

Centre For Women's Justice Super Complaint: Police perpetrated domestic abuse

National Police Chiefs' Council (NPCC) response to recommendations

1. PURPOSE AND INTRODUCTION

- 1.1. This is the National Police Chiefs' Council (NPCC) response, on behalf of policing, to HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS), College of Policing and Independent Office for Police Conduct (IOPC) super-complaint report, ***Police perpetrated domestic abuse*** published on 30 June 2022.
- 1.2. An initial letter from NPCC Chair Martin Hewitt to ACC Iain Raphael at the College of Policing on 5 September 2022 indicated that all 43 Home Office in England and Wales and two other forces (British Transport Police and Police Service of Northern Ireland) accepted the three recommendations made for policing. The Civil Nuclear Constabulary has also accepted the three recommendations.
- 1.3. The NPCC has produced the below summary of responses received from all 46 forces to each of the relevant recommendations from the report.
- 1.4. The NPCC welcomes the opportunity to provide the formal response on behalf of policing to addressing these recommendations.

2. BACKGROUND

- 2.1. HMICFRS, the College of Policing and IOPC collaborated on the investigation of a super-complaint made in March 2020 under s.29A of the Police Reform Act 2002 by the Centre for Women's Justice relating to police perpetrated domestic abuse (PPDA), i.e. domestic abuse that by, or involving, police officers or staff.
- 2.2. This document specifically covers the three recommendations made for policing:

Recommendation 1 – To Chief Constables

- **Chief Constables should ensure that both live police perpetrator domestic abuse (PPDA) cases and those closed within the last 12 months (ending 30 June 2022) are audited. Appropriate action should be taken where they find cases were not treated appropriately as complaint and conduct matters and investigated accordingly.**
- **Chief Constables should write, via NPCC, to the College of Policing, IOPC and HMICFRS within six months explaining how, following their case audit, their force has or will improve the response to PPDA allegations, including in relation to:**

Their handling of PPDA as a police complaint and conduct matter; their compliance with existing relevant APP guidance, or their rationale for derogating from it; their monitoring of PPDA cases; ensuring impartial, joined up criminal and conduct investigations conducted by people with the right knowledge and skills; effective engagement and communication with victims; ensuring appropriate decisions are being made re the deployment of officers under investigation for DA allegations; and other steps to embed the findings of this super complaint into force working practices.

- **The national VAWG delivery framework already requires forces to audit some live PPDA cases. We do not expect CCs to audit the same case twice. Chiefs should assure themselves they have audited all live and recent PPDA cases, irrespective of the gender of the victim.**

Recommendation 2 – To Chief Constables

- **CCs should make sure they have plans in place to ensure PPDA allegations are investigated (both in terms of the criminal investigation and misconduct response) by someone with no prior connection to any of those involved in the allegations. Rationales for investigation ownership decisions should be fully recorded.**
- **It may be appropriate to refer a case for external force investigation when: There are concerns that truly independent investigators cannot be found in force, e.g. in smaller forces, or in cases involving a suspect who, due to seniority or length of service, is well known in the force; or victim trust and confidence cannot be secured another way.**
- **Local plans should include procedures to mitigate any unintended consequences to the speed and quality of the investigation and/or victim engagement in the investigative process that may be caused by referring a case to an external force for investigation.**
- **CCs should keep local plans for external force investigations under review. The recommendations and actions designed to expand what is known about PPDA should inform development of local policies regarding when and how PPDA allegations are investigated by an external force.**

Recommendation 3 – To Police and Crime Commissioners, Ministry of Justice (MoJ) and Chief Constables

- **PCCs, the Ministry of Justice (MoJ) and Chief Constables (CC)s should make sure their provision of DA support services and guidance is capable of meeting the specific needs of all non-police and police victims of PPDA. This should include the following: PCCs considering whether local services are capable of dealing with the specific risks and vulnerabilities of PPDA victims and supporting them when engaging with the police complaints and disciplinary system; MoJ ensuring its guidance for IDVAs includes the specific risks and vulnerabilities of such victims and the specific support and advice they may need in relation to both the criminal and misconduct aspects of the police response; CCs reviewing support available to these victims, including that provided by the force, staff associations and other workforce support bodies and taking any action needed to strengthen these provisions; CCs assuring themselves that capable case updates and information are shared with victims in an accessible way that encourages trust and confidence in the police response - consideration should be given to appointing a nominated senior person(s) in force, or from an external force, to have oversight of PPDA cases to ensure these**

are conducted in a victim-focused way and act as a SPOC for victims; and CCs ensuring they provide accessible information for all non-police and police victims on how they can report PPDA and access confidential support (including external agencies, e.g. Refuge 24 hour helpline) - CCs should also ensure accessible information is provided on how allegations will be investigated to ensure confidentiality and independence from the alleged perpetrator.

