

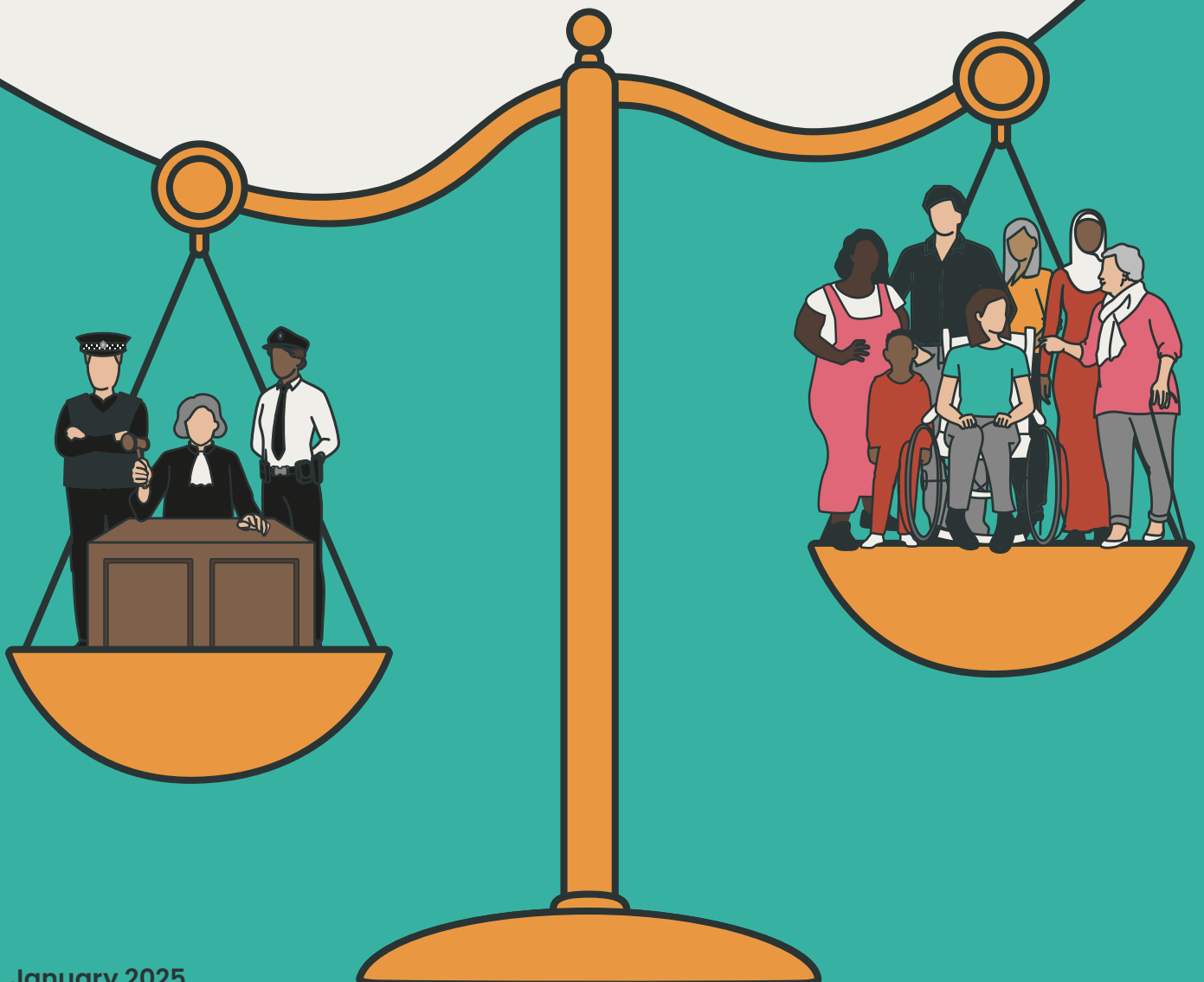


domestic  
abuse  
commissioner

FULL  
REPORT

# Shifting the scales

Transforming the criminal justice  
response to domestic abuse



January 2025



**domestic  
abuse  
commissioner**

# Foreword



**“The police receive a call about domestic abuse every 30 seconds. This is core business for the criminal justice system and the public should expect a robust response that recognises the seriousness of these crimes.”**

The criminal justice system can be a lifeline for people experiencing domestic abuse, capable of holding perpetrators accountable, preventing further abuse and keeping victims and survivors' safe.

This Government has rightly recognised domestic abuse as a national emergency and has pledged to halve violence against women and girls in a decade.

However, as domestic abuse is recognised for the crime that it is, the demand in the system and the needs of victims and survivors have been met with a criminal justice system ill-equipped to respond to the enormity of the challenge. Poor criminal justice outcomes and systemic failings have put victims and survivors' faith in the system at an all-time low.

While I am heartened to hear from some victims and survivors that they had a positive experience of criminal justice, sadly many more describe frustration, disappointment, and lack of faith in a system that was supposed to protect them.

The current picture is stark, where just 6% of police-recorded domestic abuse reaches conviction; and only a fifth of victims have the confidence to report in the first place. That is why now is the time to share my vision to reform the criminal justice system's response to domestic abuse.

This report is my first major publication on criminal justice but has been years in the making. It draws on insights from victims and survivors, specialist domestic abuse services and criminal justice inspectorates, as well as the many reports and reviews that have come before it.

I am particularly grateful to the victims and survivors, including members of VOICES at the DAC, and the organisations who gave up their time to share their ideas for change. Your feedback has been instrumental in shaping this report.

While this report highlights significant challenges within the criminal justice system, it also acknowledges the efforts of many dedicated individuals who are driving positive change. I hope the recommendations will support their work.

My ambitions for the criminal justice system are reflected in the 12 recommendations across four key themes:

- Data and accountability
- Multi-agency working
- Resourcing
- Prioritisation of domestic abuse.

These themes reflect the most pressing issues across the system, with great potential for impactful change.

But genuine reform of the criminal justice response to domestic abuse can only be achieved by accepting the 12 recommendations as a whole. Too often, criminal justice agencies work in siloes, resulting in a fractured system that lacks coordination and alignment. My mapping research found that the police were often one of the first professionals that victims and survivors told about the abuse. This opens a range of possible support for adult and child victims and survivors if the police work in partnership with support services. It is, therefore, essential that we work towards a holistic, multi-agency approach.

In turn, this approach must be underpinned by collaboration with specialist domestic abuse services. The support they provide is absolutely essential for victims and survivors as they navigate the complexities of the criminal justice system, all while dealing with the trauma of domestic abuse.

The criminal justice system has the potential to be transformative for victims and survivors of domestic abuse – a place to find justice, safety, and support. This report outlines a clear path forward, with recommendations that can deliver truly meaningful reform.

Change is never easy, but the dedication and commitment of those already driving progress gives me great hope. Working together we can ensure a future where the criminal justice system consistently protects victims and survivors (regardless of who they approach), holds perpetrators accountable and contributes to a society free from domestic abuse.

Now is the time to act – decisively and collaboratively – so that all victims and survivors of domestic abuse get the right response, every single time.

**Dame Nicole Jacobs**

**Domestic Abuse Commissioner for England and Wales**

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# Introduction



**The criminal justice system plays a pivotal role in our response to domestic abuse, and every victim or survivor must have the opportunity for a criminal justice outcome.**

“What I wanted out of the criminal justice system ... was justice, first and foremost, but also compassion – to be treated like a human being.”<sup>2</sup>

Survivor

A criminal justice outcome is just one way we hold perpetrators to account for their crimes, and it is important to remember exactly that – domestic abuse is a crime. It is only right that it is investigated, prosecuted, and punished as befits any crime. All the more so given the devastating and long-term impact it can have on victims.

The criminal justice response has changed markedly since the first legislation dedicated to tackling domestic abuse was passed in 1976, and since marital rape was criminalised in 1991. This is in no small part due to the tireless work of victim and survivor advocates, the specialist domestic abuse sector, campaigners, and dedicated and passionate professionals working within the criminal justice system itself.

Nevertheless, there is much work to do. Fundamentally, the criminal justice system was never designed to respond to the epidemic of domestic abuse that exists in our society, and the welcome increase in victims coming forward. The long line of reviews, reports, inspections, and inquiries, as well as survivor testimonies, are testament to this.

This report seeks to bring together previous reviews, insight from practitioners, new data analysis and, crucially, survivor voice, to set out the Domestic Abuse Commissioner's vision for a transformed criminal justice response to domestic abuse. The new Government has rightly and ambitiously committed to halving violence against women and girls over the next decade. This report aims to match this level of ambition shown in national commitments, by setting out the fundamental, systemic changes that must be made to unlock the progress required to meet these commitments. Currently, victims and survivors face a postcode lottery in justice. It is not right that the response they receive is dependent on the local area, access to services, or the police officer, prosecutor, judge, or probation officer that they interact with.

By tracking the survivor journey through the criminal justice system, from initial report to court and beyond, this report highlights both positive and negative practice across the system and pulls out the key threads that run through them all. These are issues of data and accountability, multi-agency working, resourcing, and prioritisation of domestic abuse, which form the basis of the report's key recommendations. These recommendations speak to the criminal justice system holistically and must, in turn, be implemented together. Too often, the fractured criminal justice system, combined with resource constraints, results in siloed working and a lack of unified strategic direction.

**12%**

of victims and survivors who'd reported domestic abuse to the police (or had it reported), **got the response they wanted.**

We know that not all victims and survivors of domestic abuse will interact with the criminal justice system, and that criminal justice responses only form a part of the recourse sought by victims and survivors. This report highlights some of the systemic reasons why 80% of victims and survivors may not seek a criminal justice response.

Currently, of those who do report, the majority will interact with the police and no other criminal justice agency. For this reason, this report focuses much of its attention on the beginning of the criminal justice journey, where most victims and survivors find themselves: the police. The Commissioner's mapping of domestic abuse service provision found that 42% of victims and survivors who told a professional about the domestic abuse they were experiencing told the police before any other professionals.<sup>3</sup> It is critical that prevention and early intervention efforts are resourced, so that survivors do not get to a crisis point before desperately reaching out for support, and that the criminal justice system is not pressured to provide this support alone. However, for those victims and survivors who do access the criminal justice system, it is imperative that we get this response right, every time.

Confidence in criminal justice agencies and their ability to respond effectively to domestic abuse is at a historic low. Over the past five years, despite considerable legislative and policy improvements in the statutory and criminal justice agency response to domestic abuse, there has been an incremental fall in criminal justice outcomes. This is corroborated by victims and survivors of domestic abuse who contact the Domestic Abuse Commissioner.<sup>4</sup> In a survey of 688 survivors conducted on the Commissioner's website; 86% either reported the abuse they experienced, or had it reported, to the police – but only 12% got the response they wanted.

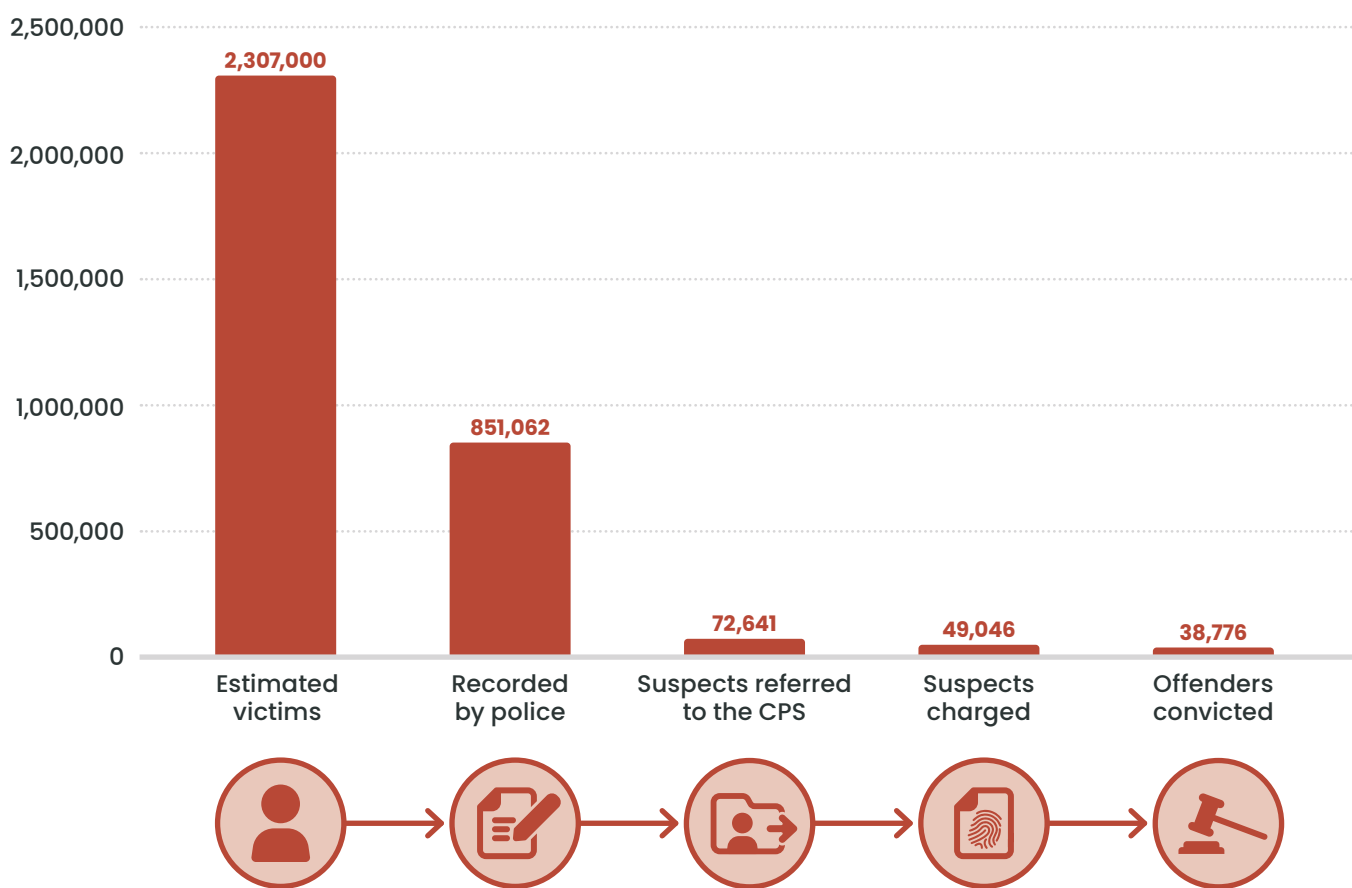
The criminal justice system is undoubtedly overwhelmed by the demands placed upon it and is struggling to cope. Systemic failures over many years have resulted in chronic underfunding of specialist support services; significant variation in practice and quality of response across all 43 police forces; court backlogs leaving justice hanging in the balance for months, or even years; early release of perpetrators from a prison system stretched beyond capacity; a Probation Service reeling from restructures; and revelations of horrendous domestic abuse perpetrated at the hands of the police themselves.

To transform the criminal justice response to domestic abuse, there must be a more directive, nationally consistent approach, with ambitious resourcing to allow this to happen. Professionals who have been held back by limited resources must be empowered and entrusted to respond to domestic abuse as they should, through thorough investigation and prosecution – robustly bringing perpetrators to justice and managing the risk they pose.

Despite systemic shortcomings, there are individuals working across the system whose commitment to supporting victims and survivors cannot be understated. This report highlights their important work, and the levers of change that the Government and criminal justice agencies can and must pull to drive national consistency that meets this standard across the board.



**FIGURE 1**  
**Domestic abuse data from incident to conviction,**  
**England and Wales, year ending March 2024<sup>4</sup>**



Source: Crime Survey for England and Wales from the Office for National statistics, Police recorded crime data from the Home Office, and Crown Prosecution Service (CPS)

# Methodology and structure

This report is informed by the following sources:

- A review of academic literature, research from the specialist domestic abuse and victims' sectors, and reports from government and agencies across the criminal justice sector.
- A review of the literature on survivor engagement in relation to the criminal justice system.
- Roundtables with victims and survivors of domestic abuse, including dedicated roundtables with migrant survivors, male survivors, and survivors of police-perpetrated domestic abuse.
- Roundtables with the specialist domestic abuse sector, including specialist 'by and for' services.
- A call for practice evidence to local authorities, police forces, Police and Crime Commissioners, the Crown Prosecution Service (CPS), and specialist domestic abuse support organisations.
- Learnings from Domestic Homicide Reviews.
- A survey to all police forces regarding their data on and responses to police-perpetrated domestic abuse.

This report takes an end-to-end view of the criminal justice system, through the journey of a survivor. While the chapters are broken into stages of this journey, the recommendations speak to the consistent issues that are identified as underlying throughout the report: data and accountability; multi-agency working; resourcing; and prioritisation of domestic abuse in the statutory criminal justice response.

## End notes

1. We recognise that domestic abuse is a gendered crime, and this report specifically discusses its disproportionate impact on women. However, we also recognize that survivors of all genders face significant barriers to accessing a criminal justice response, and therefore the terms 'victim', 'survivor', and 'victim and survivor' are used in a gender-neutral way. We also understand that people who have been subject to domestic abuse use different language or terms to describe themselves and their experiences. In this report, we use 'victim', 'survivor', and 'victim and survivor' interchangeably depending on the context – but recognise that not all will adopt any or all of these terms for themselves.
2. Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
3. Domestic Abuse Commissioner (2022). *A Patchwork of Provision Technical Report: How to meet the needs of victims and survivors across England and Wales*. London: Domestic Abuse Commissioner's Office.
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# 1

## Before police contact



## **Domestic abuse incidents account for one-in-three Violence Against The Person offences recorded by the police. In the 12 months to June 2024, this comprised 651,397 offences.<sup>5</sup>**

However, the Crime Survey of England and Wales has found that less than one-in-five victims and survivors report to the police.<sup>6</sup> Were every victim or survivor to report to the police, the number of recorded offences would be considerably higher.

The purpose of this report is to examine good and poor practice within the criminal justice system and to make recommendations for reform. This necessarily means that it will focus on the minority of victims and survivors who report to the police. It is important, however, to acknowledge that there are a range of reasons why many other victims and survivors choose not to report. The data in Figure 2 (page 13) from the Crime Survey of England and Wales suggests that, for many, this relates closely to a lack of confidence in the criminal justice system. This is reflected in insight from survivor testimonies and specialist sector research; however, this subject would benefit from more research to inform the implementation of reforms to encourage reporting. This chapter takes the opportunity to briefly set out some of these key issues and sets the scene as to why the reform and improvement recommended by this report is so desperately needed.

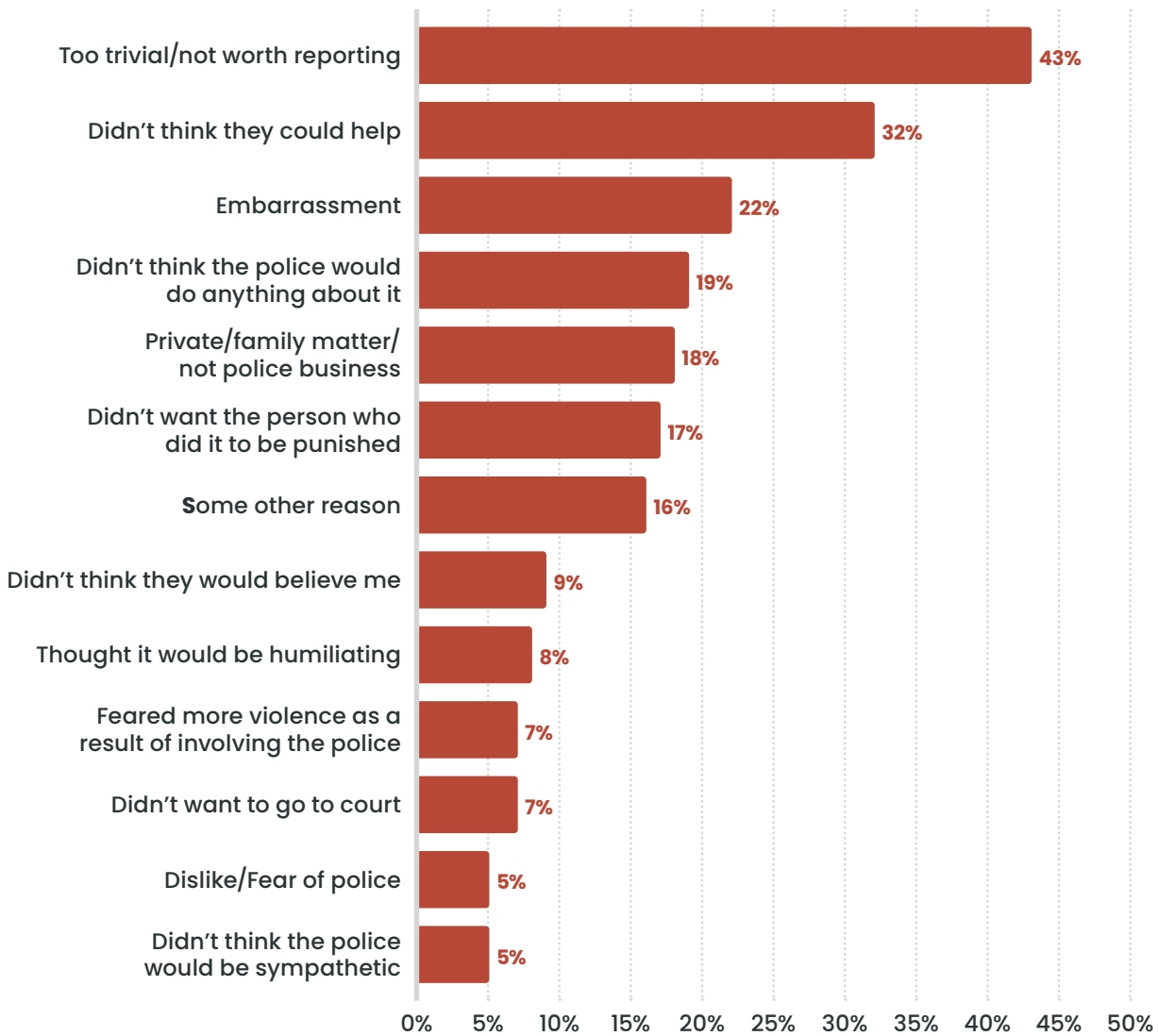
## **Barrier 1: Victims and survivors do not identify with terminology around domestic abuse**

Although victims and survivors will identify that something is not right in their relationship, or even that they are experiencing harm, they may not directly associate this with the language of 'domestic abuse' or with a particular index offence. This may be the result of any number of factors, including blame and gaslighting from the perpetrator, as well as deeply ingrained societal myths and misconceptions about what domestic abuse is, and who can be a victim or a perpetrator.

