches	1	4	1	1	1	0	1	0	1	1	0