- 2.3. The NPCC Strategic Hub engaged with all 43 forces in England and Wales, requesting that all indicate whether or not they accepted the three recommendations (all forces accepted them as noted in the letter from Martin Hewitt on 5 September 2022) and requiring more detailed responses. These responses were carefully analysed and are summarised in the following sections; however, given the very comprehensive and detailed information provided, it is not possible to highlight every point made.
- 2.4. In addition to the above engagement, the national leads Domestic Abuse, AC Louisa Rolfe and Complaints and Misconduct, CC Craig Guildford, were requested to review and comment on this response to the Super Complaint (SC). Their comments are included in the covering letter provided with this report.
- 2.5. The NPCC received responses from 46 forces: all 43 forces in England and Wales as well as the British Transport Police (BTP), Civil Nuclear Constabulary and Police Service of Northern Ireland (PSNI). Information provided in this report will not be attributed to individual forces.

3. RESPONSES SUMMARISED BY RECOMMENDATION

- 3.1. The following is a summary of comments received in response to the individual questions within the consultation:
- 3.2. **Recommendation 1 (to Chief Constables) – accepted by all forces**

PPDA case audits and policy reviews

3.2.1. All forces have either conducted, or are in the process of conducting, their audits of live and completed/closed PPDA cases over the period specified by the recommendation, with some establishing specific named operations to do so. The numbers of cases ranged from low single figures to as high as 125 and were generally in proportion to the size of the force. Several determined that in terms of both conduct and criminal investigations, they were satisfied with the effectiveness, standards and quality determining them to be robust and did not identify any significant issues. There were some examples of innovative or potentially good practice, such as one force that has introduced a full time PPDA Prevent Officer to deliver training to student officers and promote its 'if you see something, say something' culture.

3.2.2. However, whilst standards were considered generally sufficient, most forces' audits identified issues and concerns, along with further areas for improvement that had either been addressed or action was planned to achieve this. Specific examples included (*not an exhaustive list*):

- Poor positive outcome rates, specifically regarding prosecutions in the criminal justice system (CJS), attributed to being unable to secure the trust and confidence of victims, or where assurance is achieved, difficulties in obtaining corroborated evidence especially in historic cases. Similarly, in cases where the victim's trust and confidence could not be secured, there was commonly insufficient admissible material evidence that would provide for an evidence-led (i.e. victimless) prosecution.

- A failure in some cases to record an allegation as a conduct matter as defined by ss.12(2) Police Reform Act 2002 and indexed to the Police (Conduct) Regulations (PCR) 2020. In extension of this, where the police complaints and misconduct regime was engaged, there were incomplete records of deficient rationale in respect of appointing a suitably qualified and independent investigator, in accordance with reg.15 PCR 2020, or reg.12 Police (Complaints and Misconduct) (PCMR) Regulations 2020. There was similarly sub-optimal documentation regarding suspension decisions (or otherwise), in line with reg. 11 PCR 2020.
- Instances of non-compliance with obligations under the Victims' Code and/or the need to better record the specific vulnerabilities of PPDA victims. Also, preventative orders not always being considered in cases against perpetrators.
- A force committed that its Lessons Learnt Board would review the findings of this SC and any learning identified would be escalated to the Gold Organisational Learning Board chaired by their DCC.

3.2.3. In light of force's audit findings, most areas either conducted reviews of their policies, revising existing or introducing new policies, or were planning to do so. In addition to new policies relating to PPDA, some forces referred to their new 'pledges' on investigation of cases and provision of support for both victims and perpetrators.

3.2.4. One force noted that it conducts monthly audits of PPDA cases within a strong review structure for all gross misconduct cases and automatic engagement of misconduct regulations in the event of a member of the force being suspected of a domestic abuse (DA) offence.