Indeed, research from Victim Support indicates that domestic abuse being normalised or not understood is one of the key factors in victims and survivors not reporting to police.<sup>7</sup> This is supported by data from the Crime Survey of England and Wales, which indicates that 43 percent of victims who had experienced domestic abuse did not report it to police because they felt the incident was too trivial or not worth reporting.<sup>8</sup> The experiences of survivors that we spoke to also corroborate this – some told us that they did not recognise that what they were experiencing was considered domestic abuse, particularly when it did not involve physical abuse.<sup>9</sup>

FIGURE 2

## Reasons why victims did not tell the police about the partner abuse they experienced in the 12 months to March 2024<sup>10</sup>



## Barrier 2: Police have lost the trust of victims and survivors

Data from the Crime Survey for England and Wales shows that a number of victims and survivors did not report for reasons that indicate a lack of trust and confidence in the police and the efficacy of their response.<sup>11</sup> Such perceptions are only compounded by repeated revelations of police misconduct, and even further compounded by the systemic mishandling of this misconduct.<sup>12</sup> This will be discussed in more depth later in this report.

This lack of confidence is particularly amplified for victims and survivors from marginalised communities who may face additional risks and particular harms. This includes racism and over-policing, a disproportionate lack of access to support, pressures from their community, and fear of losing their children.<sup>13</sup> Recent research by the End Violence Against Women (EVAW) Coalition found that 44% of victims and survivors had prior experience of discrimination, racism, ableism, and/or xenophobia from the police.<sup>14</sup> Furthermore, findings from Domestic Homicide Reviews (DHRs) have shown that, in some instances, professionals hold beliefs about the supposed normalisation and tolerance of domestic abuse in minoritised communities.<sup>15</sup>

The risk of receiving an immigration enforcement response due to perceived or actual insecure immigration status creates even further barriers for some victims and survivors.<sup>16</sup> Research with migrant women, in particular, has found that over half (54%) feared that they would not be believed by the police because of their immigration status.<sup>17</sup> This fear is exploited by perpetrators and corroborated by Home Office data, which indicates that, between April 2020 and March 2023, every police force area across England and Wales referred victims of domestic abuse to Immigration Enforcement.<sup>18</sup> Recommendations from DHRs have highlighted a particular need for training in relation to Black and minoritised communities, as well as around immigration issues and abuse of process.<sup>19</sup>

“ I was worried that if I reported it, it wouldn't help and I would end up being sent back to [my country of origin]. This would be like a death sentence. ”<sup>20</sup>

Survivor

### **Barrier 3: Victims and survivors have had their own – or have witnessed others' – negative experiences of the criminal justice system**

For some survivors, failures of key agencies and professionals in their previous interactions with the criminal justice system, or others' experiences they have heard about or witnessed, have shaped their lack of trust and confidence. This includes not only poor first responses, but also the length and retraumatising nature of the court process.

Some victims and survivors may have had negative experiences – or a fear of a negative experience – compounded by factors like previous offending (which may have been driven by their experiences of abuse) and vulnerabilities including poor mental health and substance misuse. These individuals may feel like they, and their response to trauma, will not be perceived by the criminal justice system as that of a 'real' victim.

Even a single negative experience can deter survivors from seeking help well into the future. One survivor told us that a poor initial interaction with police impacted him so significantly that it took him another nine years before he was able to build up the courage to report again, during which time he endured continued abuse.

“I didn’t exactly want to call the police, because people around me ... they didn’t get the help, they didn’t get protected as such when they did leave – it was almost like they were worse off, so I wanted to be safe in leaving and just try to sort out my life.”<sup>21</sup>

Survivor

Perhaps most concerningly, some survivors who had reported and continued with the process to court expressed regret about their decision to pursue a criminal justice outcome.<sup>22</sup> One survivor told the Commissioner, “I would never, never have called the police if I had known the next two years of my life were going to be like this.”<sup>23</sup>

These barriers indicate that systemic, structural change is needed to ensure that all survivors of domestic abuse feel safe to report and can trust that the response they receive will be compassionate, trauma-informed, and capable of supporting them to safety – whatever this means for them and whether or not it includes a criminal justice outcome.

Any efforts to improve survivors’ trust in the criminal justice response must be rooted in fundamental change that centres their experiences and demonstrates clear and consistent improvements – rather than placing the onus on survivors themselves to blindly trust the system.

“You’re just lucky – who you get at the time, what officer you report to.”<sup>24</sup>

Survivor

Despite systemic failings, survivors also clearly highlight the compassion, support, and commitment of particular individuals – whether in the police, in specialist support services, in the courts, or across other parts of the system response – which allowed them to remain engaged in the process. Although the positive impact of such individuals should be lauded, survivors must not be reliant on a lottery of personality to determine the response and support that they will receive. This is acute nowhere more so than in the first response victims and survivors receive when reporting. This first response, and its role as a gateway to the wider criminal justice system, will be explored in the next chapter.

## End notes

5. Office for National Statistics (2024). *Crime in England and Wales: Appendix Tables – Worksheet B9: Offences recorded by the police in England and Wales that were flagged as domestic abuse-related*.
6. Office for National Statistics (2023). *Partner abuse in detail, England and Wales: year ending March 2023* – Table 13: Why the victim did not tell the police about the partner abuse experienced in the last year, people aged 16 and over, England and Wales.
7. Mayes, A., Moroz, A. and Thorsgaard Frolunde, T. (2017). *Survivor’s justice: How victims and survivors of domestic abuse experience the criminal justice system*. London: Victim Support.
8. Office for National Statistics (2023). *Partner abuse in detail, England and Wales: year ending March 2023* – Table 13: Why the victim did not tell the police about the partner abuse experienced in the last year, people aged 16 and over, England and Wales.
9. Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
10. Office for National Statistics (2023). *Partner abuse in detail, England and Wales: year ending March 2023* – Table 13: Why the victim did not tell the police about the partner abuse experienced in the last year, people aged 16 and over, England and Wales.
11. Office for National Statistics (2023). *Partner abuse in detail, England and Wales: year ending March 2023* – Table 13: Why the victim did not tell the police about the partner abuse experienced in the last year, people aged 16 and over, England and Wales.
12. Independent Office for Police Conduct (IOPC) (2023). *IOPC Public Perceptions Tracker 2022–2023*. London: IOPC.
13. Imkaan and Centre for Women’s Justice (2023). *Life or Death? Preventing domestic homicides and suicides in Black and minoritised women*.
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15. Chantler et al. (2023). *Domestic Homicide Oversight Mechanism: Criminal Justice Research Report, DHR267*.
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18. Domestic Abuse Commissioner (2023). *Safety before Status: How to ensure the Victims and Prisoners Bill meets the needs of all victims*. London: Domestic Abuse Commissioner.



19. Chantler et al. (2023). *Domestic Homicide Oversight Mechanism: Criminal Justice Research Report*, DHRI45.
20. Roundtable with migrant survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
21. Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
22. Victims Commissioner (2024). [Annual Victims' Survey 2023](#); Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
23. Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).
24. Roundtable with survivors of domestic abuse, run by the Office of the Domestic Abuse Commissioner (2024).

# 2

## Reporting and first response



**As Chapter 1 has already highlighted, the first response victims and survivors receive when reporting is critical to framing their experience of the criminal justice system. It is likely to play an integral role in their decision as to whether they continue with the process, and whether they report again in the future.**

“I wanted him out, and I wanted it to be over now – on my terms. It was like I was finally speaking up.”<sup>25</sup>

Survivor

The victims and survivors we spoke to highlighted a wide range of factors driving their initial decision to report to the police. Themes included (but were not limited to) seeking:

- Safety and protection, including for their children.
- Validation that what they were experiencing was abuse.
- Guidance and expertise.
- Removal of the perpetrator as an immediate threat.
- Accountability for the perpetrator and their actions.

For some, what they wanted changed as the process progressed – for example, from immediate safety and removal of the perpetrator to a criminal conviction.

“The first interaction was definitely get him out the house ... as soon as it sunk in that he wasn't coming back – because that was the immediate threat – then I just had to get justice for the kids.”<sup>26</sup>

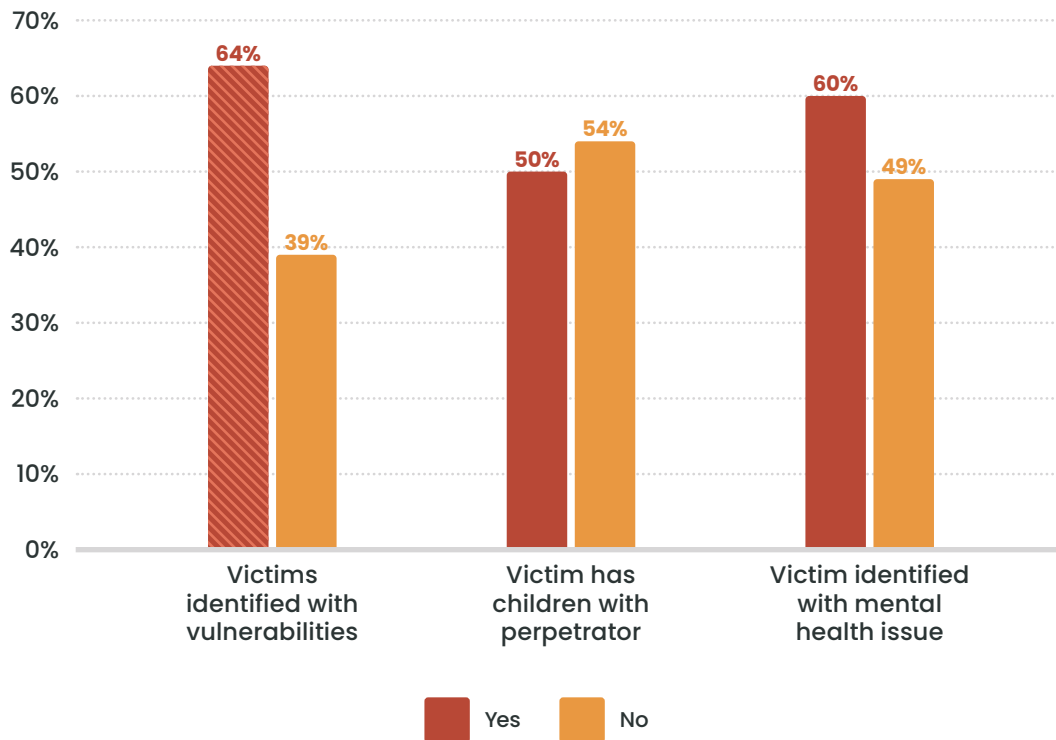
Survivor

The Commissioner's mapping found that the police are one of the first professionals that victims and survivors tell about their abuse.<sup>27</sup> However, they will likely have been subject to numerous incidents of domestic abuse before contacting the police for the first time, and will, on average, have been subject to over two years of domestic abuse before seeking any form of support.<sup>28</sup> As highlighted in Chapter 1, victims and survivors from marginalised communities are even less likely to approach the police, despite experiencing higher rates of gender-based violence.<sup>29</sup>

A survivor's experience when interacting with a frontline police officer is likely to shape their decision to seek help and support in the future or make further disclosures. A poor first response to domestic abuse has been found to directly impact attrition, with one study finding that nearly half of the victims included withdrew support for a prosecution within five days of reporting the incident.<sup>30</sup> Research indicates that victims with vulnerabilities – including insecure housing, criminal records, alcohol and/or drug dependencies, and

mental health needs – are even more likely to withdraw.<sup>31</sup> These mirror some of the barriers to reporting that are identified at the pre-report stage, and underscore the importance of multi-agency collaboration to support a survivor’s holistic needs.

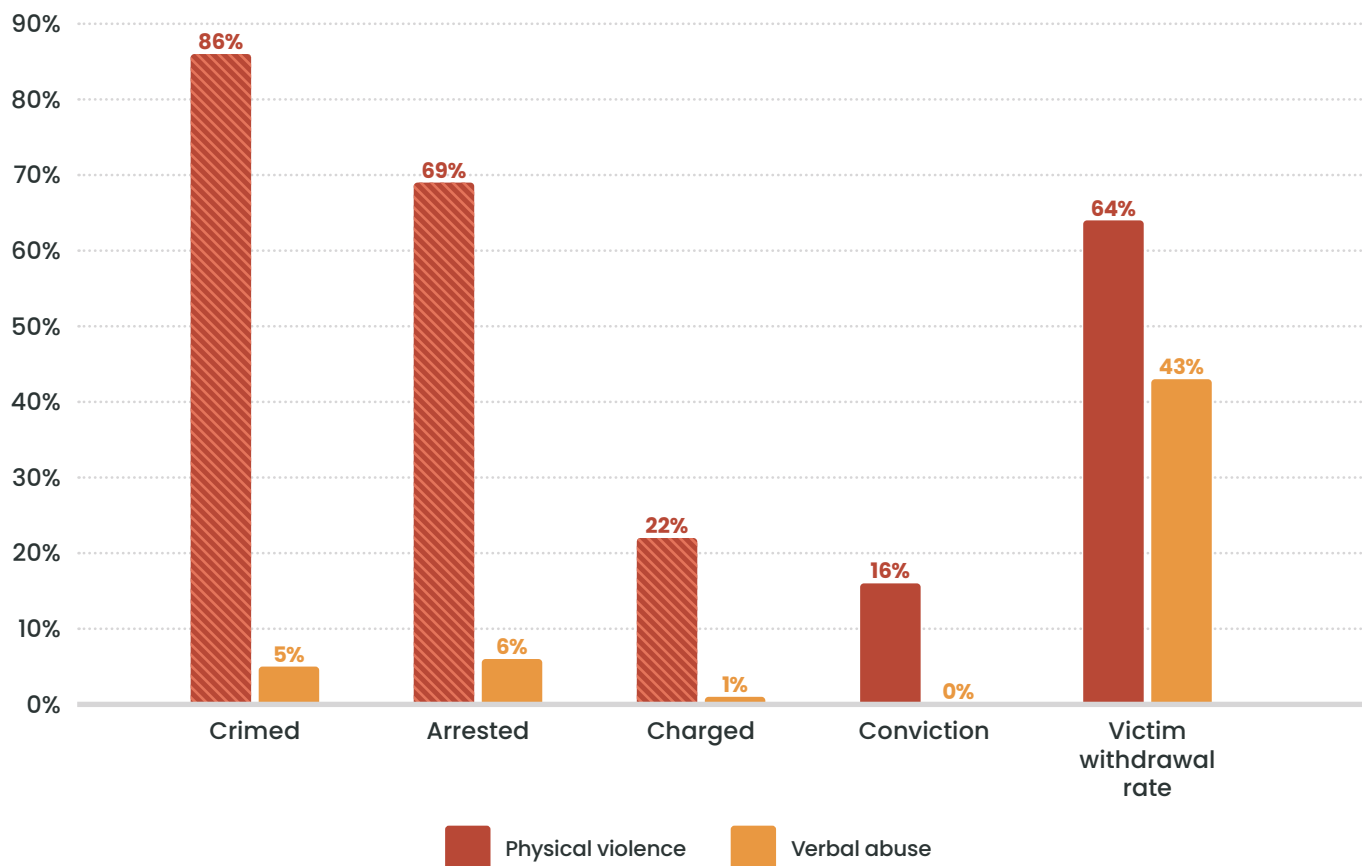
**FIGURE 3**  
**Percentage of victim withdrawals across victim characteristics<sup>32</sup>**



The cross hatched bar on this chart indicates a significant difference to the other category for the specific variable.

The same research also explored how cases were progressed across stages of the criminal justice process depending on the type of abuse experienced. While withdrawal rates between physical and verbal abuse cases were not found to be statistically significantly different, those who had experienced physical abuse were significantly more likely to have the incident recorded as a crime by the police than those who reported verbal abuse. Similarly, for both suspect arrests and charges, the percentage of cases seeing progression through the criminal justice system was significantly higher for incidents of physical violence compared with incidents of verbal abuse, where physical violence was not present. This speaks to a system that has not yet caught up with legislative changes, including the introduction of a definition of domestic abuse via the Domestic Abuse Act 2021, which clearly sets out forms of non-physical abuse, and emphasises the importance of police identification and understanding of coercive and controlling behaviour.

**FIGURE 4**  
**Proportion of cases progressing through the criminal justice process by type of abuse**<sup>33</sup>



The cross hatched bars on this chart indicate a significant difference to the other category for the specific variable.

“I hear on a regular basis that alleged perpetrators are becoming emboldened by the lack of action and consequences for their behaviour, so people feel reporting it makes it worse for them.”<sup>34</sup>

Representative from a specialist domestic abuse support service

Conversely, a positive first response can serve a number of critical purposes – making the difference between a survivor supporting a criminal justice process or not, connecting them with wider statutory and specialist support outside of the criminal justice system, and sending a strong message to the perpetrator that their behaviour is unlawful. Accurate and robust data gathering, along with dynamic and comprehensive risk and need assessments at this point ensures that the true extent of the abuse can be identified and evidenced, while also providing the information necessary to monitor and improve responses. Equally, getting partnership working right at this early stage unlocks a wide range of support opportunities for the victim – in particular, the option of a specialist advocate.

A survivor's experience interacting with a frontline police officer is likely to shape their decision to seek help and support in the future or make further disclosures. Therefore, it is crucial that the police record accurately and respond robustly when an incident is reported.

## Poor practice and risks of negative first interaction

“You're sometimes treated by the police as if you've let this happen. 'Well he's back here' – yeah, well, I've rung you though because he's back here. 'But he keeps coming back here' – well, that's not my fault. It's as if to say you've got some role in making this happen to yourself.”<sup>35</sup>

Survivor

Stakeholders across the specialist domestic abuse sector, police, and survivors told us that many of the gaps in the first response come down to implementation of guidance and practice at the local level. In many cases, the legislation and guidance required are in place, but variability in priorities, frameworks, working relationships, and resourcing have led to a lottery of first responses, often based on the individual officer.

The Authorised Professional Practice (APP) published by the College of Policing is the official source of professional practice for policing. The guidance should enable a consistent policing response to survivors, if consistently applied by local forces. However, flexibility within the current guidance allows for significant variation in practice, even where forces are following it.

Forces are directed to 'consider' referrals to specialist services, 'consider individual needs (for example, disability or cultural heritage)', source approved interpreters 'if possible', and family members 'should only be used as interpreters as a last resort'. Forces who are adequately resourced, well trained and embedded as active members of the wider community response to domestic abuse will deliver above and beyond practice guidance. Others will fall considerably short, as what should be considered minimum best practice is not mandated.

Evidence from survivors and the specialist services who support them indicates a wide range of failures in the first contact, which can contribute to retraumatisation, continued abuse, escalation of risk, criminalisation of the survivor – and even death. The key failures identified at this crucial point are discussed now.

## 1. Lack of understanding of domestic abuse and risk

Although partnership working with specialist domestic abuse services is critical to providing the survivor with a holistic response, police must have a baseline understanding of key aspects of domestic abuse, the impact of trauma, and risk fluctuation. Shortcomings in this understanding can leave victims and survivors, at the very least, unprotected, and in some cases, unjustly criminalised.

Survivors highlight that a fundamental lack of understanding of the dynamics and impacts of domestic abuse has too often shaped their interactions with the police at the point of first contact. This is particularly acute for victims and survivors of coercive and controlling behaviour, which is one of the most harmful forms of domestic abuse, presenting the greatest risk of serious injury and homicide.<sup>36</sup>

An inability to understand and unpick the dynamics of a situation upon arrival to a scene can lead to failure to fully recognise both the risks and needs of victims and survivors, including children. Opportunities to pursue criminal action may be missed if officers are unable to identify offences. For example, where offences like non-fatal strangulation have occurred, survivors may not always be referred to medical treatment or receive sufficient forensic examination of injuries.

Such early failures in the identification of risk can lead to devastating consequences. Almost half (46%) of the Domestic Homicide Reviews (DHRs) recently analysed by the Homicide Abuse Learning Together (HALT) research team at Manchester Metropolitan University included recommendations for better assessment processes.<sup>37</sup> This research found that police-based risk and need assessment, developed through significant research over a number of years, was often undermined by a failure to think holistically and link an incident at hand to a pattern of abusive behaviours that victims may have been subjected to, nullifying the ability to track escalations in risk over time.<sup>38</sup> Notably, based on the wider sample of HALT reports, minoritised victims were found to be graded at a lower risk level than those involving White British victims.<sup>39</sup>

The misunderstanding and misidentification of risk is critical, as risk-led approaches inform the policing response and ongoing management of the case. Survivors who are deemed to be at high risk of imminent, significant harm will follow a different pathway to support and be offered different levels of safeguarding interventions than a survivor considered to be at medium risk of harm. Varying levels of resource will be allocated to safety planning – only high-risk cases will be heard at Multi Agency Risk Assessment Conferences and different referrals will be made for ongoing support, given the often-hierarchical risk-based nature of commissioning community-based services. This also holds wider implications for survivors when accessing safe accommodation services, making homelessness applications for local authorities or navigating private or public family court proceedings.

Despite strong guidance on this subject from the College of Policing, a lack of a comprehensive understanding of domestic abuse can also lead to police being unable to identify the primary perpetrator, or recognise and respond to counter-allegations. Analysis of Domestic Homicide Reviews has found that “rhetoric around equivalence of female and male perpetrators has meant that frontline Police are reporting women as perpetrators instead of identifying the reasons for this e.g. retaliation, self-defence etc. This means that opposing accounts of events and the overcompensation of making more arrests when the female is the perceived perpetrator indicates that they are still not treating reports from female victims (who may be perpetrators in certain situations) as seriously as they are now treating reports from male victims (who are often the primary perpetrator).”<sup>40</sup>

Further, where police lack an understanding of the impact of trauma on memory recall and narrative coherence, there are implications for the police evaluation of the credibility of the victim and survivor.<sup>41</sup> This can have significant knock-on impacts for survivors further down the line in both criminal and family justice systems. Adult survivors may be criminalised, and family proceedings can be drastically altered by allegations of abuse, the impact of which can be life-changing for both adult and child survivors. It is, therefore, vital that police are trained to identify and respond to traumatised complainants both within and outside of the context of domestic abuse, to ensure that those who offend as a result of their experience with domestic abuse are protected rather than unjustly criminalised.

