

Statement of Pragna Patel

I, Pragna Patel, of Southall Black Sisters, 21 Avenue Road, Southall, Middlesex, UB1 3BL say as follows:

1. I am the Director of Southall Black Sisters (SBS), a not-for-profit organisation established in 1979 to meet the needs of black and minority (BME) women. We operate a specialist centre for women who experience violence and abuse within the family. Whilst the centre was originally set up to cater for the specific needs of women in the locality, in practice it has come to be used by BME women from around the country. Due to the nature of our work, we are in regular contact with the Metropolitan Police but we also engage with various police forces from around the UK, including, Thames Valley Police, South Yorkshire Police, West Yorkshire Police, Wiltshire Police, Greater Manchester Police, Surrey Police, Hampshire Police and so on.
2. We have six staff doing frontline work supporting women, five of them IDVAs or assistant IDVAs and one helpline worker. We have been asked for our experience of the issues raised in the super-complaint brought by Centre for Women's Justice, and I will address each of these in turn.

Non-molestation Orders

1. In the course of our casework we come across instances where police fail to take action in response to breach of NMOs. The main problem is that police do not view many types of breaches of orders as their paradigm idea of what constitutes a breach. Their idea of a breach is threats, assaults, a perpetrator turning up at a woman's house. Breaches such as repeat contact, for example sending repeat text messages, or approaching women in public places, are

trivialized and not treated as breaches. The impression we get is that officers cannot be bothered to take action in response to such breaches. Women are told, for example, that he hasn't really done anything, or where there are repeat calls from a withheld number they may say "how do you know it's him". There is no appreciation of the impact of repeat contact on women, or of escalating risk. The result is that women feel that they cannot trust the police and when breaches continue they do not think there is any purpose in reporting them.

2. A common situation is where children are involved, and ex-partners use child contact as a means to perpetuate harassment. Police sometimes say that he is allowed to make contact over arrangements for the children and take the view that this is a civil matter around child contact and fail to take any action. Another situation is where a perpetrator continues to contact the woman indirectly through the children, for example by sending messages intended for her to the child's mobile. Although NMOs prohibit contact either directly or indirectly police do not treat this as a matter in which they should get involved.
3. A further problem arises when women obtain an NMO and we e-mail a copy to the police station, but it is not logged onto the system. Poor record keeping means that the existence of the NMO can be difficult to trace when there is a problem later.
4. We frequently hear from women that they have gone to the police and been told to obtain a civil injunction instead of any policing action being taken. We have also heard of women being told by police officers that an NMO would give them stronger protection than going through the criminal process.

Domestic Violence Protection Notices and Orders

5. We have never once come across the use of a DVPN or DVPO in our casework and they are never raised or mentioned by police officers involved in our cases. DVPNs and DVPOs were included in training we took part in with Centre for Women's Justice, and we then raised this with officers we work with at MARAC. We were told that these were too cumbersome, there is no capacity for them and they are not used. We were told that obtaining them is a long process, that they may not be granted in the end, and that "the Super won't allow it". We have also been told that it is easier to just investigate and charge the perpetrator, rather than going down the route of DVPN/Os. We agree that investigation and charge is most important, but if bail is not used there may be no orders in place to prevent contact.

6. In our submission to the Government consultation on the Domestic Violence Bill in 2018 we stated:

We understand from senior local police officers that securing a Domestic Violence Protection Order (DVPO) involves a disproportionate use of already scarce police resources (sometimes taking half a day to prepare the application) which they would rather expend on investigating the offence in order to charge the perpetrator, if possible. These officers have questioned what additional value a DVPN/DVPO adds to the protection they are already able to offer through pre-charge bail conditions. Indeed, even when DVPO applications are being made, courts are refusing to make an order as the same effect could be achieved via bail conditions.


Naturally, this view pre-supposes that suspects are indeed arrested promptly, are questioned under arrest and not under voluntary attendance, so that bail can be used, and that pre-charge bail is indeed used and bail conditions imposed.

Restraining Orders

7. Our caseworkers always feel the need to raise requests for Restraining Orders with the officer in the case, and check up on whether a request has been made, otherwise they will be overlooked. We continually chase and our caseworkers attend sentencing hearings to ensure that an order is applied for, as we have no confidence that this will be done automatically. We also raise requests at MARAC in high risk cases. In other cases it can be very difficult to communicate with the officer in the case and our caseworkers have to do a lot of chasing. We would expect that without an advocate many women will not be able to do this alone.

Bail

8. Over the last couple of years we have seen fewer cases where bail conditions are used, though this is a general impression rather than based on any specific figures. For cases which go to MARAC, there are bail conditions in the vast majority of cases, but recently we have had two cases at MARAC where the perpetrator was “released under investigation” with no bail conditions, despite it being a high risk case. For those which do not go to MARAC, we would estimate that bail conditions are used in less than half of cases. We are not told whether a perpetrator has been interviewed following voluntary attendance or under arrest, so we would only know whether there are bail conditions or not.

Signed..... 

Pragna Patel