PPDA case handling and investigation

3.2.5. Variation continues between forces in terms of the handling and investigation of PPDA cases, in terms of whether investigations are conducted solely by teams within force Professional Standards Departments (PSDs) or there is a separation of conduct investigations undertaken by PSDs and criminal matters being dealt with by other teams, e.g. Safeguarding, DA or general criminal investigation – this will be further explored in the response to recommendation 2 below. Some forces noted uplifts and investment in their PSD investigative capacity in response to the SC and wider VAWG challenges. From the submissions received, there was an indication that some forces were erroneously suspending the regulated misconduct investigation with an incorrect belief that it could prejudice the outcome of a criminal investigation. However, where these investigations are synchronised, clear terms of reference and expectations are provided and there is close coordination between investigation teams.

Authorised Professional Practice (APP) compliance

3.2.6. A large majority of forces stated they were compliant with, or committed to, ensuring compliance with relevant APP guidance issued by the College of Policing, including that relating to DA and professional standards, e.g. use of PIP II accredited officers and staff for investigations etc. Where reviews of PPDA cases identified a need for improvements in compliance, actions to address these were being taken, such as ensuring better alignment between local force policy and APP. One force confirmed that where deviation from APP was considered necessary, any such decision would be subject to review by its Legal Services department; and another stated Public Protection would agree any variations or additions that set standards over and above minimum requirements.

Monitoring, oversight and scrutiny of PPDA cases

3.2.7. Almost all forces confirmed they have in place strong arrangements for closely monitoring, overseeing and scrutinising the standards and progress of PPDA cases. Two

forces stated they have introduced a specific PPDA/VAWG investigation oversight and scrutiny panel for all cases where officers and staff were either victims or suspects. These panels aim to ensure greater protections and outcomes, appropriate investigations and that justice is seen to be done. In many other forces, PPDA cases receive scrutiny at Chief Officer level through existing governance structures with relevant performance data provided, most commonly at monthly or quarterly intervals, more regularly in some areas. A few forces require daily case management with reports provided for oversight at Chief Officer (DCC) level and one specifically referred to the force's Control Strategy and Strategic Threat and Risk Assessment (STRA). Another force has introduced a multi-disciplinary team meeting process to share information and enable effective joint decision making in PPDA cases.

Impartiality, coordination and effective engagement with PPDA victims

3.2.8. Forces confirmed they aim to ensure the criminal and conduct investigation elements of their PPDA cases are dealt with in an impartial and coordinated manner. In a small number of areas, PSDs assume responsibility for both criminal and conduct investigations which it was argued makes the objectives of both regimes easier to deliver against, and several other forces are considering moving to this position. Whilst most forces continue to conduct separate investigations by PSD alongside other departments e.g. use of specialist DA/Safeguarding teams or other suitably qualified and experienced officers, there is close coordination between investigators, including:

- Requiring senior leaders, e.g. Duty Superintendents, to lead and oversee PPDA cases from the outset, ensuring prioritisation and that appropriate resources are quickly allocated. This is subsequently followed by discussion at force level tasking, and in at least some forces by ongoing daily tasking/review for the most serious priority/high risk cases.
- Many forces mandate signing of forms on their systems by investigators allocated to a case to confirm and record their independence and non-involvement with any parties, re-designating to others where a conflict of interest exists.
- Ensuring criminal investigations are restricted in a such a way that they are visible to investigating personnel and their supervisors, plus appropriate PSD officers/staff.
- Regular case review meetings between teams, often at DI/DCI level and/or departmental heads, including oversight by the force's Appropriate Authority (AA), usually at DCC rank.
- Examples of lessons learnt/debriefing activity.

3.2.9. Other important considerations noted by forces included the need in certain circumstances for early advice from Crown Prosecution Service (CPS) to support a robust investigative strategy from the outset. This could be complemented with regular engagement with other support organisations where there is a risk to the victim, children or other persons, and where one or both parties reside outside the employing force's area, any applicable 'foreign' force. The independence of those involved in investigations is also covered by the response to recommendation 2 (parag. 3.3.1 below).