“I was looking for that validation, that confirmation that even though I was in the headspace that I was and didn't understand the severity, that I knew that the people I was putting my trust into knew how to best look after me and take care of me and my children ... That was the major thing for me, being able to trust that they knew the severity and what I needed specifically.”<sup>42</sup>

Survivor

Research indicates that these gaps in knowledge and understanding are in large part due to the staffing of frontline policing by officers with limited experience and supervision that lacks expertise. This is particularly critical in public protection and community safety roles. Poor data gathering and internal systems also limit the information that first responders can access when they arrive to a scene.<sup>43</sup> High, wide-ranging caseloads and rollbacks of professional development opportunities limit the time that can be spent on training. Equally, it is not always easy for police officers to respond to the wide range of behaviours and situations covered by the legal definition of domestic abuse, including intra-familial as well as intimate relationship abuse.

Officers who have spoken to the Commissioner's office have corroborated these concerns. Data is not consistently held regarding consistency and recurrence of domestic abuse training. This is of particular relevance given levels of turnover in such frontline roles. The



National Police Chiefs' Council's (NPCC) own VAWG Strategic Threat Risk Assessment similarly identifies a lack of training and resourcing as a critical shortcoming in the policing response to VAWG, as well as variation in partnership working, and inconsistent data.

Analysis of Domestic Homicide Reviews has found that recommendations for staff training and development were made in 37% of the cases studied, with the majority of these recommendations directed towards the police – “staff training nearly always related to an increase in, or development of, domestic abuse training, with specific training recommendations relating to coercive control, DVA enquiry, and Violence Against Women and Girls more broadly.”<sup>44</sup> Specialist support services have also identified a particular need for police upskilling on non-fatal strangulation and dynamics of honour-based abuse, particularly within the context of intra-familial domestic abuse.

Research with frontline officers has found that only 56% of respondents felt knowledgeable and confident in evidencing coercive and controlling behaviour, compared with 86% in relation to actual bodily harm in the context of domestic abuse.<sup>45</sup> Due to the limited time that officers are able to spend at domestic abuse attendances, they tend to draw on what is immediately visible and actionable when collecting evidence at the scene.<sup>46</sup> This can lead to an incident focus – driven at least in part by pragmatism regarding police resource – looking for physical evidence rather than locating the incident within a context and pattern of behaviour.<sup>47</sup> Where whole forces have been trained on the dynamics of coercive control, this has been associated with a 41% increase in arrests for this offence.<sup>48</sup>

Guidance and training available to police officers on all aspects of domestic abuse must be robust, accurate and informed by specialist expertise. Section 3 of the Domestic Abuse Act 2021 came into force on 31 January 2022. This ensures children's status as victims in their own right in law, whether they have seen, heard, or experienced the effects of domestic abuse. Yet the Approved Professional Practice (APP) for policing as currently drafted fails to reflect this.<sup>49</sup> It distinguishes between children being a victim “when they are directly targeted for violence/abuse,” “if they are accidentally assaulted in an incident involving others” and separately if they witness domestic abuse. Policing must go further in their recognition and response to children as victims in their own right, and this must be led by clear guidance from government on what this means in practice.

## 2. Lack of empathetic, trauma-informed, needs-led response

“I do expect, particularly from those that are supposed to be supporting you, I do expect to be listened to, given some time to present my case, and some support to deal with it.”<sup>50</sup>

Survivor

Beyond an understanding of the specific impacts of abuse, survivors told us that they also faced responses that lacked empathy and failed to consider the impact of trauma, including the ways in which police actions could inadvertently retraumatise victims. For example, one survivor clearly documented that they wanted to engage with police exclusively at the station, due to their experiences of abuse and the triggering nature of phone calls as a result of this. This was disregarded and they were contacted by phone, making them feel in more danger. Furthermore, the tone and language officers used made survivors we spoke to feel like the abuse was their fault, discouraging them from disclosing their experiences further and pursuing a case. In other cases, survivors described that police did not take their concerns seriously but focused instead on other aspects that they did not want to pursue.

Findings from Domestic Homicide Reviews show that constructions of victims as credible or otherwise also impacted assessments of their needs. For example, if alcohol dependence was present or a victim was considered a reluctant witness, a less proactive approach appeared to be adopted and/or risks downplayed. One review set this out starkly:

“There were many occasions when [victim] had made a complaint of abuse and then retracted. There was an opportunity to gather information and pursue a prosecution without her consent. This positive action process was not utilised and had it been, it may have given a clear message to both [victim] and [perpetrator] that his behaviour was inappropriate, being monitored and would not be tolerated by agencies. The Police response ... threatening she would be charged with wasting Police time if she made allegations and then withdrew, was inappropriate and may have influenced whether she made complaints subsequently.”<sup>51</sup>

These issues are amplified for victims and survivors facing communication barriers. The VAWG sector Communication Barriers Working Group has found that the Victims’ Code Right 1 – ‘to be able to understand and to be understood’ – is routinely not upheld, particularly for this group.<sup>52</sup> For survivors who do not speak English, a lack of interpreters or inappropriate use of interpreters – for example, asking a family member to interpret – meant that they could not trust that their story was being accurately communicated to police at an incredibly critical point. The recent commitment via the Victims and Prisoners Act 2024 to clarify the requirement to provide interpretation and translation services under Right 1 of the Code is an acknowledgement of limitations in this area to date.

The barriers reported by many victims and survivors – such as not being believed or not feeling that they are taken seriously – can be particularly acute for individuals from minoritised communities. These reflect more fundamental problems with policing and the criminal justice system which need to be addressed.

### 3. Poor data recording

In order for data to be used as a monitoring tool for systemic improvements, it must be accurate at the point of entry and consistently accessible. Beyond its use to monitor outcomes, the way criminal justice agencies collect data has tangible impacts on how survivors experience the system, their safety, and their access to justice. Survivors illustrated the impacts of inconsistent, vague, and inaccessible data collection, particularly in cases where they were subjected to Course of Conduct crimes, such as coercive and controlling behaviour and stalking and harassment. Incident reports being recorded in isolation meant that police records did not evidence patterns of behaviour in a clear way – even when survivors had consistently reported.

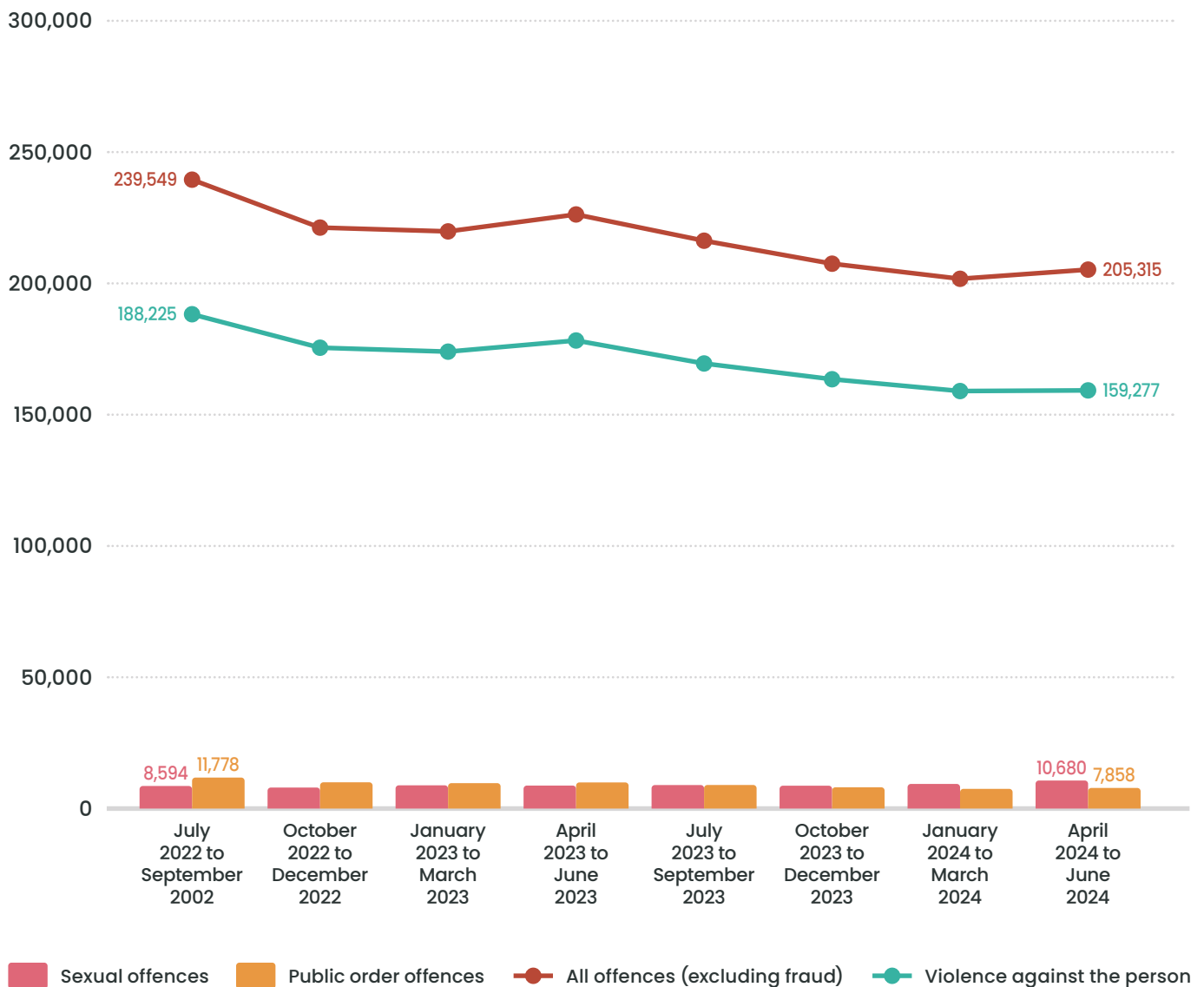
The National Stalking Consortium highlighted the misidentification of stalking as a key concern in their super-complaint on the police response to stalking.<sup>53</sup> This includes police treating behaviours as single incidents, as opposed to recognising the wider pattern of behaviour that constitutes stalking, and/or treating them as a different offence, such as malicious communications or harassment, and police minimising or trivialising behaviours. This in turn leads to flawed investigations and missed opportunities to safeguard and support survivors.

Poor data has also been highlighted as a particular issue for non-fatal strangulation, which came into force as an offence in 2022. Research from the Institute for Addressing Strangulation found in 2023 that some forces were unable to provide data on non-fatal strangulation completely, while across all forces there was missing and unknown data related to the offence.<sup>54</sup> The data that was available was not always nuanced or detailed enough to clearly understand relationship dynamics.

Issues with both the collection of data and the sharing of information within forces prevent frontline officers from having the full context when they attend a scene. Beyond this, where data is available, officers may fail to sufficiently utilise it to contextualise the situation. Survivors told us that this meant they had to continue retelling the same story to a number of different officers and professionals – which could be retraumatising. This also means attending officers are ill-equipped with the tools they need to respond appropriately and – as set out earlier – contributes to missed opportunities to progress investigations, safeguard and support survivors.

“ I had a different police officer every time I reported a new crime. None of them shared information and I had to go through the background all over again every time, which was soul crushing. ”<sup>55</sup>  
Survivor

**FIGURE 5**  
**Police recorded crime, by quarter, for domestic abuse flagged offences for all police forces across England and Wales<sup>56</sup>**

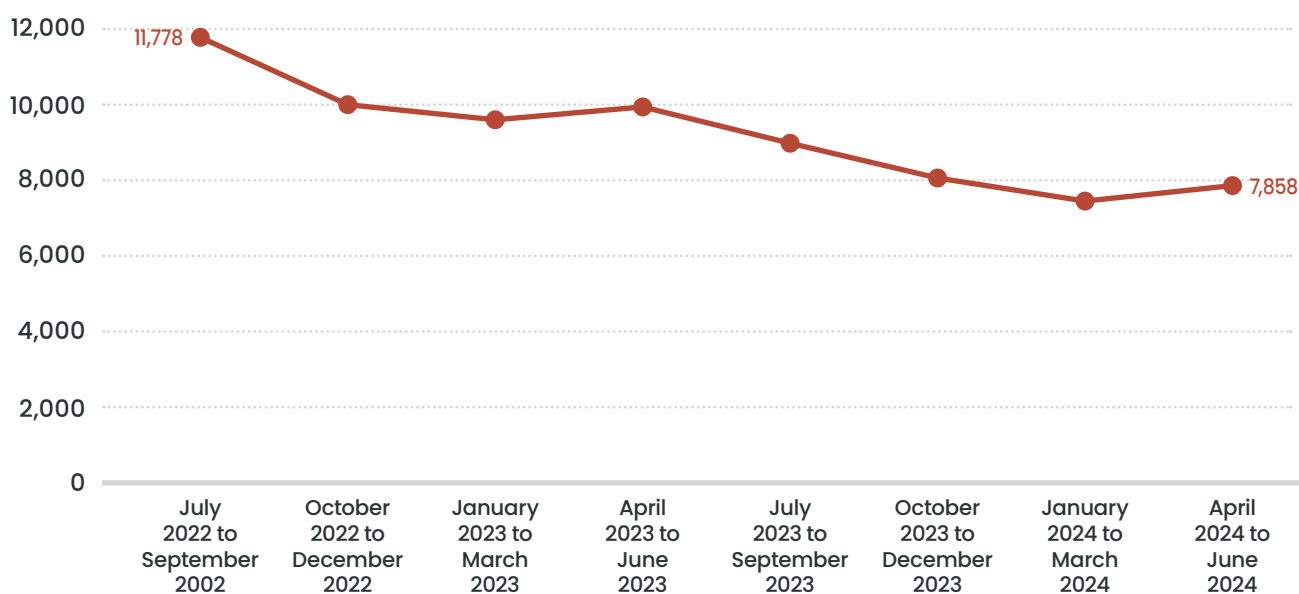


Thorough interrogation of data gathered by the police in relation to incidents of domestic abuse has highlighted both inconsistencies across forces but also, and perhaps more concerningly, potential issues around validity at a national level. A lack of disaggregated data on the protected characteristics of victims and survivors impacts our understanding of the particular experiences of marginalised and minoritised survivors. Changes to Home Office counting rules, which came into effect on 1 June 2023, saw a reintroduction of the principal crime rule and the denotification of certain offences, such as public order. Police officers can now use their professional judgement to decide whether to record these two types of offences as crimes or not; however, domestic abuse-related incidences should still be recorded. Despite this, because the principal crime rule takes precedent, where only

the most serious offence is recorded even if a victim reports multiple offences on a single occasion, there have been steady reductions in police recorded crime over the last year (Figure 5, page 28).<sup>57</sup>

Public order offences have seen some of the steepest reductions, with over 20% in the last year, and this has not been accompanied by an increase in violence against the person offences. Such offences can occur as part of a pattern of domestic abuse incidents, wherein the unlawful violence is perpetrated against the victim in a public space.<sup>58</sup>

**FIGURE 6**  
**Police recorded public order offences with a domestic abuse flag, by quarter, for England and Wales**<sup>59</sup>



These changes were introduced as a way for police officers to drive efficiencies, reduce administrative burden, and free up police time. However, domestic abuse, as with many VAWG-related offences, is highly complex and often involves cases with long histories, meaning victims will often report multiple crimes at once. Not recording these crimes individually creates a false reality of victims’ experiences and police activity. This method of crime recording disproportionately dismisses domestic abuse in comparison to ‘one-off’ crimes, which are more accurately recorded due to their singular nature.

# Good practice and impact of positive first interaction

“She listened, and she believed me. And I think that was the first point where I actually thought, you know what? I'm not going crazy in my own head ... It was just so empowering to have somebody listen.”<sup>60</sup>

Survivor

The following case study (page 31) exemplifies the value of this co-location. Some survivors told us about incredibly positive first responses that they had from police. They highlighted officers responding quickly to callouts with empathy and compassion, recognising the dynamics and severity of the abuse and responding accordingly based upon what the survivor needed at that time, and ensuring that they could access specialist support. Survivors told us that feeling listened to and believed was critical to their positive experience and its impact on their likelihood of continuing through the criminal justice process. Understanding of the impact of particular marginalisations – for example, neurodivergence – was also vital for survivors.

Specialist domestic abuse services have emphasised to us the importance of embedded relationships between themselves and police to an effective first response. Going beyond referral pathways to committed partnership working is critical to ensuring a holistic response for all survivors. This empowers mutual upskilling between specialist support workers and police, and is supported in recommendations stemming from analysis of Domestic Homicide Reviews for a ‘more proactive approach’ to building strong and collaborative relationships.<sup>61</sup> It is noted in particular the benefits this may have for survivors assessed to be at standard or medium risk, who may receive only a leaflet or phone number about support available. These relationships will be imperative to the success of the Government’s recent proposal to embed domestic abuse specialists within 999 call centres.

Equally, officers have fed back to the Commissioner’s Office the value of direct links and partnership working with specialist domestic abuse services. For example, one officer told us the benefit that having Independent Domestic Violence Advisors (IDVAs) co-located with the police provided to both him and the survivors he supported: “Getting to know how they work, being able to communicate with them is so useful ... I think it also helps that you can explain to your victims that these people aren’t police officers and ... [are] still there to provide [them] with support.”<sup>62</sup> Officers also noted the ways that IDVAs allow them to focus on the policing aspect of domestic abuse, safe in the knowledge that the survivor was being supported to manage other barriers like accessing housing or additional support services. The following case study exemplifies the value of this co-location.

## CASE STUDY

# Early Intervention Police Partnership (EIPP)

**A metropolitan area in the West Midlands has two Early Intervention Police Partnership (EIPP) IDVAs from an independent domestic abuse service based on the DA Desk and within the Public Protection Unit.**

The IDVAs provide consultation, early advice and information to police officers. Where there is consent to a referral, they can also provide victims with information, advice and onwards referral pathways for a range of social, welfare and safety options.

In order to support confidence in the criminal justice system, the IDVAs ensure that:

- Safety is paramount to actions taken.
- Options are available to meet a victim's specific situation and needs.
- Responses are real-time so that a victim can make informed choices.
- Early Referral Pathways are made to specialist provision (for example, court orders or Multi-Agency Risk Assessment Conferences).
- A victim-centred approach is taken.

Within the force, IDVAs challenge and address victim blaming culture, work to change language, and improve understanding and awareness, particularly of risk. This is possible in large part because of buy-in at both senior and operational level, and positive relationships between specialist workers and officers.

Within three months, EIPP IDVAs supported 306 victims, particularly around initial safety planning and onward referrals, and provided 331 consultations with police

colleagues. They also delivered a webinar contextualising the best practice in risk assessing when completing DARAs, which is now mandatory training for all staff.

There are fewer consultations required compared with the beginning of the programme, reflecting officers' increased learning and awareness from initial consultations and advice. Referrals to the brief support service are increasing, and onward referrals to appropriate services are being made.

Feedback from police leads show the impact of the IDVAs on police responses:

"This is a fantastic service. Having the EIPP IDVAs to facilitate signposting and referrals into specific projects such as the Civil Orders IDVA team enables a localised and necessarily specialist response to DV that was previously lacking ... It has also allowed us to maximise our commitment to multi-agency working in order to upskill officers to become DV specialists as opposed to officers that happen to work on the DA desk."

"Officers are building up their knowledge and confidence – IDVAs assisting in briefing and training officers around DV awareness, options etc. (It) has been eye opening ... Working with IDVAs has improved practice of officers and got officers to think about things they may not have previously."

Drawing on engagement with victims and survivors, specialist domestic abuse services, and criminal justice agencies, in order to provide a comprehensive first response to all victims and survivors, the following elements, at a minimum, are critical:

- Ensuring call handlers, and those responding to initial disclosures of abuse are sufficiently and regularly trained to recognise and identify domestic abuse, including how to assess and respond to varying levels of risk, need and harm so that all adult and child victims and survivors receive a proportionate response in the immediate and longer term.
- Ensuring first responders have all available information upon arrival at the scene, including any history of domestic abuse for all parties, previous risk assessments, Police National Computer checks, existing bail or licence conditions, civil injunctions or child safeguarding concerns, and relevant intelligence checks (for example, firearms, Police National Computer (PNC)/Police National Database (PND), Violent and Sex Offenders Register (ViSOR)).
- Recording of witness statements at the time of the incident, where the report comes from the victim themselves. 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 retraumatising. If the report comes from a third party, or if the victim needs time to recover before giving a statement, officers should be resourced to reapproach a victim and support them to give a statement.
- Sensitivity 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.
- Undertaking a thorough initial risk and need assessment and safety plan, tailored to the individual, recognising that risk and need assessment and safety planning are dynamic and continuous in nature. Ongoing activity needs to be clearly assigned so forces know who is responsible for risk and need assessment and safety planning at all times.
- Making referrals to Multi-Agency Risk Assessment Conferences (MARAC) in line with visible risk, professional judgement, potential escalation and repeated disclosures.
- Ensuring officers are professionally curious and confident to identify and respond to safeguarding concerns to protect victims and survivors, including any associated adults or children.
- Sharing information on rights under the Victims' Code, and about where a victim can access wider support services, such as therapeutic support, housing, health and social care services, and immigration advice – making direct referrals with consent and where appropriate.
- Working jointly with community-based and specialist 'by and for' services available in a victim's area, in order to signpost at the earliest opportunity and ensure two-way communication between the specialist advocate and police.
- Officers must be culturally competent and recognisant of the wide-ranging needs of their communities, to ensure that every victim and survivor receives an equitable response.
- Providing a good handover where applicable to the officer, staff member or team responsible for ongoing risk and need assessment and safety planning. This includes making sure victims and survivors have a point of contact and know how to report any future abuse.



Each element of the aforementioned response will be strengthened if delivered within a wider Coordinated Community Response (a framework for multi-agency working, developed by Standing Together Against Domestic Abuse, which shifts responsibility for survivor safety onto systems). This is particularly notable where police are proactive in building relationships and working in partnership with independent domestic abuse specialist services to share information, risk assess and coordinate safeguarding and safety planning activity. However, due in part to inconsistencies in the funding and commissioning of community-based services, there is significant local variation in how forces choose to, or are able to, work with specialist services. The Victims and Prisoners Act 2024 has the potential to both strengthen criminal justice agencies' awareness of the important role of specialist support through the introduction of IDVA and Independent Sexual Violence Advisor (ISVA) guidance, and – through local Joint Strategic Needs Assessment – allow the better identification of unmet support needs.<sup>63</sup>

The following two case studies shared with the Commissioner's office recognise the importance of the first response and reflect key elements from the good practice standards set out.

## CASE STUDY

### Rapid Video Response (RVR)

**In 2021, a police force in the South East of England piloted a first response video contact scheme for initial communication with an adult victim reporting a domestic abuse incident, where the perpetrator is no longer at the scene and the incident is assessed to be standard level.**

Cases are considered and triaged to develop a video response protocol for that individual. This contact enabled:

- Reporting of any crimes.
- Receiving safeguarding advice and assistance.
- Allowing police to complete relevant risk and need assessments and investigative steps required.
- Informing the victim of what will happen next.

The scheme aimed to address the issue of victims experiencing delay between their initial report and receiving a response

from the police. The pilot was subject to a randomised control trial,<sup>64</sup> which found that it increased the speed of the initial response and improved the speed of resolving the incident in terms of officer hours by a third.

The scheme was found to have reduced levels of victim anxiety and improved overall victim satisfaction rates. These benefits were especially notable for female victims of intimate partner violence. It also resulted in an increase in arrest rate (24% compared with 16% business as usual). In light of this positive evaluation, Rapid Video Response is starting to be rolled out as a service across the county, with a traditional call-out response also available where required or according to victim preference.

## CASE STUDY

# 4Ps contact model

**A police force in Wales has piloted a comprehensive needs-led response to non-high-risk cases of domestic abuse, by adopting the 4Ps model (Prepare, Prevent, Protect, Pursue) set out by the NPCC.**

The project requires victim contact within 72 hours of a police report being received. The officers will adopt the Prepare element of the 4Ps approach, and contact will only be attempted in the safest possible way. This may involve partner agencies, as part of a dynamic risk assessment.

A minimum of three contacts will be attempted, understanding that a person may not be ready to speak to the police or unable to do so straight away. This would ideally be in person but is led by the victim and may sometimes be impacted by resource issues.

When contact is established, the “Prevent, Protect, Pursue” elements are adopted to best suit the needs, vulnerabilities and safeguarding of the victim. This includes, where the victim consents, risk assessment (DASH/DARA), as well as a wider assessment of need, including housing, mental and physical health, adult and child safeguarding and support, drug- and alcohol-related vulnerabilities and needs, financial support and more. Depending on the assessment and the wants and asks of the victim, referrals into partner agencies will be made or signposting will be offered.

Every victim receives a 10-day follow-up visit to reassess need and risk and follow-up on any outstanding issues and concerns. This is also an opportunity for officers to attempt to undertake a risk assessment, if this was

declined on initial contact. The follow-up visit helps to build trust with the most vulnerable victims and can often result in a more detailed disclosure of abuse. Body-worn cameras are activated during every in-person visit to support in achieving best evidence.

Throughout their engagement with the victim, officers consider how they can prevent further offences by identifying, disrupting, and pursuing offending behaviours in the form of bail checks, DVPO checks, active patrol plans, and intelligence gathering. Officers will also actively seek to identify non-DA related offences, in order to safeguard victims that do not want to pursue charges or feel unable or unsafe to do so. All contact and actions taken are recorded in a purpose-built tracker, to ensure comprehensive victim care and police response and feed into wider learning and collaborative partnership working.

The pilot is demonstrating success in early-stage evaluations and highlights the impact of a positive initial police response. Victims have been supported to access specialist support in relation to domestic abuse, but also in relation to other needs and vulnerabilities they face. In addition, joined up working, collaboration and partner agency engagement has improved – facilitating more joint visits, co-location and increased professional trust.

This chapter has identified the critical importance of multi-agency partnership working between criminal justice agencies and the specialist domestic abuse sector in order to support survivors to safety in the first response. However, this partnership is not only important to ensure support to survivors if they choose to continue with a criminal justice process – it opens opportunities for victims and survivors to access a wide range of support outside of the criminal justice system. In its absence, victims and survivors are left with few options. They may not know that help is available, and they will not have support if they are left unsatisfied with the criminal justice response. Such partnerships are central to ensuring more victims and survivors have access to the specialist support they need, and without them, vital opportunities to support and safeguard survivors are missed.

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# 3

## Safeguarding in the absence of a conviction



**It is imperative that, as part of a whole-system response to domestic abuse, perpetrators are held accountable and effectively managed to reduce risk. Given low reporting and conviction rates, the vast majority of perpetrators remain in the community.**

“I’ve had to quit my career, move house – what’s he doing? Probably the same thing to the next woman.”<sup>65</sup>

Survivor

Currently, formalised systems only actively manage perpetrators who are convicted of a domestic abuse-related crime, and – as they currently function – even these are insufficient. Chapter 6 later in this report provides more detail on these perpetrators who are managed by prisons, probation and statutory frameworks.

This chapter will focus on perpetrators who have not been convicted or sentenced, whose management is currently a postcode lottery – it is left to the discretion of local authorities or police forces, based on local priorities, as to whether they should commission specialist services or create internal mechanisms for managing perpetrators. Where this is not prioritised locally, the onus is on victims and survivors to manage their own risk and safety. This chapter, therefore, differs from others in that its discussion of good practice is limited. Although the Commissioner received responses to her call for evidence in this area, much of what was presented is what would be expected as standard practice. This indicates a need for significant efforts to improve the community response to perpetrators who have not been convicted or sentenced, in order to safeguard victims and survivors in the community.

On paper, measures have been developed and made available to victims and survivors, as well as to the police, which are intended to reduce risk and improve safety while perpetrators remain in the community. This includes police-issued Domestic Violence Protection Notices (DVPNs) and court-issued Domestic Violence Protection Orders (DVPOs), which were introduced in 2014 with the aim of “bridging the protective gap” for victims directly following an incident. Guidance states that DVPNs and DVPOs should be used where it is “necessary and proportionate to protect the victim”, including when a victim does not directly support the application, due to the possibility of “coercive and controlling behaviour affecting the decision-making of the victim.”<sup>66</sup> Domestic Abuse Protection Notices and Orders (DAPN/Os) were introduced in the Domestic Abuse Act 2021 to offer wider, longer-term protection to victims and survivors, with breaches carrying a criminal offence. These are not yet in widespread use, however, as they are currently in the pilot phase.<sup>67</sup>

The Domestic Violence Disclosure Scheme (DVDS – ‘Clare’s Law’) was also introduced in 2014. This gave individuals the right to ask police to check whether a current or former partner has a history of violence or abuse (‘Right to Ask’) and enabled the police to proactively disclose information about an individual’s history of violence or abuse to that person’s current or former partner (‘Right to Know’). The scheme was placed on a statutory footing via

the Domestic Abuse Act 2021, with the aim of increasing consistency and visibility.<sup>68</sup> Further, the use of pre-charge bail was reformed in 2022 to encourage its use by police instead of releasing suspects under investigation, as well as to include a duty to take the views of the victim into account.<sup>69</sup>

However, the gap between the theory and the practice of these measures, both in implementation and in enforcement, is stark and well-documented – most prominently in the 2019 Centre for Women’s Justice super-complaint on ‘Police failure to use protective measures in cases involving violence against women and girls.’ Survivors continue to raise concerns to the Commissioner about the lack of safeguarding measures implemented by the police following a report of domestic abuse. Equally, the services that support them have emphasised to the Commissioner the impact these shortcomings have on their ability to safety-plan with a survivor. One survivor told us about a number of reports she made, while living in safe accommodation, which did not lead to any protective measures being put in place by police. The police minimised the risk she faced because the perpetrator was not present at the scene: “It’s all good reporting it, but how am I gonna get safeguarded if he turns up and he wants to do something to me? Is that when [the police] are gonna take action – knowing that this is a safe house I’m living in and he knows where I am?”<sup>70</sup>

The 2019 super-complaint meticulously documents the systemic nature of this issue, highlighting significant failings by the police across the full range of protective measures, including bail, non-molestation orders, Domestic Violence Protection Notices, Domestic Violence Protection Orders and restraining orders.<sup>71</sup> This is corroborated by analysis of Domestic Homicide Reviews, which has identified “a reluctance to pursue, or failure to consider victimless prosecutions and other legislative option such as Domestic Violence Protection Orders.”<sup>72</sup> This analysis identified that several recommendations were made in DHRs to increase the use of these provisions and, sometimes, to review the adequacy of the arrangements underpinning their operation/application.

## Implementation of protective measures

### Bail

The post-arrest and pre-charge period is one of the most dangerous for survivors, during which the use of pre-charge bail – a “unique policing tool” – has the potential to significantly mitigate risk and reduce further offending.<sup>73</sup> However, the CWJ super-complaint illustrates an underutilisation of pre-charge bail, particularly in cases assessed to be at standard and medium risk. Furthermore, it evidences an increase in suspects being invited to attend police interviews on a voluntary basis, rather than under arrest, which – anecdotally – is likely because this is more convenient and less resource intensive for police, who are already carrying incredibly high caseloads. However, it also means that legally, pre-charge bail cannot be used.

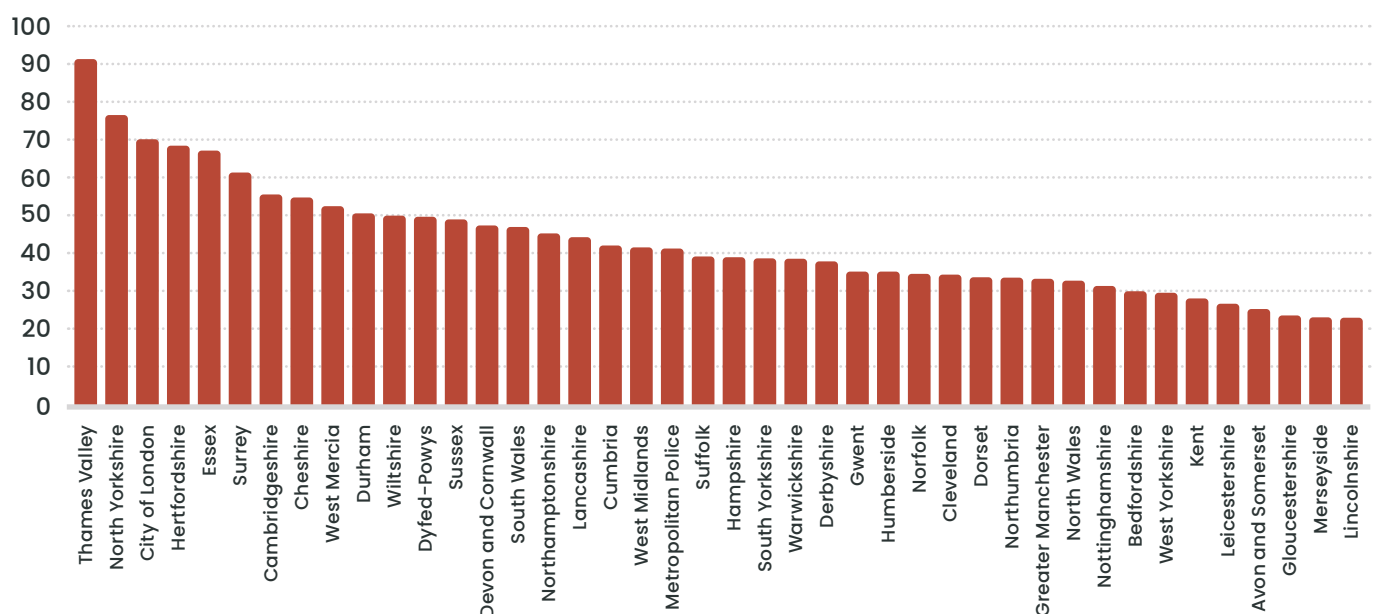


The super-complaint also raises concerns around releases under investigation without bail conditions, due to a failure to recognise that bail conditions may be “necessary and proportionate” to protect victims. There have also been instances where the police have not informed the CPS that a perpetrator does not have bail conditions in place when requesting charging advice. This has the potential to undermine requests at court for conditional bail and restraining orders, thus leaving victims at greater risk of harm.<sup>74</sup>

Additionally, police do not consistently utilise protective orders alongside bail conditions, even where this is necessary to safeguard the victim. This is despite the fact that statutory guidance on DVPOs clearly notes that bail conditions and protective orders “can be used simultaneously to build up greater protection for the victim” – guidance around DVPO criteria could be clearer in this regard.<sup>75</sup>

The His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) investigation that followed the super-complaint raised concerns about falling arrest rates and the inability of some forces to provide data around voluntary attendance, as well as what this meant about how well forces were monitoring its use.<sup>76</sup> The number of arrests a police force makes, for offences where a domestic abuse flag has been recorded, can be seen as an indication of how seriously they are responding to domestic abuse as a crime. In the 12 months to March 2024, 347,830 arrests were made across England and Wales. There was considerable variation across police forces for the rate of arrests per domestic abuse-flagged offence, as shown in Figure 7 – from over 90 arrests for every 100 offences recorded in one force to less than 25 arrests in others.<sup>77</sup>

**FIGURE 7**  
**Rate of arrests per 100 domestic abuse flagged offences, by police force, in the 12 months to 31 March 2024\*<sup>78</sup>**

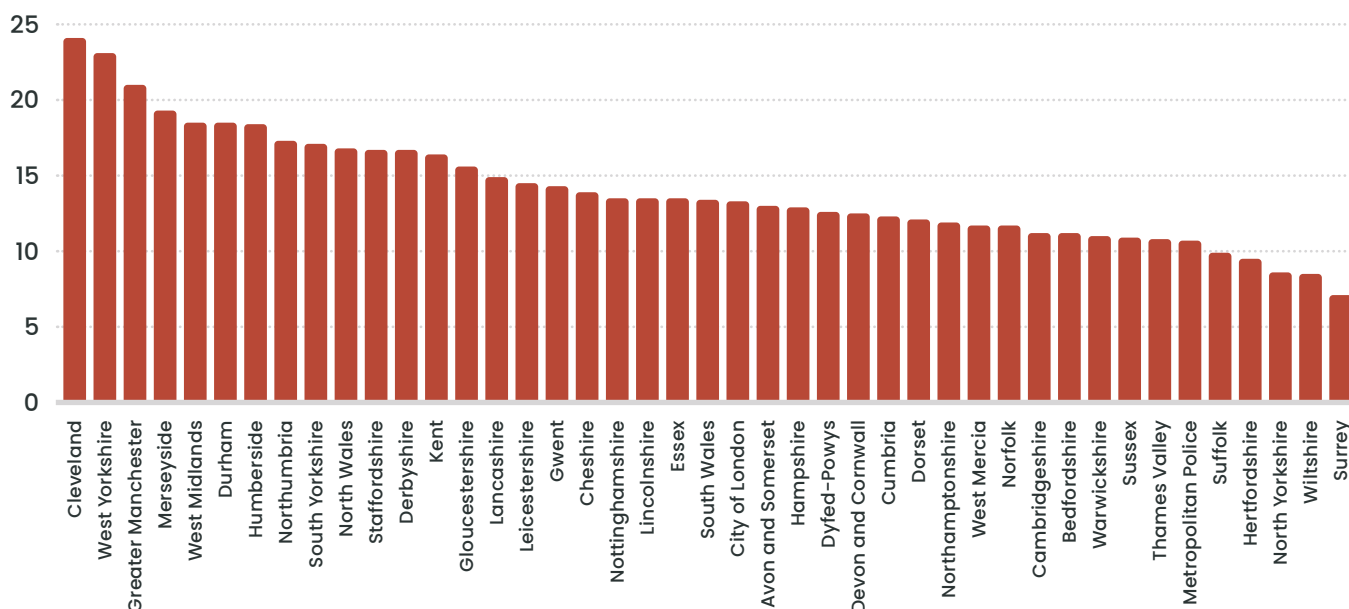


\* Staffordshire were unable to provide arrests data at the time of submission, so have been excluded from this analysis.

It is, however, important to consider that forces who record more domestic abuse-flagged offences as standard practice may find it harder to achieve higher arrest rates compared with those who record fewer offences to start with. For context, Figure 8 shows the number of domestic abuse-flagged offences, as a proportion of the population for each police force area.

As per the pre-charge bail statutory guidance, the practice of releasing suspects under investigation should not be used in cases of domestic abuse due to the danger posed to victims, including their children.<sup>79</sup> In most cases where the police are not ready to charge a suspected perpetrator, they should be released on pre-charge bail, with conditions, rather than released under investigation. Coordination 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 further safeguarding measures in place.

**FIGURE 8**  
**Domestic abuse flagged offences per 1,000 population, by police force in the 12 months to 31 March 2024<sup>80</sup>**



## Domestic Violence Protection Notices and Orders

Major variation in force usage of DVPNs and DVPOs is concerning, particularly given that the number of orders applied for is very low in comparison to the number of domestic abuse incidents – consistently around 1% of all domestic abuse incidents.<sup>81</sup> Evidence submitted from one domestic abuse service in the CWJ super-complaint indicated that despite the local MARAC recommending a DVPO for approximately 100 cases per month, the average applied for by the local police was only three. Both the CWJ super-complaint and the subsequent HMICFRS investigation highlight the harm in such underuse and ways in which lack of understanding at officer level could be driving this.<sup>82</sup>

It is critical that learning from the shortcomings of DVPNs and DVPOs is used to inform the piloting and subsequent national rollout of Domestic Abuse Protection Notices and Orders, and that officers have a clear understanding of when and how such orders ought to be used as a tool to protect victims. Furthermore, ensuring that resource is available to police for legal support to improve the quality of applications may be helpful in improving their use.

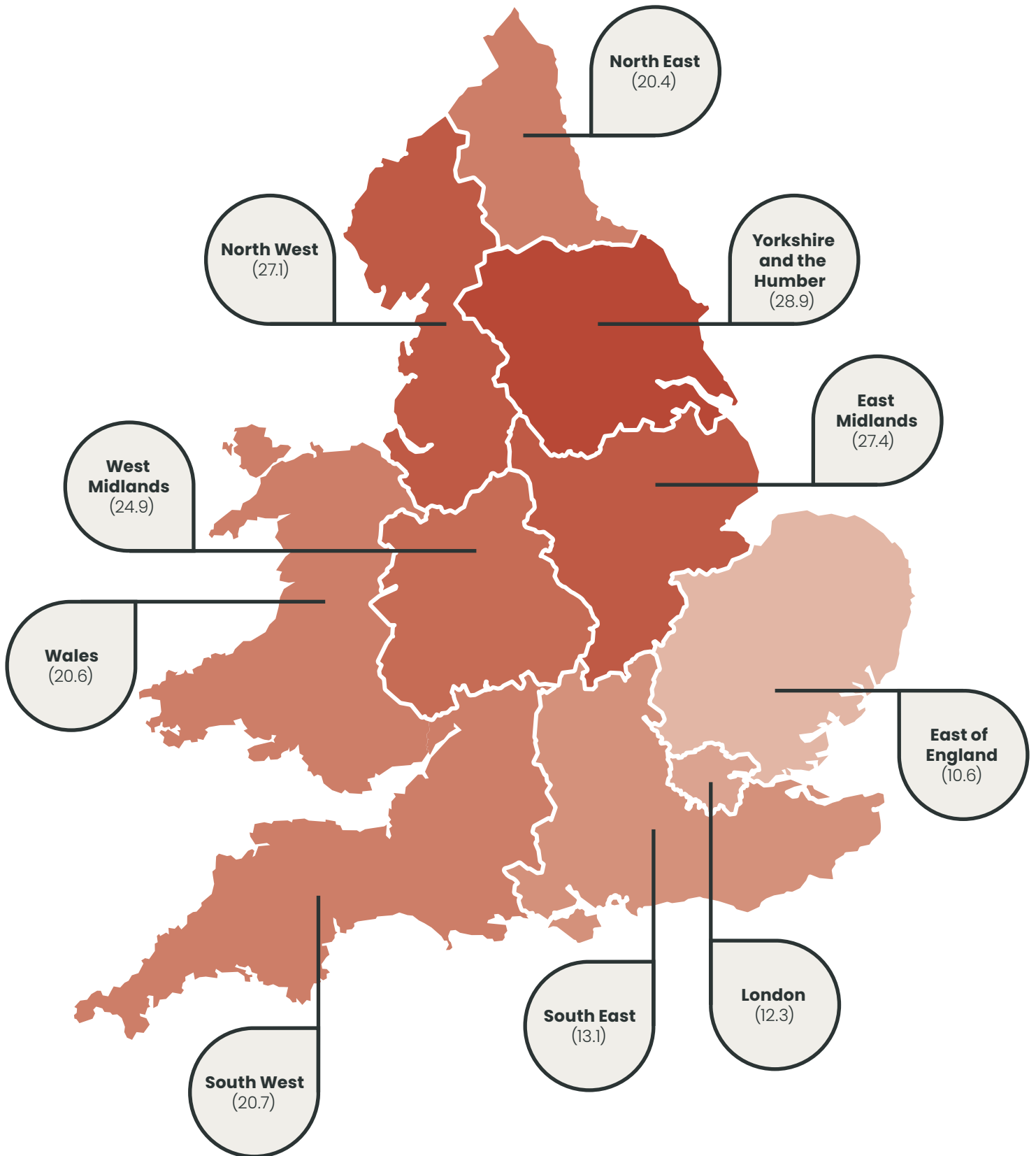
**FIGURE 9**  
**Number of domestic violence protection notices (DVPNs) and domestic violence protection orders (DVPOs) applied for and granted by region, in the 12 months to 31 March 2024<sup>83</sup>**

|                          | DVPNs granted | DVPOs applied for | DVPOs granted | DVPOs granted per 100,000 population |
|--------------------------|---------------|-------------------|---------------|--------------------------------------|
| North East               | 637           | 631               | 536           | 20.4                                 |
| North West               | 2,153         | 2,250             | 1,944         | 27.1                                 |
| Yorkshire and the Humber | 1,770         | 1,704             | 1,556         | 28.9                                 |
| East Midlands            | 1,043         | 1,409             | 1,281         | 27.4                                 |
| West Midlands            | 1,616         | 1,604             | 1,430         | 24.9                                 |
| East of England          | 677           | 681               | 645           | 10.6                                 |
| London                   | 1,266         | 1,199             | 1,067         | 12.3                                 |
| South East               | 1,336         | 1,235             | 1,172         | 13.1                                 |
| South West               | 1,346         | 1,258             | 1,132         | 20.7                                 |
| Wales                    | 789           | 699               | 638           | 20.6                                 |
| <b>England and Wales</b> | <b>12,633</b> | <b>12,670</b>     | <b>11,401</b> | <b>19.7</b>                          |

Please note: A number of forces had data quality/completeness issues with the recording of DVPNs and DVPOs, so these totals are likely to be an underestimate.