3.2.10. One of the arguments made by those forces where PSDs conducted both the criminal and conduct elements of PPDA investigations was such an approach strengthened effective engagement and communication with PPDA victims, including explanation of misconduct processes. In forces where the division of investigation continues, measures were in place to ensure this also took place, such as recording victim updates on the crime log with regular supervisory review and the use of Domestic Abuse, Stalking and Honour Based Violence (DASH)/ Domestic Abuse Risk Assessment (DARA) and other risk assessments for vulnerable persons. At least one force uses a dedicated PPDA needs assessment, another uses its DA Officers to agree a Victim Safety Plan, and a further area refers victims to its Central Referral Unit to enable safeguarding and safety planning. Some forces' case audits acknowledged gaps in provision including in relation to updates during misconduct investigations and not

recording/recognising unique vulnerabilities associated with PPDA. Where this was the case, measures were or would be taken to improve things, e.g. strengthening victim and witness care processes. Where pledges had been agreed and communicated to officers and staff in response to the SC, in at least one example this included access for victims to a senior level SPOC through whom concerns could be raised. Another pledge created in 2021 explicitly aims to ensure all victims, witnesses and other involved parties are kept informed and is complemented by training provided by the Survivors' trust on taking a victim-focused approach to investigations. Further information is provided under the response to recommendation 3 below.

Suspension/redeployment

3.2.11. Forces regularly keep both **restrictions and suspensions** under regular review and will always make such decisions proximate to receipt of an allegation, most commonly at the same time as taking the referral through a severity assessment. Where suspension is sought, an application is made to a senior delegated Appropriate Authority (AA), and under each force's scheme of delegation, this is ordinarily the DCC. The DCC will then consider that application and their decision to suspend or otherwise is taken in accordance with Reg. 11, PCR 2020. Restrictions are ordinarily authorised by the Head of PSD or senior delegated AA (rank of DCI or above). Should restrictions necessitate redeployment, implementation of the AA's decisions occurs in consultation with a senior HR official or equivalent. Variations of these arrangements were found, e.g. in one force, redeployment and restrictions were jointly determined by the DCC, Head of PSD and relevant District DA Champion. Rationale for such decisions were commonly recorded on the PSD Centurion case management system, however it is known from other data collection studies that data accuracy can be an issue.

3.3. Recommendation 2 (to Chief Constables) – accepted by all forces

Impartial investigations of PPDA cases

3.3.1. Most forces confirmed that they ensure and now have in place, or are amending, policies and processes for both criminal and conduct PPDA investigations to guarantee they are being conducted in an impartial manner by officers/staff independent of the parties involved. This is to ensure that there are no conflicts of interest; and colleagues know this will be the case to provide reassurance and confidence in reporting allegations. Usually, such investigations are conducted by a department/district separate from that in which the parties work (as noted in Parag. 3.2.5 above), and some forces solely investigate PPDA cases within their PSD.

Formal recording of cases

3.3.2. Formal recording of DA cases is undertaken on both a force's crime recording system and their PSD Centurion case management system. This ensures that crimes are logged in accordance with the National Crime Recording Standards and conduct logged against the complaints and misconduct regulatory framework. Each record is reportable to the Home Office as part of the Annual Data Return (ADR) process. Several forces stated PPDA case records are subject to restricted access by only those with a need to access them for operational purposes. One area is in the process of finalising a new bespoke record management system specifically for tracking both internally and externally investigated PPDA cases which will be limited to its PSD Senior Leadership Team and force DA lead. In another example, the force allocates a personal case identifier to all PPDA and DA cases with a police victim to ensure anonymity for all parties.

External referrals for investigation

3.3.2. There are differences in the approach taken by forces to external referrals of PPDA cases for investigation where either no completely independent investigators can be identified

internally and/or victim confidence in a force's ability to investigate impartially cannot be achieved. Several forces have reciprocal agreements in place for this purpose on a regional or bilateral level, whereas others have either not yet had a situation arise where an external referral was necessary, or stated they would seek agreements on a case by case basis. Where agreements were in place, these tended to be supported by and referenced in policies and in some cases in terms of reference/memoranda of understanding. There are examples where forces have agreed regionally to peer review each other's PPDA investigations, including sharing learning and identifying good practice. Also, it was noted an excellent working relationship exists between PSDs within the Wales Region and more generally across England and Wales, which facilitates the ability for approaches to be made where an external referral may be required. This supportive and accommodating relationship across PSDs exists as a result of the regional and national networking arrangements and governance framework established through the NPCC Professional Standards and Ethics portfolio.