As a proportion of arrests, the number of protection orders, both applied for and granted, also remains concerningly low. Approximately 3% of arrests for domestic abuse-related offences involved a DVPO being granted in the 12 months to March 2024.<sup>84</sup> While a very small number of DVPNs do not result in a DVPO application, it is encouraging to see that 90% of DVPOs applied for were granted in the 12 months to March 2024. However, as a proportion of the number of suspects referred by the police to the Crown Prosecution Service for domestic abuse-related crimes, only 16% had a DVPO granted during the same period across England and Wales.

## DVPOs granted per 100,000 population, by region, in the 12 months to 31 March 2024



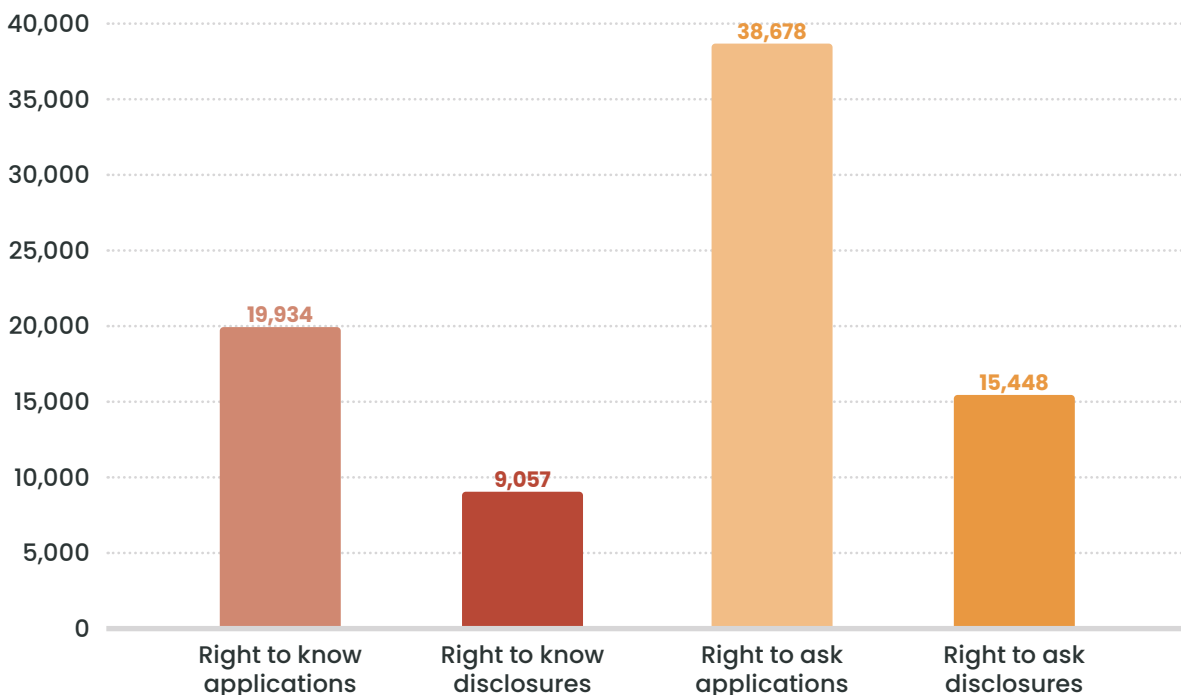
## Domestic Violence Disclosure Scheme (DVDS)/Clare’s Law

The Domestic Violence Disclosure Scheme was introduced in an attempt to learn lessons from the failings that contributed to the tragic murder of Clare Wood in 2009. Used effectively, it can empower individuals to make an informed decision about the risks they may face from a current or former partner. Despite its now statutory basis and updated guidance, the DVDS is still inconsistently applied across England and Wales.

The DVDS guidance is not routinely followed in the first instance regarding eligibility of victims and survivors for the scheme. Information is not always provided to victims and survivors where it ought to be, particularly proactively via Right to Know. Where information is provided, it may not be delivered in a sensitive manner, which includes an offer of ongoing support or any indication to the victim of the options available to them moving forward. Furthermore, data around disclosures demonstrates a wide variation across forces in both the application and recording of DVDS. It is, therefore, unclear whether a disclosure was not provided because the victim was not eligible; the information that the force had on the perpetrator could not be disclosed; or the force did not in fact have any information to provide.

The Commissioner has, however, welcomed work from the NPCC to prioritise improvements in the application and consistency of DVDS and looks forward to reviewing the impact of interventions to this end.

**FIGURE 10**  
**Right to Know and Right to Ask applications and disclosures under Clare’s Law in the 12 months to 31 March 2024 across police forces in England and Wales**<sup>85</sup>



## Enforcement of protective measures

It is absolutely critical to survivors' safety that orders are effectively enforced – however, this is not happening consistently across forces. Without robust enforcement, protective measures are rendered functionally futile. Perpetrators are emboldened to continue their abuse without consequence, while survivors are put at further risk by giving them a false sense of security. This was reflected in feedback we received from survivors, and is evidenced in the CWJ super-complaint, which highlights that failure to arrest for breaches is common – despite breaches being a criminal offence.<sup>86</sup> It argues that this is in part because breaches are not taken seriously – they are interpreted as minor, difficult to evidence, and are treated in isolation rather than in the context of patterns of behaviour.

These concerns are further supported by findings from DHRs, analysis of which has identified that failures to review information on databases, likely influenced (at least in part) by a lack of curiosity, meant there was not always an appreciation of the legal provisions in place. For example, in one case, “during the [five-year] period, [perpetrator] was served four separate Harassment Warning letters. Three of these were served after he had been convicted of Harassment and a Restraining Order was in force.”<sup>87</sup>

Further limiting the ability of police to respond appropriately to breaches is a technological gap between the courts, which grant the order, and the police, who enforce it. For non-molestation orders, the lack of an Application Programming Interface (API) link between Family Court databases and police systems means that police are not automatically notified when orders are granted and served on the perpetrator. Issues also occur in the criminal courts, where there is inconsistent practice in sending copies of restraining orders to police forces. Where orders are sent, a lack of information alongside the order makes it difficult for police to identify where the victim resides and limits their ability to enforce it. These gaps mean that police may not be aware of orders in place, or have the information needed to enforce them, and, therefore, may not respond to breaches for this reason. If they do respond, the onus is placed on the victim to provide proof of the order at a point of crisis. Such information sharing and notification are a critical foundation for the improved enforcement of these important protective measures. In response to the persistent and pervasive issue of poor enforcement, the Commissioner is supportive of the specialist VAWG sector's recommendation that the number of reported breaches of NMOs, as compared with the number of breaches prosecuted, should be collated by the National Police Chiefs Council, and subject to monitoring by police forces.<sup>88</sup>

The benefits of routine and timely 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.<sup>89</sup>

Changes to the notification, recording, and enforcement of protective orders are urgently required. Lack of response and enforcement is particularly concerning in the context of anecdotal evidence indicating that such orders are relied on by police as an alternative to an investigation and charge.<sup>90</sup> Although failures to enforce in and of themselves put victims at significant risk, regardless of whether or not orders are standalone or concurrent with an investigation, such risks are only amplified when the order has been put in place as the primary protective measure and endpoint of justice in response to the abuse. It is positive to see work to address these concerns being progressed by government, policing, and the courts – but it is critical that this work is prioritised and resourced.

## Access to behaviour change interventions for those who harm

In theory, there are a range of behaviour change interventions available to address different levels of risk and need. However, in practice, outside of statutory criminal justice frameworks (addressed later in Chapter 6) there is little formalised delivery of structured interventions and practitioner toolkits, and no comprehensive analysis of expected delivery volume or efficacy. Specialist behaviour-change interventions are alarmingly piecemeal, with some areas offering no or scant provision. This is evidenced by the fact that fewer than 1% of perpetrators receive specialist intervention to challenge or change their behaviour.<sup>91</sup> The Commissioner's own mapping exercise in 2022 found that only 7% of survivors who wanted their perpetrator to receive support to change their behaviour were able to get it, despite the fact that over half of survivors wanted this.<sup>92</sup> DAPOs, currently in their early pilot phase, can include positive requirements to attend a behaviour change programme. It is, therefore, critical that there is sufficient provision of such interventions – both in the pilot areas, and nationally – to ensure that DAPOs can be fully tested in their pilot phase, and all areas are prepared for national rollout.

Where services do exist, hardly any have provision tailored to meet the needs of those from marginalised or minoritised groups, especially those with English as a second language and those who speak no English. There is a particular gap in meeting the needs of children and young people who cause harm. As set out in the Drive Partnership's Call for Further Action, funding is precarious and insufficient, and commissioning practice is variable, including common use of short-term contracts. In the Tackling Domestic Abuse Plan, the previous Government committed £75 million over three years to tackle domestic abuse perpetrators. It is now necessary to consolidate learning from this investment and create national consistency of core provision in order to appropriately respond to perpetrators.

## Multi-agency forums

As part of a robust Coordinated Community Response, agencies should work together to share information, intelligence and data to flag perpetrators who are high risk but may not be in contact with the criminal justice system. Any approaches adopted should work

closely with existing arrangements, such as MARAC, to ensure perpetrator management teams have key information from victim-focused panels. Multi-agency arrangements to manage perpetrators should be able to share data, intelligence and information with such forums located in different areas to safeguard individuals if they move (see case study on page 49).

However, where perpetrator management services are not commissioned, local areas are unlikely to have formal structures for multi-agency working and intelligence sharing between agencies that focus solely on perpetrators. This is problematic, as without formal structures for flagging perpetrators who are not being managed by police and probation, agencies are unaware of what their role is in identifying and referring individuals who are exhibiting problematic behaviours. This means that they can be left to fall through the cracks and move between victims without repercussion.

Without formal structures, agencies can also be wary about passing on information about individuals of concern due to fears that they may be in breach of data protection laws. As such, clear policies are required to outline to professionals how this can be done under both adult and child safeguarding procedures.

## Multi-Agency Risk Assessment Conference (MARAC)

Developed in Cardiff in 2003 and rolled out widely across England and Wales by 2007, MARACs created systemic use of risk assessment and information sharing in order to support high-risk adult victims and survivors. MARACs have the potential to be incredibly effective in joining the dots between an often-complex system of public services – particularly those within the criminal justice system. Designed for cases assessed to be high risk, MARAC can be a vital opportunity for agencies to both share information about an offender, which will help inform the development of a safety plan for the victim/survivor, as well as to receive information crucial to understanding a holistic picture of the risks and how they can be managed. Moreover, MARACs are a crucial lifesaving process that can prevent victims from serious harm or, in some cases, homicide.

MARAC functions without a statutory basis or any reflection of updated legislation. This includes the Domestic Abuse Act 2021, which recognises that children are now victims in their own right, and the offences of non-fatal strangulation and non-fatal suffocation, as well as the Serious Crime Act 2015, which brought into force the offence of controlling or coercive behaviour in an intimate or family relationship.

At present, there are approximately 290 conferences being held in local areas across the UK. According to the latest SafeLives MARAC National dataset, in the 12 months to June 2024, 127,594 cases were discussed at MARAC – an increase of 10,917 from the previous year.<sup>93</sup> Of the cases heard during this period, 159,710 featured children.



## CASE STUDY

# Domestic Abuse Partnership Perpetrator Approach (DAPPA)

**DAPPA is a multi-agency approach to managing perpetrators of domestic abuse in the East of England. It uses evidential calculations generated by the Recency, Frequency, Gravity (RFG) matrix to identify perpetrators who present the most serious or repeated risk of harm.**

Where a decision is taken not to include a perpetrator, the perpetrator is placed onto the monitoring cohort for future observation and a safeguarding review will be allocated to the most appropriate agency.

For those perpetrators included in the DAPPA framework, multi-agency risk management plans are developed around them, featuring two pathways:

1. Diversion Pathway – intensive targeted support, where a perpetrator engages and works with services.
2. Disruption Pathway – disruptive action, such as arresting for other offence and progression of intelligence opportunities, where a perpetrator has declined to engage.

Each perpetrator is discussed in a separate hour slot and each agency attending the

meeting has a responsibility to respond to information, issues, and actions for their respective areas of business and to ensure that matters are progressed before the next meeting.

Any partners of perpetrators on either pathway are contacted to assess support needs and any potential risk factors.

The DAPPA team also holds a monitoring meeting a week before the formal DAPPA meeting. This meeting discusses those on the monitoring cohort as well as forthcoming prison releases, referrals from partners and any perpetrators identified as an emerging risk. It reviews the recent offending of those on the cohort and identifies anywhere current safeguarding measures could be enhanced.

Stakeholders across local partnerships and the domestic abuse sector have, however, identified to the Commissioner that, in practice, MARACs are not operating effectively or efficiently. While some areas are operating pockets of good practice, most areas continue to highlight that they struggle to effectively manage MARACs within their current format. Due to a lack of support around MARAC and under-resourcing of its contributing agencies, its sustainability has been questioned.

Anecdotal evidence indicates a pattern of concerns across England and Wales. These demonstrate significant issues that impact the ability for MARAC to be a genuinely effective forum to manage the risks posed by perpetrators and improve the safety of victims, survivors and their children. These include:

- High referral case numbers, including repeat cases.
- Greater levels of need and complexity of issues.
- Challenges with data sharing.
- Inconsistent multi-agency attendance.
- Quality of chair, administration, and coordination.
- Lack of current national guidance or framework of best practice.
- Professionals/agencies' budget, administrative and capacity restraints.
- Inconsistency in frequency – ranging from daily through to monthly conferences.

While MARAC has an important role to play in the response to the highest risk cases, this relies upon accurate, comprehensive assessment of risk in all cases, and leaves a gap in the multi-agency response to standard and medium risk cases. There must be a robust, multi-agency response to cases across the full risk spectrum. A good practice example submitted to the Commissioner's call for evidence spoke to this point. It told us about a weekly partnership hub meeting with representatives from across statutory agencies and the voluntary sector – in addition to MARAC – that provides a forum to bring concerns about cases including domestic abuse. This aims to help identify domestic abuse where it might not otherwise have been recognised, as well as to implement early intervention and prevention strategies.

In order to address these inconsistencies and in the context of local authority funding shortages, it is critical that the Government fully and holistically reviews the current state of the nation for MARAC. There are several pieces of statutory guidance that refer to the crucial role of the MARAC, yet it is not statutory in and of itself, nor does it have any guidance or funding allocated to be delivered in any consistent way across the country. This means that victims have entirely different experiences depending on where they live.

## End notes

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88. VAWG Sector (2023). *Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)*.

89. North Yorkshire Police (2021). *North Yorkshire Police and IDAS, in partnership with HMCTS, Edge Hill University and CGI, lead seminar to address domestic abuse.*
90. Centre for Women's Justice (2019). *Centre for Women's Justice Super-complaint Police failure to use protective measures in cases involving violence against women and girls.*
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93. Only 282 of 290 MARACs submitted data. Safelives (2024). *Latest UK MARAC data.*

# 4

## Investigation and charging



As established in the Authorised Professional Practice on domestic abuse and in accordance with the Victims' Code right to be treated with dignity and respect, investigations should be centred on the actions of the perpetrator(s) rather than focused on unpicking a victim's account in search of inconsistencies. However, independent inspections into agency responses to domestic abuse<sup>94</sup> and rape<sup>95</sup> have found that agencies still too often focus more on the behaviour and credibility of the victim than the perpetrator – which can become a revictimising experience.

“Throughout the investigation ... I've had inspectors and chief inspectors ask me ... 'What would you like to get from this?' And it just angers me every time they say it ... I would like him to be at least charged for the six offences you arrested him for.”<sup>96</sup>

Survivor

Survivors and the services that support them told us about significant issues and barriers they faced throughout the investigation process. These impacted on the quality of the investigation and put the case at risk of being closed with no further action, despite evidence of harm with a suspect identified. This is of significant concern – without strong case building and accurate charging, a survivor's access to justice hangs in the balance.

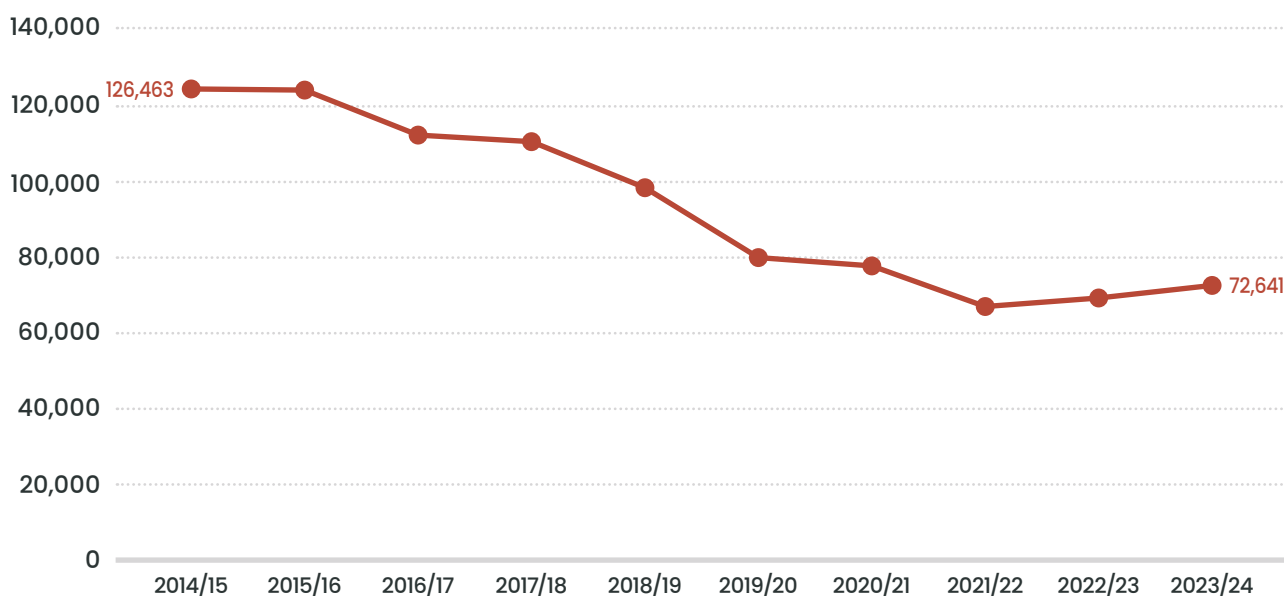
Findings from the last round of HMICFRS PEEL inspections corroborated this. As Figure 11 shows, the majority of forces were described as 'requiring improvement' or 'inadequate' in investigating crime. Forces had marginally better grading for protecting vulnerable people, but it is concerning that the largest number of forces were assessed as only 'adequate.'

**FIGURE 11**  
**HMICFRS PEEL Inspections 2021/22**<sup>97</sup>

|                      | Investigating crime | Protecting vulnerable people |
|----------------------|---------------------|------------------------------|
| Outstanding          | 0                   | 3                            |
| Good                 | 9                   | 10                           |
| Adequate             | 12                  | 18                           |
| Requires improvement | 19                  | 10                           |
| Inadequate           | 3                   | 2                            |

Over the past decade, there has been a 43% reduction in the number of suspects of domestic abuse-related crimes being referred to the CPS by the police for a charging decision – from over 125,000 in 2014/15 to less than 75,000 in 2023/24.<sup>98</sup> Although there are variations across police force areas, this discrepancy is appalling – allowing many of the already few survivors who even report to the police to fall through the gaps and fail to access justice. From the referral point onwards, however, the Crown Prosecution Service has consistently made the decision to charge in around three-quarters of legal decisions they received over the last 10 years across England and Wales.

**FIGURE 12**  
**Number of suspects of domestic abuse-related crimes referred by the police to the Crown Prosecution Service for a charging decision, 2014/15 to 2023/24**



## Poor practice in investigation and charging

“The amount of time that it took to arrest him – it didn’t seem that [the police] were actually looking for him, it didn’t seem like it really mattered to the police.”<sup>99</sup>

Survivor

### Poor communication with victims

The need for improved communication with victims within the criminal justice system, in terms of both timelines and comprehensiveness, has been consistently identified by the

specialist VAWG sector.<sup>100</sup> This remains a central issue highlighted to the Commissioner's office by survivors. This includes significant delays in – or a complete lack of – communication with the survivor throughout the investigation and charging process, as well as a failure to understand accessibility and communication needs and support survivors accordingly. It also encompasses a lack of proactive communication to update the survivor on progress, failures to respond to survivor communications in a timely manner (or, in some cases, at all), and explanatory shortcomings when police do communicate with the victim. By way of stark example, after a lack of response to a victim's message about her ex-partner allegedly breaching a restraining order, the BBC found that a police mailbox dedicated to cases of violence against women and girls had gone unchecked for nine months.<sup>101</sup>

It is a baseline under the Victims' Code that all survivors should receive timely responses to their communications and regular updates on their case. However, it is vital that communications are based on and led by the survivor's needs, including methods of communication, interpretation, or reasonable adjustments required.

“Follow up communication was not good. Occasionally I had a call from an officer saying I'll let you know an outcome next week – that was months ago. Still haven't heard anything. Don't make promises you can't keep. Keep us informed. Don't let us think we've been forgotten or [are] unimportant.”<sup>102</sup>

Survivor

For some victims, poor communication and delays in response significantly impact their mental health and put their safety at risk. This is particularly acute when they know deadlines, such as the expiration of bail conditions or statutory limitations, are approaching. A lack of information around next steps leaves them fearful for their safety and impedes the ability of support workers to safety plan with them. Furthermore, the lack of a point of contact to answer their questions or clear means of recourse amplifies fears for victims and survivors who do not feel they had been heard and understood through the investigation.

Evidence from specialist support services corroborated this, emphasising how poor communications limited their ability to support and safeguard victims. In some cases, they could directly compare the impact – one organisation told us about how a dedicated communication channel between support workers and local police was, without consultation, replaced with a different system that left them struggling to get responses.

Once cases were referred to the CPS, survivors and specialist services told us how communications grew even more sparse. They told us that a lack of access to prosecutors and no clear routes of communication into the CPS not only impacted trust in the system, but also made it difficult for services to provide updates and support to victims and survivors. This, therefore, meant that survivors did not always know their rights and lacked information



on the prosecution and trial process. This is exemplified in case study analysis of Domestic Homicide Reviews, which found “in one DHR there had been a ‘delay of 39 days before a secondary investigator contacted [victim] and then there was then a further delay of 89 days before any further investigation’ (DHR212, pp. 47).”<sup>103</sup>

“I had no contact with [the CPS] until the day of the court – they were therefore unprepared given they had only seen what had happened on paper. I had to spend time talking them through aspects which meant the crime could not have been lowered, to allow for the right outcome. If I had not been present, he would have had a reduction in his offence.”<sup>104</sup>

Survivor

Anecdotally, a lack of communication has contributed to victims and survivors withdrawing from prosecutions. This is on the basis that, after not hearing any updates for extended periods of time, they seek to move on rather than have the criminal justice proceedings looming over them seemingly indefinitely. Where cases were not charged, this information was not always communicated in a sensitive manner, with apparently little regard given to the impact of the decision on the victim and their safety.

## Lack of domestic abuse knowledge/specialism

Although guidance around the investigation and prosecution of domestic abuse cases is positive, this is not being utilised consistently in practice. As discussed in the previous chapter, lack of training, knowledge, and understanding of domestic abuse – particularly non-physical abuse like coercive and controlling behaviour (CCB) – trickles through into investigation and prosecution, thus reducing the effectiveness of evidence gathering, case-building and the likelihood of charge and conviction.

In direct conflict with the Authorised Professional Practice on domestic abuse, as well as CPS domestic abuse guidance, incident-focused first responses lead to missed opportunities to gather evidence to prove course of conduct crimes. This may push police towards a focus on individual offences – even where these are harder to prove or lack evidence. An organisation providing legal advice to survivors of domestic and sexual abuse highlighted additional concerns around police overstepping their role by making decisions about a case and, therefore, not referring to the CPS – and in some cases doing so based on the incorrect burden of proof.<sup>105</sup> Such actions set a case up to fail and can minimise or even entirely disregard any abuse occurring, which may have a knock-on impact for future cases, as well as other proceedings, such as in the Family Court. The Commissioner maintains concerns about a potential move toward police charging of some domestic abuse-related offences in part due to these issues.

For crimes like coercive and controlling behaviour, the investigation process and management of cases through the criminal justice system is particularly disappointing. In

the 12 months to 31 March 2024, 44,212 CCB offences were recorded by the police.<sup>106</sup> Unlike other domestic abuse-related crimes and incidents, CCB is a specific criminal offence, rather than an offence with a domestic abuse flag and, therefore, has been recorded as its own crime code by the police since 2020/21. This allows for closer scrutiny of the outcomes for this crime type through the system. In the same 12 months to 31 March 2024, 3,999 CCB offences reached first hearing at Magistrates' Court and in the 12 months to December 2023, there were 745 convictions for perpetrators engaging in controlling or coercive behaviour in an intimate or family relationship.<sup>107</sup> However, perpetrators may have been convicted for multiple CCB (and other) offences, so 745 should not be seen as a proportion of 3,999. While these various time-periods do not align and, therefore, are not tracked outcomes, the data gives a good illustration of the attrition rate of CCB through the criminal justice system, particularly in terms of offences reaching first hearing. Only 9% of police-recorded CCB offences reach court.<sup>108</sup> Whilst this is an encouraging improvement on the previous year, when only 2,721 (or 6%) of CCB offences reached first hearing at Magistrates' Court, there is still a long way to go.

Anecdotal evidence from multi-agency partners and sector specialists indicates that the CPS may be risk-averse when charging domestic abuse-related offences – particularly where coercive and controlling behaviour is involved – with a high threshold being applied. As with the police, low resource and high caseloads also impact the functioning of the CPS, particularly in the absence of a specialist domestic abuse unit. This risks such cases being undertaken by staff who are inexperienced in understanding and dealing with domestic abuse.

The Home Office Review into coercive and controlling behaviour recognised that low charge rates are likely to be indicative of how proving patterns of abusive behaviours can be more time-consuming. This is because the CCB offence sometimes requires evidence of less recent incidents and experiences, as well as evidence of non-physical abuse. This is in contrast to a violent physical incident attended by the police, which can be documented in real time.<sup>109</sup> Where physical evidence is more difficult to attain, the case may rely more heavily on evidence provided by the victim, making it very difficult to prosecute without the victim's sustained engagement in the process.

## Lack of police and CPS join-up

It is clear that improving prosecutions and convictions requires extensive joint working from the police and the CPS to investigate and build the evidence base; however, this does not occur in a consistent manner. Gaps in joint working between the police and CPS – most notably, a lack of communication between the agencies – can, therefore, substantially impact on the success of cases. The Commissioner recognises and applauds the work of policing and CPS leaders in the development of the Domestic Abuse Joint Justice Plan to improve their coordination in the approach to charging domestic abuse offences, but both agencies can and should go further in their joint working with the specialist sector as well as their respective responses to domestic abuse, in order to improve the end-to-end response.

HMCPSP's 2023 investigation into the service from the CPS to victims of domestic abuse in the Magistrates' Court identified a lack of effectiveness in action plans provided by the CPS to the

police, with a failure to feed back to the police on the quality of the files submitted. The CPS also failed to identify instances where police had submitted vague risk and need assessments, or where they didn't submit them at all. Although police and CPS colleagues should, as standard, be in regular communication to ensure accurate and detailed case-building, action plans specifically should play an important role in ensuring a holistic picture of the case is provided to the CPS. One positive example identified in the inspectorate's investigation told of an area where prosecutors were instructed to send staged action plans to the police to make it clear which items were essential for a charging decision, in order to improve the timeliness of charging decisions.<sup>110</sup>

It is also vital that police and prosecutors work together to ensure cases are appropriately substantiated in the event an evidence-led prosecution is necessary. The HMCPSI investigation found that neither the police nor the CPS had consistent understanding of when such approaches should be used, which led to lost opportunities for evidence gathering and poor case strategies.<sup>111</sup> The Joint Justice Plan rightly identifies the value of pursuing case-building and prosecutions as evidence-led in the first instance. This is to ensure not only that police and prosecutors are prepared to pursue cases where necessary if a victim withdraws support, but also that cases are as robust as possible regardless of circumstance. This is a theme ("Improve case-building and corroboration of evidence") that emerged through analysis of Domestic Homicide Reviews, pointing to a case where "had officers spoken to the original caller and undertaken some room-to-room enquiries at the time they may have uncovered at an earlier stage the crucial information gathered six weeks later from the neighbour which clearly pointed to a domestic incident ... this was a missed opportunity to arrest [perpetrator] and, in the short-term, he did go on to commit three further incidents of domestic abuse shortly after. (DHR212, pp. 51)."<sup>112</sup>

The potential role that evidence-led prosecutions can play in domestic abuse cases is emphasised in numerous reports and reviews into the criminal justice response to domestic abuse and VAWG.<sup>113</sup> Repeated recommendations have been made that speak to the need for improved guidance for police and prosecutors, and stronger processes to ensure that the option of an evidence-led prosecution is fully considered, and decisions are evidenced.

## Challenges in wider multi-agency working

As identified in the development of the Joint Justice Plan, the best performing forces, and CPS areas for victims of domestic abuse are the ones that have the closest professional relationships and work collaboratively to achieve improvements and problem-solve together. This must not only include joint working between the police and CPS, but also a broader multi-agency approach that includes specialist domestic abuse support in order to improve risk management, safeguarding, and case-building.<sup>114</sup>

Unfortunately, however, there is significant variation between both force and CPS areas in the approach to partnership working. The communication issues previously identified in this report perpetuate this, with gaps not only in communication between the police and CPS but also with wider agencies, including specialist domestic abuse services. Furthermore, as the HMCPSI investigation identified, inconsistencies in specialist support provision across the country - which

are due to funding shortages – impact on joint working between prosecutors and specialist services, with direct routine contact being necessary for prosecutors’ awareness of such support.<sup>115</sup>

In order to properly engage with statutory agencies throughout the investigation process, specialist support services must be adequately resourced – and such engagement must be as streamlined and direct as possible, in order to maximise efficiency. A lack of consistent collaboration with specialist services impacts the effectiveness of the response that statutory agencies can offer to victims and survivors, including the quality of casefiles provided to ensure effective prosecutions and opportunities to pursue evidence-led prosecutions. Specialist support is central to passing knowledge along from the victim and survivor, as well as advocating for them – the absence of this may also significantly impact case effectiveness and victim attrition. Furthermore, lack of collaboration with specialist services may mean that if a case is not charged or progressed, the explanation provided to the victim is incomplete or insensitive.

## Lack of data integration

Finally, the inability to track cases between the police and CPS significantly limits understanding of victim attrition at a critical point of the criminal justice process. As highlighted earlier in the chapter, the number of cases referred to the CPS from the police is decreasing. The majority of victims whose cases are not proceeded with are described as ‘disengaging’ during the course of an investigation and before a charging decision is made. The existing way in which data is recorded and presented is not sufficiently transparent or comprehensive to explain these patterns.

Although national guidance provides clear direction on information that should be gathered in victim withdrawal reports, this is not being applied consistently, and an inability to track this nationally means that there is no clear picture of reasoning for cases not being referred. As found by Bates et al, this is particularly relevant where Outcomes 15 (evidential difficulties – victim supports action) and 16 (evidential difficulties – victim does not support action) are recorded.<sup>116</sup>

In analysis of Domestic Homicide Reviews,<sup>117</sup> several cases identified an inability to associate fear of the perpetrator with the retraction of statements and/or an unwillingness to support investigations. Similarly, when victims changed their evidence, rather than being viewed as an opportunity for curiosity, the change was typically framed as problematic. Without clear data on what a survivor wants out of the initial report, it is impossible to track whether this has been achieved and if they have disengaged because their aim in reporting has been achieved.<sup>118</sup> If this is not the reason for disengagement, a lack of partnership working with specialist services also hampers police ability to understand the wider context of a survivor’s situation and why they may not have wanted to engage further.

Outcomes 15 and 16 tell us very little about victim ‘disengagement’, due to their lack of context. This can only be truly understood through partnership working with specialist support services, which requires a change in terms of approaches to survivors, information recording, and accountability mechanisms, as well as a broader shift in approach to victim ‘disengagement.’ In some cases, Bates et al argue disengagement could be positive – wherein what the survivor wanted (for example, threat reduced, or incident logged) was achieved through the initial

response.<sup>119</sup> Police and the CPS must be held to account for ‘meaningful outcomes’ – rather than simple metrics of victim disengagement or attrition that do not give full information of what a survivor wanted, and whether they got this in a timely manner.

## Good practice in investigation and charging

Investigations must be evidence-led from the outset, commencing with officers collecting key evidence when they arrive on scene and taking a suspect-centred approach to the investigation. Focus on the victim must be centred around providing them with holistic support and protective measures that ensure their safety and help them navigate the criminal justice process. This includes children and young people, who must be treated as victims in their own right.

Research has shown that crime investigations that include the following elements are more likely to be followed to prosecution:<sup>120</sup>

- Taking photographs.
- Gathering forensic evidence.
- Video-recorded statements.
- Victims being quickly put in contact with support services.

### CASE STUDY

## Domestic Abuse Combined Forum

**Several CPS areas have worked with their local DA Forums to develop and launch a DA support directory to improve working relationships and understanding of CPS processes.**

CPS domestic abuse guidance states that prosecutors should work alongside IDVAs and other support workers to support victims going through the prosecution process. The document has been circulated among prosecutors and police forces with updated versions provided periodically within areas.

Implementing this, one CPS area in the East of England works closely with several domestic abuse agencies through a

Domestic Abuse Combined Forum, comprising ISVAs/IDVAs, specialist support agencies, CPS legal managers, and police colleagues. Monthly meetings create an opportunity for specialist agencies to share victim experience or provide feedback/suggestions for service improvement. The meetings enable prosecutors to improve understanding of decision making and directly address inquiries to improve trust and understanding.

Investigations must be proportionate, thorough, and timely. As part of this, officers should always consider whether the incident that they are attending could form part of a wider pattern of behaviour that 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 statements, and gathering other key evidence at the time of the incident.

In terms of gathering evidence, as part of the 'Achieving Best Evidence' (ABE) framework, there are several special measures that should be offered to victims to assist them in giving evidence in an effective manner. This must include interviews being planned with the victim's needs in mind and carried out in a trauma-informed way, in order to gather as much relevant information as possible so that the victim does not have to recount their story several times. As part of the framework, victims and survivors should be given access to specialist domestic abuse support during the course of giving evidence.<sup>121</sup>

As EVAW's snapshot report highlights, there are valuable learnings that can be taken from Operation Soteria's approach to investigations.<sup>122</sup> This must include taking a victim's statement at the time of the incident or as soon as possible afterwards, in order to decrease the risk of prolonging and resurfacing trauma. This must be done with consideration of the survivor's particular needs – including, for example, whether they require an interpreter or any reasonable adjustments to support disability or neurodivergence – in order to ensure that they can provide complete information. Throughout the investigation, survivors must be safeguarded through protective measures and policing of breaches of such measures, and the police and CPS should work closely with the specialist services supporting the survivor to ensure information is shared for the purposes of robust case-building as well as safety planning for the survivor.<sup>123</sup> The following case study provides an example of the approach taken in some CPS areas to try and better achieve this.

“ I’ve had over 15 police officers involved in my case. So that’s being passed around ... and I’m repeating myself. My situation hasn’t changed. What I’m telling them hasn’t changed. Why am I repeating myself that many times? ”<sup>124</sup>

Survivor

The CPS and police should work closely to improve the strategic response to domestic abuse as a crime type. This includes promoting the use of prosecutorial resources on case-building measures, such as early legal advice and better joint working, pressing for the roll-out of Section 28 for domestic abuse cases, improving the use of evidence-led prosecutions and ensuring that staff engage with training on domestic abuse.

Under the Victims' Code, victims must receive updates on the progression of their case and information about the offender following conviction. Agencies must ensure that victims of domestic

abuse are contacted through methods of their preferences and that these communications are trauma-informed, especially if they are going to reach out many months or years later.

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, letter, and any additional preferred contact method expressed by the victim 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.

Alongside scrutiny of NFA decisions, it is important that the police and 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.

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# 5

## Prosecution, trial and sentencing



Only 6% of police recorded domestic abuse offences reach trial, a stage in the process that can prove to be deeply retraumatizing for survivors.<sup>125</sup> Research shows how the very structure of criminal procedure, including its adversarial nature, long timescales, and distrust of interventions, can magnify and solidify a survivor's vulnerabilities.<sup>126</sup>

Our roundtables with survivors and those who support them corroborated this; that this stage of the criminal justice process in particular felt like it was more focused on the procedure, process, and agencies involved, rather than the vulnerable individuals seeking justice.

**FIGURE 13**  
**Outcomes assigned to domestic abuse-related crimes and non-domestic abuse-related crimes recorded in the 12 months to March 2024**<sup>127</sup>

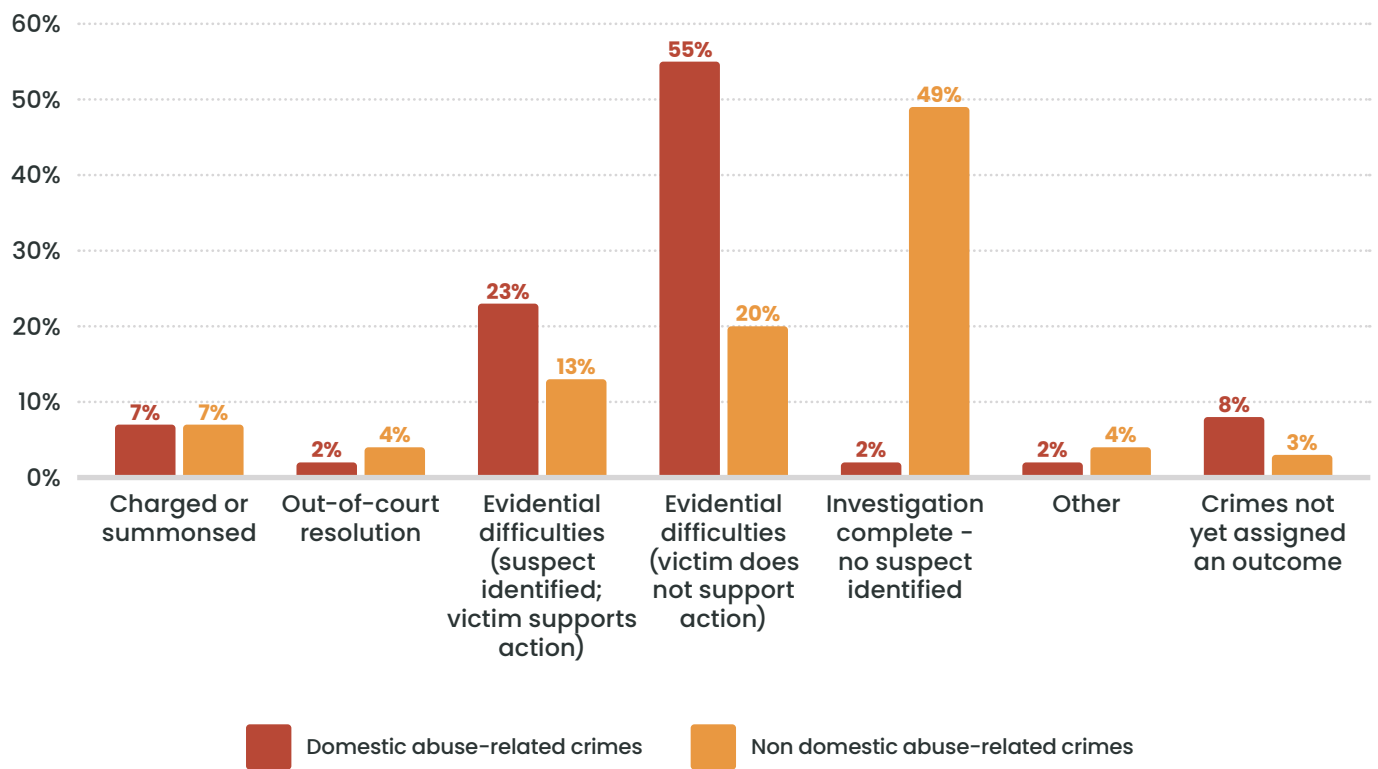
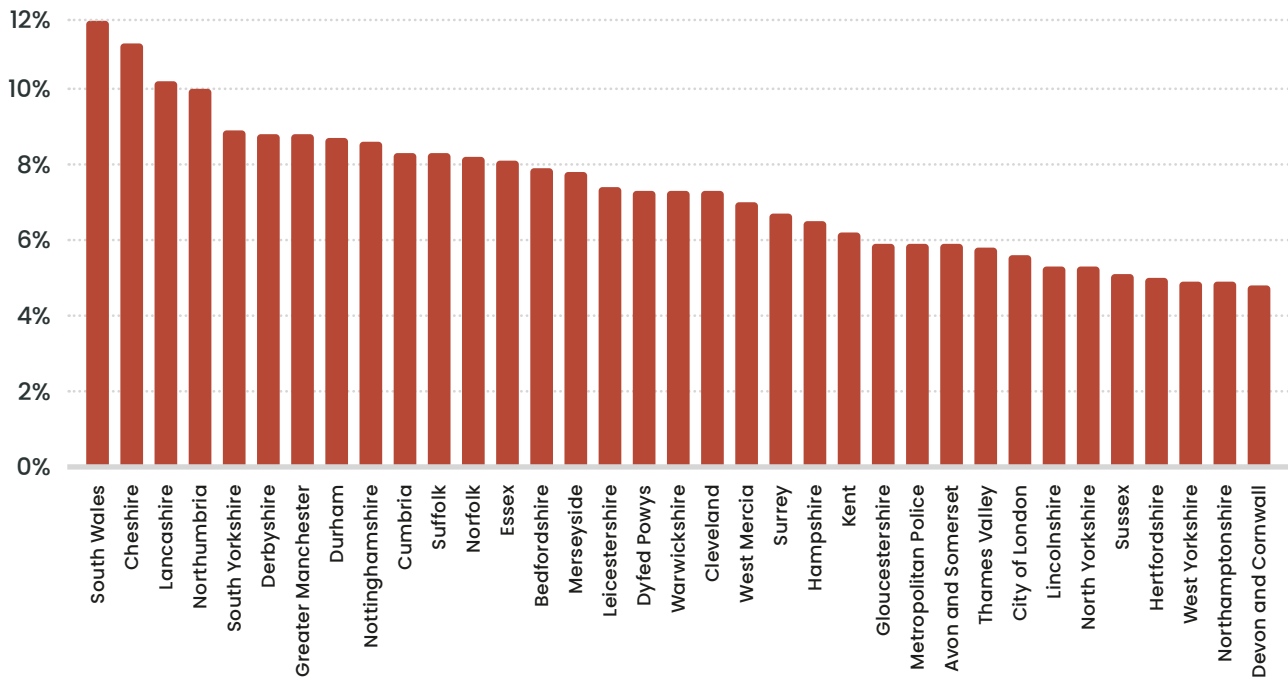


FIGURE 14

Charge rate for domestic abuse-related crimes, by police force area, in the 12 months to March 2024<sup>128</sup>



## Poor practice in prosecution, trial, and sentencing

“You come into these court systems, which is already intimidating enough, and they make you feel like you’re making a big deal out of nothing, as if you’re wasting everyone’s time.”<sup>129</sup>

Survivor

### Delays

One of the most significant themes that emerged from survivors was the negative impact of court delays. The London Victims’ Commissioner recently identified that, nationally, there are now over 67,500 cases waiting to be heard in the Crown Court, with 28% of these waiting for more than a year.<sup>130</sup> Some survivors wait even longer – FOI data from late 2023 found that more than 300 outstanding Crown Court cases in England and Wales have been waiting four years or more for a conclusion, while 173 outstanding cases have not yet concluded after waiting six years.<sup>131</sup> Magistrates’ Courts face even higher backlogs; at the end of September 2024, there were 327,228 outstanding cases at the Magistrates’ Courts.<sup>132</sup>

Court capacity is a major issue; between 2010 and 2020, over half of all Magistrates' Courts were closed in England and Wales, with 164 of 320 closing.<sup>133</sup> The court estate is in a state of disrepair, further impacting on capacity.<sup>134</sup> Issues with court capacity are also buttressed by shortages in the number of judges across all levels – including magistrates, circuit judges and district judges – thereby reducing the number of sitting days available within the court system.<sup>135</sup> Between 2012/13 and 2019/20, the number of judges fell by 12%, more steeply than the number of cases in the respective courts that they operate.<sup>136</sup>

Survivors told us about delays impacting their mental and physical health, prolonging their trauma, and triggering additional trauma. For example, one survivor told us that the CPS forgot to tell her, after four previously moved trial dates, when her new trial date was – as a result, the perpetrator attended the trial, but she did not. Another told us about how she had taken time off work and put support in place only to have her trial cancelled a few days before it was due to take place, with no new date set – causing immense anxiety and stress.