3.3.3. A large metropolitan force's policy requires that in PPDA cases involving senior officers or staff at the rank of Supt (or staff equivalent) and above, the case must be referred to another force for investigation; and a similar approach was referred to in at least two other forces. This goes further than in some other forces where a more pragmatic approach is taken. It was suggested by one area that a centrally held list of external forces willing to accept investigations in circumstances where they cannot be realistically conducted internally should be introduced and that it would initially be raised at a regional level.

3.3.4. Most forces specifically referred to measures that are, or would, be put in place to 'quality assure' and provide oversight of external investigations to mitigate against any risks to the timeliness, standards of investigation and/or support for victims (and alleged perpetrators when they are officers or police staff). Such oversight is often carried out by a senior leader in the PSD of the force making the referral, sometimes by safeguarding/public protection teams or even at Chief Officer level. This usually includes regular progress reviews/prioritisation meetings, agreement of terms of reference, protocols or Memoranda of Understanding to establish clear expectations and sensitive management, prioritisation of victim welfare including addressing any safeguarding concerns and the exchange of good practice or lessons learned. In some forces, the policy, process and arrangements for external referrals were under review with a view to improve or otherwise amend them.

3.3.4. The likelihood of a need arising to refer externally can also be determined by the size of the force. A smaller force may not have the necessary resources within its PSD or other departments to conduct a completely independent investigation compared to those forces with more personnel and/or distinct teams. Several larger forces noted it was less likely they would not be able to hold an appropriately independent and impartial PPDA investigation using internal resources with reference to policies and processes outlined in paragraph 3.3.1 above. However, external investigations could also take place when the incident occurs outside the force area in which the victim or perpetrator work.

3.4. Recommendation 3 (to PCCs, Ministry of Justice and CCs) – accepted by all forces

3.4.1. In most cases, forces were either confident that existing support services and associated guidance in their area were capable of meeting the specific needs of police and non-police victims or where improvements were necessary, action was being taken to address gaps. Several areas, often in conjunction with or led by their PCC's office, have conducted reviews of services and/or needs assessments to inform existing provision or future commissioning.

Independent Domestic Violence Advocates and independent Sexual Violence Advocates

3.4.2. There was variation across forces regarding the availability, capability and provision of Independent Domestic Violence Advocates (IDVAs) and independent Sexual Violence Advocates (ISVAs) to work specifically with PPDA victims - in several areas, such as bespoke support is already available, offered to all such victims, is being piloted or could be provided if needed. In others, options for enhanced, tailored provision were being researched or scoped out, including:

- The potential for shared provision across neighbouring forces.
- Offering training, guidance and other briefings to local IDVA providers on PPDA including how the force investigates such cases from both the criminal and conduct perspectives.
- Submitting a proposals paper for Chief Officer approval, also seeking additional funding to enable an offer to be provided to officer and staff victims.
- Co-locating IDVAs/ISVAs with a force's Public Protection Unit team from spring 2023 to ensure early access.
- Building specific PPDA support into future re-commissioning and terms of reference for IDVA services.
- Two large metropolitan forces seeking support from their Mayor's Office for such a service; and several other forces engagement is ongoing with their OPCCs to expand IDVA provision.

Reviews of support for internal (police officer and staff) victims

3.4.3. Other significant activity was highlighted in forces' responses that demonstrated CCs have reviewed and taken action to strengthen support for PPDA victims. An example of notable practice in a large force was its investment in growing a PSD Prevention and Intervention Team that takes an early intervention-based approach through engagement with officers and staff on potential vulnerabilities including preventing DA. This team also offers advice and support such as conducting 'vulnerability interviews' that have had a positive impact on repeat victimisation. Another force's PCC noted a Victims Needs Assessment was recently conducted to benchmark existing provision and identify emerging risks and other factors for consideration and informing future service commissioning. Other examples of initiatives and strengthened support highlighted by forces included:

- Offering all internal, i.e. police officer and staff, victims access to trained Welfare Support Officers who understand PSD processes and are able to link into other support networks as part of a wider enhanced offer. Another force offers a similar initiative involving trained peer support volunteers.
- An improved, comprehensive service for all police and non-police victims by a new local victim and witness service who provide a tailored support plan including relevant referrals or signposting, plus automatic enhanced service if a case goes to court.
- One force has recently signed up to the Employers Initiative on Domestic Abuse (EIDA) which will be a benchmark for best practice in supporting both police and non-police PPDA victims.
- Use of the local Multi-Agency Safeguarding Hub (MASH) as part of efforts to strengthen victim contact and referrals to partners.

Case updates and provision of information to other victims of PPDA

3.4.4. Examples of how forces ensure that updates on cases and other information is shared with PPDA victims include the introduction in some areas of pledges which outline their commitments on standards that can be expected in both criminal and misconduct investigations. Alongside senior officer case oversight and taking a victim focus, these pledges were previously covered in the response to recommendation 1, paragraph 3.2.9. Also, many forces have taken steps to ensure their internal intranet pages accessed by officers and staff

include detailed information on reporting PPDA, confidential reporting options operated by PSDs to raise and concerns over conduct and inappropriate behaviour matters which could include such abuse, links to support services and relevant policies. Where policies have been amended, forces have also clearly communicated these changes to officers and staff through a range of media, often as part of wider VAWG campaigns.

Information and support for non-police victims

3.4.5. The provision of information for all non-police (*i.e. members of the public*) for reporting PPDA and associated sources of support and advice was also noted in the responses received from forces, including details of accessible confidential options and how cases are investigated from both a criminal and misconduct perspective. For example, some forces' pledges cover all PPDA victims, regardless of whether they work for the service or not. Many stated their external public facing websites now either include such information or improvements and additions to content were planned, including associated media activity to promote these in order to improve victim confidence and transparency.

3.4.6. One force referred to the Victim Right to Review (VRR) process being offered to all PPDA victims where their case is closed following a decision by the police to do so on a no further action basis. If this option is taken up by the victim, this would be allocated to the line manager of the original decision maker and that line manager will progress the matter to an independent review by an officer of the same or higher rank in an external force. Further notable practice mentioned by another force was a support programme by local children's services and probation working with fathers who are offenders that can be tailored to the needs of police officers or staff facing PPDA allegations.

3.4.7. Some forces also stated their support offer for non police PPDA victims including that provided by third sector and other external support providers are under review with a view to making improvements.

4. CONCLUSION

4.1. This report has demonstrated that forces have made significant progress in reviewing and addressing the recommendations made in the CWJ Super Complaint report, ***Police perpetrated domestic abuse***, published in June 2022 by the College of Policing, HMICFRS and IOPC. However, it is recognised improvements are still necessary to address factors and issues as highlighted in the above sections.

4.2. Whilst there continues to be some inconsistency across policing in its response to PPDA, the elements of innovative practice highlighted in this report should be further explored and shared nationally.

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Appendix – Forces and NPCC leads that responded to the request by NPCC Strategic Hub to provide submissions for this report:

Strategy, Planning and Performance, NPCC Strategic Hub

- Avon and Somerset
- Bedfordshire, Cambridge and Hertfordshire (joint response)
- British Transport Police (BTP)
- Cheshire
- City of London
- Civil Nuclear Constabulary (CNC)
- Cleveland
- Cumbria
- Derbyshire
- Devon and Cornwall
- Dorset
- Durham
- Essex
- Gloucestershire
- Greater Manchester (*from force itself and also Greater Manchester Deputy Mayor*)
- Gwent
- Hampshire and Isle of Wight
- Hertfordshire
- Humberside
- Kent
- Lancashire
- Leicestershire
- Lincolnshire
- Merseyside
- Metropolitan Police
- NPCC lead for Domestic Abuse
- NPCC lead for Violence against Women and Girls
- Norfolk and Suffolk (joint response)
- Northamptonshire
- Northumbria
- North Wales
- North Yorkshire
- Nottinghamshire
- Police Service for Northern Ireland (PSNI)
- South Wales
- South Yorkshire
- Staffordshire
- Surrey
- Sussex
- Thames Valley
- Warwickshire
- West Mercia
- West Midlands
- Wiltshire