Court delays not only cause undue stress to survivors but have knock-on impacts on specialist services needing to work with clients longer than they had anticipated, and Family Court proceedings relying on evidence from criminal court.

“The process is slow, I had to attend criminal court a year after the crimes had been reported bringing it all back up again so long down the line.”<sup>137</sup>

Survivor

To address the backlog in the short term, funding must be made available for 'Nightingale Courts,' as the London Victims' Commissioner recommends. In the longer term, there must be a programme of capital investment in the court estate to maintain, improve, and expand capacity.

## The judiciary's lack of understanding of domestic abuse

Survivors told worrying accounts of comments made to and about them by members of the judiciary hearing their cases, across both the Magistrates' and Crown Courts. Such statements can influence juries or other magistrates, potentially biasing the outcomes of trials or sentences. They can also have a significant personal impact on the victim.

Survivors told us about comments from judges, including the following:

- Dismissing her as a possible victim because she had a “good job.” The perpetrator is now using the Criminal Court transcript to access the children through the Family Court.<sup>138</sup>
- Telling her that she was unreliable because she waited eight months to report the crime.<sup>139</sup>
- Saying to the Officer in Charge, “I’m not sure if [survivor] will do us any favours because she’s so articulate.”<sup>140</sup>
- Telling her in court she did not look like a victim, and that the trial had been “a waste of time.”<sup>141</sup>

Given their key role in determining the fate of a case, it is vital that members of the judiciary have a clear understanding of the dynamics of domestic abuse and impact of trauma on victims and survivors. They must then apply this to their management of, and decision making in, the court room. However, a lack of oversight for system-wide trends and shortcomings limits the possibility of holding the judiciary accountable.

The criminal justice system must also address the widespread practice of inappropriate prosecution of victims and survivors whose offending is driven by the abuse they have experienced. As the Centre for Women's Justice explains, "failings in Police and CPS guidance and practice mean that women who should be protected from abuse instead find themselves arrested, detained, cautioned, or prosecuted. A lack of effective defences leaves many women with little choice but to plead guilty. For those who go through a trial, courts are ill-equipped to take proper account of the context of abuse in which their alleged offending took place."<sup>142</sup> Issues of victims and survivors within the criminal justice system will be discussed further in Chapter 6.

## Good practice in prosecution, trial and sentencing

“I was supported really well through the court process. I received a lot of police support. In the court process, I had video links so I didn't have to go in and I could be in a different city. I found this very comforting because I didn't have to be in the same area as the perpetrator or be face to face with him.”<sup>143</sup>

Survivor

Survivors told us about the value of specialist support throughout the court process, often indicating that their advocate or support worker was one of the only positives within the entire experience. Positively, draft guidance on IDVA and ISVA roles that accompanies the Victims and Prisoners Act encourages criminal justice agencies to recognise the important role of specialist advocacy and support, including 'by and for' service provision.

This specialist support not only helps victims to navigate the criminal justice system and receive support through the process, but enables the system to function more effectively; such as ensuring special measures (for example, separate entrances or waiting rooms, or screens) are in place. The Witness Support Service plays an important role, but does not always have the capacity or specialism to provide the support that is needed for victims of domestic abuse.

“When she was in court and was finding out that he was going to custody, she had him by her side and there was only the protection of a piece of tissue. She could see the shape of him, and this made her feel very unwell. She has said, ‘Why was there not a different room where we could both look at the judge? Why did I need to be near him?’”<sup>144</sup>

Survivor

SafeLives’ mapping of court support for victims of domestic abuse estimated that 71% of victims navigating both the criminal and family justice system did so with little or no dedicated support, and that one-in-five IDVAs were prohibited from supporting victims in court.<sup>145</sup> This is despite the existence of Victims’ Code provisions emphasising that victims are entitled to a standard of support at every stage of their journey.

It is clear that the majority of victims are not receiving the support they need when they need it, with many being denied support. This is particularly true for minoritised survivors and survivors classed as ‘standard’ or ‘medium’ risk.<sup>146</sup>

Specialist Domestic Abuse Courts (SDACs) are dedicated courts staffed by specialists who have been trained on and are experienced in the specific management of domestic abuse cases, and where specialist support services are consistently present.<sup>147</sup> These measures are underpinned by a multi-agency partnership and a court coordinator, which together support in implementing partnership working processes and training key personnel. These measures ensure that victim safety is central to the process, information is efficiently shared, and expertise utilised in a timely and consistent way.

One of the central benefits of an SDAC is the multi-agency partnership that underpins it. Without mechanisms to enforce and maintain it, specialist support services told us of siloed working, with services reporting significant difficulties communicating with HMCTS.<sup>148</sup> Communication and information-sharing as well as consistent specialist support are critical to the success of a multi-agency approach to the court process. However, as Standing Together’s mapping of SDACs found, “the paradox of individual engagement vs. institutional apathy” – although positively allowing issues to be addressed quickly and informally by individuals in the moment – may discourage the embedding of wider multi-agency forums where issues can be raised, thus impacting the sustainability of partnership working by making it functionally reliant on individual commitment.<sup>149</sup>

SDACs have been repeatedly recommended by specialist sector organisations.<sup>150</sup> The following case study highlights this best practice.

## CASE STUDY

# Specialist Domestic Abuse Court (SDAC)<sup>151</sup>

**In the Greater London area, an SDAC is run within a local Magistrates' Court that operates with key factors in place to improve protection and support to victims of domestic abuse:**

- Domestic abuse cases are grouped into a single hearing overseen by magistrates or a district judge and dedicated court staff, who receive training on domestic abuse issues.
- Court coordinators track each case and help the relevant criminal justice agencies to stay informed on the developments in the case. They also access and share information on the risks to the victim, so that they are able to make appropriate safeguarding decisions.
- Victims are supported during the process by an IDVA employed by a domestic abuse charity that has specialist knowledge of the criminal justice system. The IDVA provides emotional support and explains the criminal justice system, assists with safety planning throughout proceedings and provides updates about case hearings.
- There is an emphasis on making special provisions for victims to minimise the fear of threat or intimidation, such as providing a separate entrance and video links or screens inside the court.
- Partnership working is the key to the model, which unites disparate actors under a structure of governance and multi-agency protocols, to provide a coordinated and consistent approach. This strengthens the ability of busy and strained services to work together and keep the experience of the survivor at the centre of the process.
- Regular court management steering and operational groups are hosted with third sector and criminal justice agencies to discuss court practice, and improve coordination and accountability between key statutory and non-statutory agencies.

An evaluation of this court model<sup>152</sup> found that its features improved victims and survivors' feelings of safety and engagement during the court process as well as improving information sharing, multi-agency working and accountability between criminal justice agencies. It also facilitated more informed recommendations and decision-making by the professionals who were able to access more information about cases as well as apply their specialist knowledge of domestic abuse when imposing sentences, bail conditions and protective orders.

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# 6

## Prisons and probation



# Perpetrator management within prisons

**A custodial sentence can provide a critical period of respite for victims and survivors to make plans for their safety and their future. However, victims and survivors report systemic failings in their safeguarding even at this stage, and serious shortcomings in the accountability and rehabilitative aims of the custodial system.**

**5%**

**conviction rate** for domestic abuse flagged offences<sup>154</sup>

“It feels to me like they can't do anything with the perpetrator, so they put it all on the victim.”<sup>153</sup>

Survivor

The Crown Prosecution Service charge and conviction rates for domestic abuse offences have remained broadly stable over the past year, at approximately 6% for charges and approximately 5% for convictions.<sup>155</sup> In the first quarter of 2024/25, the CPS recorded 13,013 charges for related offences and 10,089 convictions of 205,315 police recorded DA offences.<sup>156</sup>

However, we have no data on sentences for domestic abuse-flagged crimes, beyond the specific offences of coercive and controlling behaviour and non-fatal strangulation, representing a significant gap in our understanding of the end-to-end response to domestic abuse.

The Commissioner has seen concerning evidence of how perpetrators are managed in prison, for those who make it there. Anecdotal evidence shared with the Commissioner from specialist domestic abuse support services highlighted that perpetrators are too often able to continue their coercive and controlling behaviours from behind prison walls, without effective monitoring or sanctions. One survivor reported continued contact from their perpetrator from prison, lying to prison officers who did not check the numbers he rang.<sup>157</sup> Another survivor was coerced into visiting their perpetrator in prison, and described being “treated by the police as if you're letting this happen”, instead of recognising that she had been insufficiently safeguarded from this coercion.<sup>158</sup> Services reported there are few consequences when a prohibited mobile phone is found in a prisoner's cell, due to an inability to prove who the phone belongs to. The message this sends to survivors is clear and profound, undermining their trust and confidence in the criminal justice system even after justice has been formally ‘served’.

The current prison capacity crisis has shone a light on the stark challenges and shortcomings facing both the prison system and the wider criminal justice system. Prison overcrowding was such that the Government was forced to introduce SDS40 in September 2024 to ease the crisis. ‘SDS40’ represents changes made to the period of standard determinate sentences served, meaning that most offenders now qualify for release after serving 40% of their

sentence, instead of the previous 50%. Despite some (welcome) exemptions for domestic abuse-related crimes, many perpetrators of domestic abuse have been and will continue to be released early. The lack of sentencing data for domestic abuse has meant we have no idea exactly how many domestic abuse perpetrators have been released early under SDS40. We know from HM Inspectorate of Probation that approximately 30% of those managed by probation were known domestic abusers, even when this was not their index offence.<sup>159</sup> This has put victims at risk: even for those perpetrators who were supposed to be exempt, 37 were released in error under the first tranche of releases.<sup>160</sup> These individuals were in prison for breaching restraining orders, indicating potential high risk to, and fixation on, their victim – clearly undeterred by legal restrictions that have been put in place.

Safety planning is critical for victims who are anticipating their perpetrator's release; however, many have no prior warning of the release. This exemplifies a fundamental and systemic issue in communication with victims and survivors, which pre-dates SDS40. Only those with a sentence of more than 12 months, or who are the direct victim of the crime for which the perpetrator has been convicted are eligible for the Victim Contact Scheme. This leaves the majority of victims and survivors – many of whose perpetrators will receive custodial sentences of under 12 months – in the dark. The intense distress, legitimate fear, and genuine risk this creates cannot be understated. Victims and survivors are disempowered to plan for their own safety, and that of their children. For example, one survivor reported to the Commissioner: "I had no real warning. I had a release date in mind when he was coming out – I had ordered my Ring doorbell, but it wasn't coming for another two weeks."<sup>161</sup> Moreover, the lack of sentencing data means we have no real idea how many people this affects.

In 2023, the specialist VAWG sector recommended that the Victim Contact Scheme be extended to include cases with sentences under 12 months in all cases of domestic abuse.<sup>162</sup>

Despite this, prisons possess the potential to play a real and substantive role in not only directly protecting victims and survivors during the custodial period but making proactive use of this time to prevent future harm. It does not need to be that "a short prison sentence is of no use to anyone."<sup>163</sup> An investment in rehabilitative work to challenge and change the behaviours of those in prison for domestic abuse offences, or with a history of domestic abuse, helps to safeguard a perpetrator's current victim and reduce reoffending – preventing further harm and the 'revolving door' back into prison. A prison in Wales provides an example of this type of investment in the following case study.

## CASE STUDY

# Prison Drive Programme

**At a prison in Wales, it was identified that, of the perpetrators who posed serious harm to victims, 95% were receiving sentences of less than six months.**

Consequently, the prison's ability to construct detailed assessments and robust risk management plans was limited. This presented a number of challenges and gaps relating to multi-agency oversight and action during the time this cohort served – potentially missing vital opportunities to disrupt offending behaviour, support desistance from offending and enhance the safety of the associated victim.

To address this, an additional strand has been added to the community-based Drive behaviour change programme, which is delivered inside the prison. The pathway

to this programme is through a domestic abuse perpetrator panel with relevant professionals who support assessment, planning, implementation and review of the programme. The central aim of the programme is to reduce repeat and serial incidents of domestic abuse in the same, or in future, relationships, prevent recidivism and domestic abuse offending and the return to prison.

There is a Regional IDVA attached to the programme who offers support to the victims of those who are engaging with the Drive programme within the prison.

## Perpetrator management under probation

The role of Probation in managing perpetrators of domestic abuse has never been more critical. This includes preparing pre-sentencing reports, assessing risk and needs and delivering appropriate rehabilitative orders. However, the stark reality is that 30 of 31 Probation Delivery Units inspected in 2023 were found to be 'inadequate' or 'requiring improvement'.<sup>164</sup> Analysis of Domestic Homicide Reviews found that 22% of the perpetrators in the cases assessed had been involved with Probation over the period covered by the DHR.<sup>165</sup>

The importance of multi-agency working, including through MARAC, is certainly recognised by prisons and probation, but faced with a lack of resources, these over-stretched systems are often unable to engage in these partnerships effectively. Integrated Offender Management approaches have been found to fare better than standard case management, but opportunities for interventions are still missed, and joint working does not always operate as smoothly as is required.<sup>166</sup> Such approaches show promise, but must be utilised consistently by professionals with the expertise to manage perpetrators of domestic abuse.

It is critical that perpetrators of domestic abuse are managed holistically through a joint approach not only between statutory agencies but also the specialist sector. There is significant value in a strong relationship between Probation and local specialist domestic abuse services, and there are promising examples of this. For example, some services are involved in the development of pre-sentence reports. This enables identification of the risks posed to multiple victims, as opposed to only the victim associated to the current case. Services have also worked with Probation towards the end of a perpetrator's custodial sentence to change their 'release from prison' address to prevent release to the victim's home. However, such collaboration appears to be ad hoc and not a consistent, systematic approach to working across England and Wales. Indeed, in 2023, HMIP recommended the publication of a domestic abuse strategy for the Probation Service, and that 'probation leaders are fully engaged in local multi-agency responses to domestic abuse'.<sup>167</sup> MARAC data for the 12 months to 31 March 2024, for example, indicates that only 2.6% of referrals are made by the Probation service.<sup>168</sup>

The only approach to multi-agency perpetrator management with statutory underpinning is Multi-Agency Public Protection Arrangements (MAPPA), the operation of which is underpinned by the Violent and Sexual Offenders Register (ViSOR). There are a number of reasons why this is insufficient on its own. First, the vast majority of convicted domestic abuse perpetrators would not be monitored under these arrangements, as they would not meet the threshold. Most domestic abuse offenders who do meet the threshold will fall under MAPPA Category 3 (other dangerous offenders), but even here there are a number of key issues as to why this alone is not sufficient to effectively manage domestic abuse perpetrators.

Being on ViSOR does not necessarily mean that a perpetrator will be actively managed, with most offenders being reactively managed only. Most active management of offenders will be for Category 1 offenders (registered sexual offenders who have been convicted of a specified sexual offence), who are seen as the most dangerous. Equally, the information held on ViSOR is not always accessible, meaning that intelligence cannot be readily accessed by the majority of officers when they are concerned about an individual. Finally, it is worth noting that MAPPA and ViSOR will of course only capture offenders who have been convicted, which, unfortunately, does not include the majority of domestic abuse offenders. The system, therefore, only provides management at the point of crisis, rather than trying to prevent harm.

During the passage of both the Domestic Abuse Act 2021 and the Victims and Prisoners Act 2024, debates arose as to the most effective ways to manage serial perpetrators of domestic abuse. This included amendments to create a new category of MAPPA on which to place serial perpetrators of stalking and domestic abuse (sometimes referred to as a 'perpetrator register'), as well as other options comprehensively summarised and analysed in research by Hadjimatheou and Hamid (2024).<sup>169</sup> The Commissioner has raised concerns throughout the passage of both Acts as to whether such 'register' solutions would serve the intended purpose in practice. Not only do existing systems have considerable limitations as previously detailed, but a public narrative of a 'perpetrator register' could risk creating a false sense of security for victims – that inclusion on such a 'register' would render them safe, which alone

would not be the case. Hadjimatheou and Hamid (2024) indicate that that such a register would do little for victims and survivors and would only apply to a fraction of domestic abuse and stalking offenders, yet would cost between £8.6m to £11.2m in the first year alone.<sup>170</sup>

Instead, non-statutory options – that capture perpetrators without convictions as well as those with – could be the best way to manage perpetrators in the community. There are a number of non-statutory best practice models operating throughout England and Wales. The two best evidenced and established are Drive and Multi-Agency Tasking and Coordination (MATAC), both of which have good evidence of effectiveness.<sup>171</sup> What Drive and MATAC have in common is that their approach centres around multi-agency working that requires statutory agencies to come together to create strategies for intervening in a perpetrator's behaviour. Where a perpetrator refuses to engage with services and attend intervention programmes, a criminal justice response will be triggered to disrupt their behaviour and prevent them from causing further harm. A survivor-centred response is crucial to these approaches, with survivors being offered holistic support alongside active management and intervention with their perpetrator.

There is good evidence on the ability of quality-assured perpetrator interventions to change or disrupt behaviour and prevent further abuse. The evaluation of the Drive programme found that, of those service users who accessed the intervention, physical abuse reduced by 82%, sexual abuse by 88%, harassment and stalking by 75%, and jealous and controlling behaviour by 73%.<sup>172</sup> MARAC data also shows that Drive helped to reduce high-risk perpetration including by serial and repeat perpetrators, and this was sustained for a year after the case was closed.<sup>173</sup> The Probation Service's Offending Behaviour Programme for perpetrators of domestic abuse, 'Building Better Relationships', has recently been replaced by a new programme, 'Building Choices'. The Commissioner looks forward to seeing robust evaluations of its efficacy in preventing domestic abuse reoffending.

In 2022, the previous Government published a 'Pursuing Perpetrators' pillar within its Tackling Domestic Abuse Plan.<sup>174</sup> This was a positive first step towards a full Perpetrator Strategy but lacked long-term sustainable investment. As noted in the Drive Partnership's recent Call to Further Action, it left "key systemic gaps, challenges and inconsistencies that enable perpetrators to slip through the net of the current national response, continue the cycle of domestic abuse, and cause repeat and serial harm to adult and child victim-survivors."<sup>175</sup> HMPPS has published a domestic abuse policy framework, which positively covers how the system ought to respond to individual perpetrators as well as victims and survivors within its scope, but it also fails to provide the systemic lens required to understand what is needed in terms of wider partnership working and local strategic engagement.

The Respect Standard sets out an accreditation framework for safe, effective, and survivor focused work with perpetrators of domestic abuse; in January 2023, the previous Government also published standards to support the commissioning of perpetrator interventions.<sup>176</sup> The overarching lens through which both sets of standards should be perceived is that the primary outcome for interventions should always be enhanced safety and freedom for all victims and survivors, including children. Both also speak to the need for

interventions to be located within the wider Coordinated Community Response, available at the right time to the right people, and delivered by staff who are skilled and supported. Monitoring and evaluation are key to continuously improve practice and expand the knowledge base for perpetrator interventions.

The new Government has committed to “relentlessly target the most prolific and harmful perpetrators of domestic abuse”, which is hugely welcome. This must, however, be underpinned by a clear, long-term strategy for responding to perpetrators. This must include through:

- Robust enforcement of protective orders (as previously discussed in Chapter 2).
- Provision of quality behaviour change programmes that stop reoffending.
- Addressing perpetrators at all risk levels, including so-called ‘medium’ and ‘standard’ risk, recognising the dynamic nature of risk.
- Primary prevention, including bystander responses.
- Awareness-raising communication campaigns.
- Specialist responses to the most dangerous and serial perpetrators.

## Survivors in the prison and probation systems

“ I have been let down and failed by ... Police and all the other bodies involved, I am being punished by the system that was supposed to be there to help and protect me. ”<sup>177</sup>

Survivor

Victims and survivors of domestic abuse can also be found, with alarming prevalence, within the criminal justice system themselves. More than half (57%) of women in prison report having experienced domestic violence, and 53% report having experienced emotional, physical or sexual abuse during childhood.<sup>178</sup> For a significant number, their offending is directly linked to their experiences of domestic abuse.<sup>179</sup> The majority of women in prison are serving short sentences and are not convicted of violent offences.

For these reasons, the Commissioner welcomes the recent announcement from the Lord Chancellor that a new Women’s Justice Board will be created, with the aim of reducing the number of women in prison.<sup>180</sup> While this remains a worthy and most welcome ambition, for those women already within the prison system, there is a consistent failure to understand and respond to their needs, and the needs of their children, who are also victims. As the Centre for Women’s Justice explains, victims of domestic abuse accused of offending, or with histories of offending are treated differently from other victims of domestic abuse by the criminal



justice system as they are stigmatised by their history of criminal proceedings, and there is no clear policy or practice framework to prevent their prosecution.<sup>181</sup>

While in theory there are a range of support interventions available, in practice delivery remains limited, with no comprehensive analysis or evaluation.<sup>182</sup> Referral processes for rehabilitative services are complex and poorly understood.<sup>183</sup> A recent joint inspection was unable to find any evidence of specified practical support available to avoid or manage the risk of returning to an abusive relationship.<sup>184</sup> Equally, of cases jointly inspected in 2024, only 35% of case planning sufficiently addressed risks and needs, and less than half were gender-informed.<sup>185</sup>

These concerns also extend to the response criminalised survivors receive from the Probation Service, with inspections highlighting failures to sufficiently consider safety and wellbeing, to address known risks, including domestic abuse, and a lack of awareness of specialist support available to minority groups.<sup>186</sup>

Specialist domestic abuse services can add significant value to the response that domestic abuse survivors experience within the prison and probation systems. This includes supporting the embedding of an improved understanding of domestic abuse within these systems, including identification and response. This is exemplified in the following case study.

## CASE STUDY

### Multiple Disadvantage Women's Service

**A specialist women's service in the East of England works with women who are facing multiple disadvantage and have unmet needs. This can include contact with the criminal justice system, as well as homelessness, mental and physical health needs, and substance use.**

85% of current service users have experienced or are currently experiencing domestic abuse in addition to intersectional issues. The team, therefore, includes a Women's Specialist Abuse Practitioner, who works with women experiencing a 'medium' to 'high' risk of domestic abuse or sexual violence, with whom traditional services have struggled to engage.

The service has placed a key focus on building working relationships with local

criminal justice agencies. This includes outreach work at a local women's prison, as well as attendance at multi-agency scrutiny panels, strategic boards, and operational meetings.

This dedicated service was established in September 2023 as an evidence base for future commissioning. At present, it does not receive any funds, grants, or contracts from any statutory provision.

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# 7

## Police-Perpetrated Domestic Abuse



**Police-perpetrated domestic abuse (PPDA) is a blight on the criminal justice system and one that has untold consequences for victims and survivors, not least through undermining faith and confidence in policing as a whole.**

Rightly, awareness of PPDA is rising, and it is critical that every force takes action to remove abusers from their ranks and ensure support is in place for victims. Mechanisms must be put in place nationally to ensure this is a consistent and straightforward process.<sup>187</sup>

This issue was brought into particular prominence by the 2020 super-complaint submitted by the Centre for Women’s Justice (CWJ), and then by the tragic murder of Sarah Everard by a serving police officer. The super-complaint highlighted concerns around widespread lack of integrity and abuse of the system, which amplified the risks of victims who were already in a particularly vulnerable position, given the power of their abuser within the system that should be protecting them.<sup>188</sup> The CWJ recommended a number of changes to address the systematic mishandling of such cases, including changes to recording processes, restriction of accused officers’ roles, and externalisation of reporting and investigation through a different force and/or the Independent Office for Police Conduct (IOPC). Such measures would not only protect victims and survivors of police-perpetrated domestic abuse but would also aim to go some way in assuaging public concern and improving confidence in policing.

Unfortunately, four years on, the CWJ found that despite a number of national initiatives put in place to address such issues, little progress had been made in reality. While policy changes had been made nationally, many of the issues highlighted in 2020 remain prevalent for survivors and are yet to trickle down to frontline practice.<sup>189</sup>

Therefore, in July 2024, the Commissioner used her powers under Part 2 of the Domestic Abuse Act to gather information from every police force in England and Wales about their response to PPDA.

Through an online survey to police force Police Standards Departments (PSDs), information was requested about:

- How allegations of misconduct, including PPDA, are recorded.
- The number of formal allegations of PPDA recorded over a 12-month period.
- How many members of the workforce these allegations related to.
- The outcomes of these allegations.

If police forces were unable to provide us with this information, they were asked to explain why.

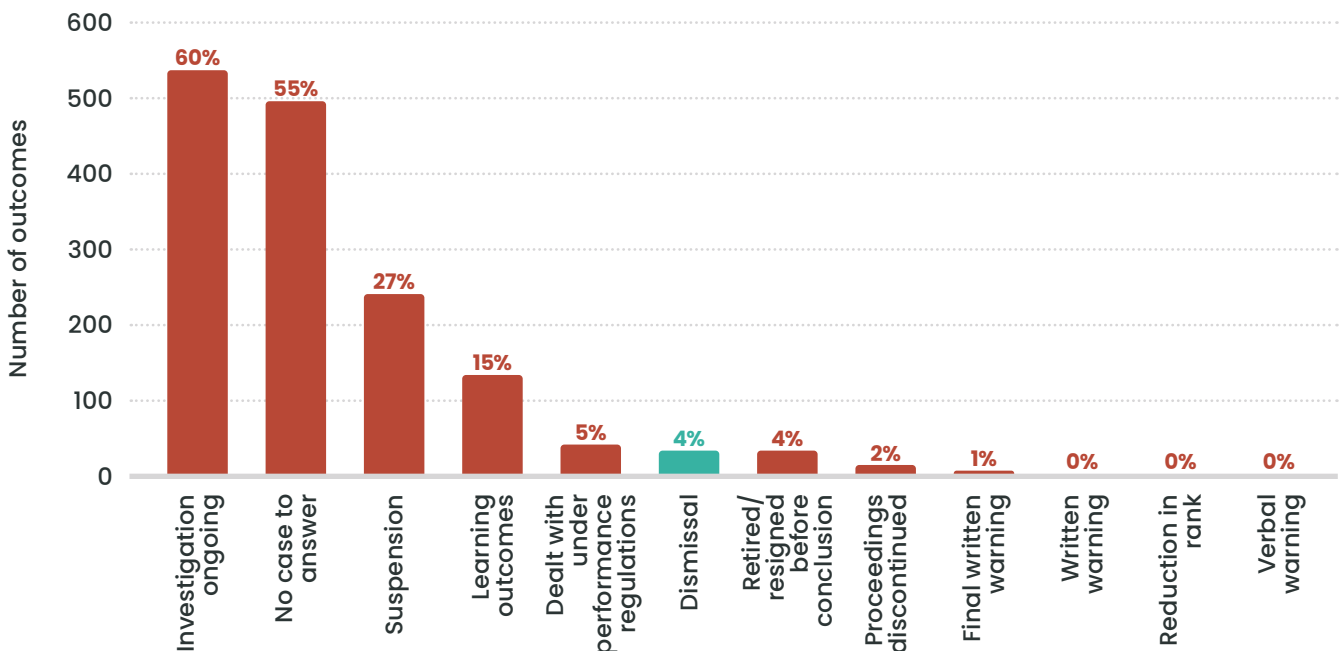
**4%**

of the **899** individuals who had **allegations of PPDA** made against them **were dismissed. 1,294** allegations were recorded.

# Findings

1. **Recording:** All 44 police forces across England and Wales (including the British Transport Police) confirmed that they used the IT system Centurion to record allegations of misconduct, with five forces also reporting using the Police National Database. A couple of police forces also use Crimson, Niche, and Optio in addition to Centurion.
2. **Number of allegations recorded:** Police forces provided counts of recorded allegations of police-perpetrated domestic abuse (PPDA) over the 12 months to 31 March 2024. Police Standards Departments (bar one police force who were unable to provide this information) recorded a total of:
  - c. 1,294 allegations of PPDA; relating to
  - d. 899 individuals within the police workforce (0.4% of workforce including all officers, staff, PCSOs and Specials).
3. **Outcomes:** Figure 15 sets out the outcomes information received from police forces (bar two forces who were unable to provide this data).
  - a. The vast majority of allegations resulted in ‘No case to answer’, ‘Suspension’ and ‘Learning outcomes’.<sup>190</sup>
  - b. Only 4% of individuals who had allegations of PPDA made against them were dismissed.

**FIGURE 15**  
**Outcomes for police workforce who had allegations of PPDA made against them in the 12 months to 31 March 2024, across England and Wales\***

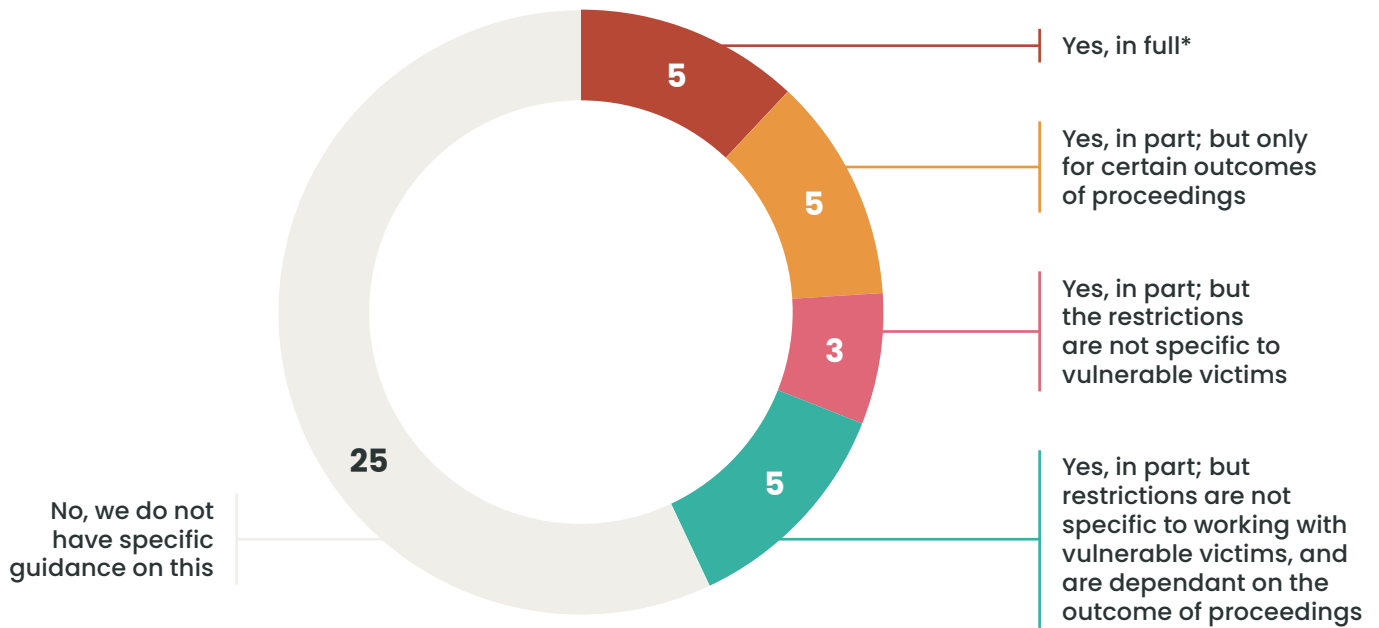


\* Please note that two forces were unable to provide outcomes data for PPDA allegations. There can be more than one outcome for each member of workforce with allegations made against them, so percentages (and totals) will not sum to 100 (or 899).

4. **Guidance:**

- a. As set out in Figure 16, over half of police forces had no guidance in place relating to the restriction of roles and duties that officers could perform while under investigation, despite being a clear recommendation from the CWJ.

**FIGURE 16**  
**Forces that have specific guidance restricting the roles of officers that have reached the threshold for investigation into PPDA**



\* If officers have reached the threshold for investigation (current or past) into PPDA (regardless of the outcome of any criminal or misconduct proceedings) so they do not work with vulnerable victims.

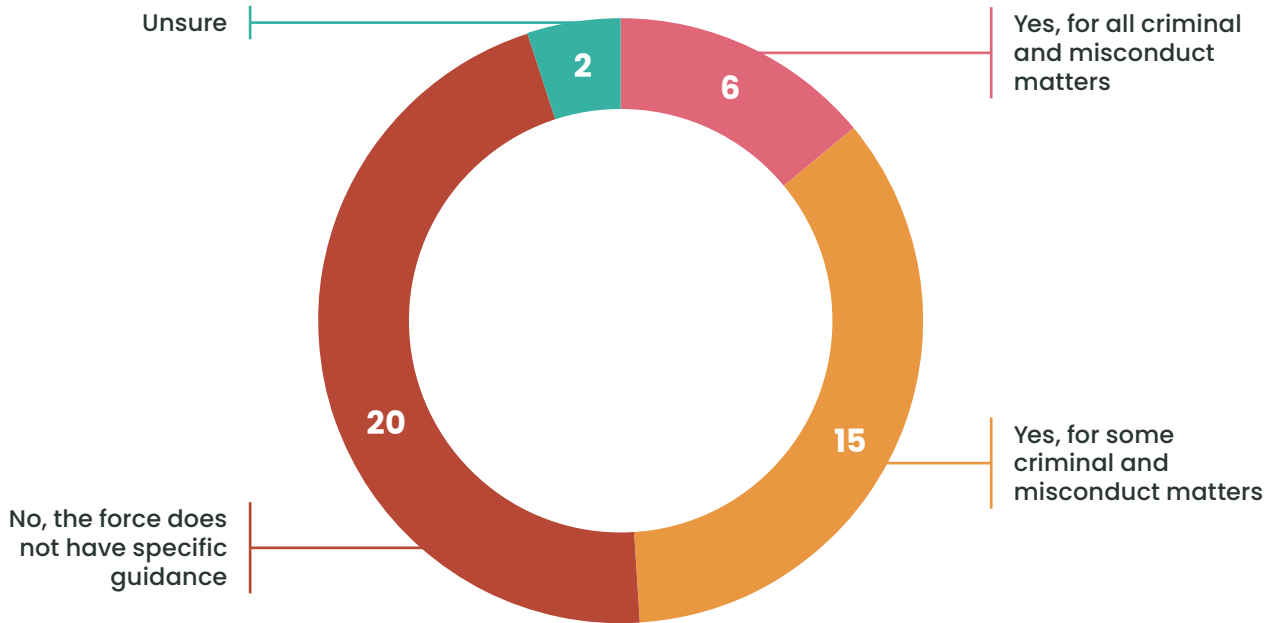
- b. As set out in Figure 17 (page 88), fewer forces still had guidance on external investigation of criminal and misconduct proceedings by a neighbouring force. Twenty out of 44 forces had no such guidance and only six had such guidance in place for all PPDA-related allegations.

The findings from our survey are supported by deeply concerning evidence gathered elsewhere. Not only are officers not being dismissed, but they are also going on to pass vetting thresholds. In 2022, HMICFRS published data showing that police officers and staff were passing vetting even after committing offences of indecent exposure and domestic abuse-related assaults.<sup>191</sup> Given the risk to the vulnerable victims with whom they work, this is inexcusable.

Equally, the Home Affairs Select Committee found in its investigation into policing priorities, that misconduct processes tend to have an over-reliance on a criminal outcome without consideration of implications of fitness for the role, even where a criminal charge or conviction is not pursued.<sup>192</sup> This is compounded by a poor identification of patterns of behaviour and no automatic process to notify forces if their officers or staff have come to police notice elsewhere.<sup>193</sup>

**FIGURE 17**

**Forces that have specific guidance requiring external investigation of PPDA allegations**



“Why did they use their professional standing to help their friends? ... It was just that whole culture where they felt it was acceptable to do that because he was one of theirs, and nobody stood up or questioned it.”<sup>194</sup>

Survivor

Police-perpetrated domestic abuse and VAWG is particularly harmful, given the power differential between the victim and the perpetrator and the ability of the perpetrator to prevent the victim from accessing protection and accountability through the criminal justice system. In a roundtable with survivors of PPDA specifically, survivors told us about how the abuse was perpetuated by policing colleagues who supported the perpetrator and shielded them from accountability. PPDA not only harms direct victims, but undermines confidence in the police as a whole, and could have a chilling effect on whether survivors choose to come forward in the future

For victims and survivors who are employed within the police, this is compounded by direct impacts to their careers alongside reduced rights to complain and hold the police force accountable for any shortcomings in the investigation.<sup>195</sup> It is critical that the rights of these victims and survivors are brought to the same level as those of the general public.



Important programmes of work are in progress at a national level to improve the response to PPDA, and there are pockets of good practice locally. For example, some forces have dedicated reporting lines for victims and survivors of domestic abuse, or commission IDVA and ISVA support for their own staff. As established throughout this report, such independent specialist support is critical for victims and survivors.

However, structural change is needed to protect victims and survivors as well as rebuild public confidence in policing. This must start with changes to police recruitment, to ensure that policing is employing the right people in the first instance. Improvements to police misconduct processes are also vital. This must include PPDA allegations being treated as recordable matters and allegations being investigated by an external force overseen by the IOPC. Where criminal allegations are involved, these should trigger automatic suspension at the point of a charge, and automatic dismissal in the event of a conviction. The Angiolini Inquiry is examining many of these issues in its second part – police forces, national policing bodies, and the Government should consider any recommendations carefully in order to address these wider structural issues.

## End notes

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189. Centre for Women's Justice (2024). *Police Perpetrated Domestic Abuse. Has anything really changed since the 2020 super-complaint? Executive summary*.
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191. End Violence Against Women (2023). *Snapshot report 2022-23*.
192. House of Commons Home Affairs Committee (2023). *Policing priorities: Fifth Report of Session 2022-23*.
193. House of Commons Home Affairs Committee (2023). *Policing priorities: Fifth Report of Session 2022-23*.
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# 8

## Structural underpinnings and recommendations for change



**This report has tracked the criminal justice response to domestic abuse across the system, detailing the experiences of victims and survivors and the roles of statutory agencies and specialist services throughout the process.**

Throughout this journey, a number of key themes have emerged as system-wide shortcomings that affect the ability of the criminal justice system to successfully hold perpetrators to account and safeguard victims and survivors.

The Commissioner makes recommendations across each of these key themes – data and accountability, multi-agency working, resourcing, and prioritisation of domestic abuse. This report is by no means the first to recommend significant changes to the criminal justice response to domestic abuse, and the Commissioner encourages government and agencies to consider alongside this report the many recommendations put forward by the specialist domestic abuse sector as well as by previous investigations, inspections, and research in this space.

The Commissioner's recommendations focus on system-wide priorities and are purposely and necessarily ambitious. They should form one critical part of the Government's commitment to halve VAWG in a decade. As such, these recommendations must be implemented as a whole and underpinned by cross-government strategic leadership, which will maintain accountability for their implementation.

## Data and accountability

Without a true reflection of the scale of the challenge that criminal justice agencies are facing in relation to domestic abuse, resources cannot be allocated effectively and strategic priorities may not align with need. Equally, the Home Secretary, inspectorates, commissioners and the voting public cannot understand performance of different parts of the country where poor data negates any attempts at transparency. It is, therefore, critical that data from across the system is consistently and accurately gathered, integrated across the system, and accessible in order to ensure transparency.

This has been identified clearly in published research and reports. The specialist VAWG sector, in its 2023 shadow report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, echoed the challenges detailed in this report posed by poor data, recommending comparable, comprehensive cross-government data collection.<sup>196</sup> Additionally, in their 2024 criminal justice report, *Advance*, a leading specialist women and girls support organisation, recommended that government should publish a matrix of performance of police and criminal justice authorities that demonstrates how forces and other agencies are performing in their response to domestic abuse.<sup>197</sup>

Once data is gathered and publicly available, it must then be used to hold government and criminal justice agencies to account in improving the criminal justice response to domestic abuse, as well as to ensure that measurement of the Government's ambitious commitment to halve VAWG in a decade is based upon robust metrics.

## RECOMMENDATION 1

**Home Office, Ministry of Justice, and criminal justice agencies overhaul and integrate data across the criminal justice system, to enhance operational work, improve accuracy, promote transparency and, ultimately, build accountability. This should involve:**

- **Investment in new technological systems.**
- **A review of outcome codes, particularly Outcomes 15 and 16.**
- **Close collaboration with the Domestic Abuse Commissioner and specialist domestic abuse sector.**

Government must invest in systems that allow criminal justice agencies to have ready access to, and be able to report on, the reality of the crimes reported to them. Outcome codes rarely tell us why someone withdrew their support for a prosecution, and must be examined. If implemented, this recommendation will ensure that:

- Every crime reported to the police results in a 'police-recorded crime', while protecting police time and efficiency.
- Every domestic abuse-related case is tracked from first report through to court, sentencing, prison and community management (where applicable).
- Accurate sentencing data on domestic abuse is available to agencies, government, and the public.
- More accurate understanding of victim satisfaction with the system, or if they got the outcome they wanted.
- Information about protective orders is shared between court and police systems.

This would wholly transform the ability of criminal justice leaders, government ministers and inspectorates to hold criminal justice agencies to account, truly understand the totality of criminal justice activity on domestic abuse, allocate resources appropriately, enforce the law and keep victims safe.

In the interim, urgent critical shortcomings in the system must be addressed. These must include:

- Clear recognition of further under-recording of police-recorded crime resulting from 2023 changes to the Home Office Counting Rules, and consideration of the impact of this within metrics and decision making at operational and strategic levels both locally and nationally.
- Implementation of a complete data-sharing firewall between the police and Immigration Enforcement for all VAWG crimes.
- Development of an action plan to ensure that, within one year, police officers have operational access to information about protective orders from their handheld devices.
- Publication of a detailed action plan to improve the enforcement of all protective orders.
- Use of domestic abuse flags through all criminal justice data, including sentencing data.

As a starting point, the following information should be accurately gathered, all by police force area, and disaggregated by demographic characteristics:

| Data   | Source                          | Currently exists?                |
|--|---------------------------------|----------------------------------|
| Every domestic abuse-related crime reported to the police in England and Wales                       | Police                          | No                               |
| Amount of time from recording to outcome (by outcome)  | Police                          | No                               |
| Outcomes for every domestic abuse-related crime reported to police                                   | Police                          | No                               |
| Information on whether outcome was what the victim wanted  | Police and specialist sector    | No                               |
| Number of domestic abuse victims who reported to police, by demographic, including children involved | Police                          | No                               |
| Number of Domestic Violence Disclosure Scheme applications and disclosures made                      | Police                          | Yes - inconsistently             |
| Number of police-perpetrated domestic abuse allegations made   | Police                          | Not routinely                    |
| Criminal outcomes of all police-perpetrated domestic abuse allegations                               | Police/CPS                      | Not routinely                    |
| Misconduct outcomes of all police-perpetrated domestic abuse allegations                             | Police                          | Not routinely                    |
| Domestic abuse-related offences referred to CPS  | CPS                             | Yes                              |
| Domestic abuse-related offences charged  | CPS                             | Yes                              |
| Domestic abuse-related offences convicted  | CPS                             | Yes                              |
| Sentences for police-perpetrated domestic abuse-related offences                                     | HMCTS                           | No                               |
| Victim satisfaction with criminal justice agencies (by agency)                                       | Specialist sector, CJS agencies | Not routinely                    |
| Referrals into specialist services (by agency)   | Specialist sector               | Yes – locally<br>No – nationally |
| Referrals into MARAC (by agency)   | Safelives MARAC Data            | Yes                              |
| Number of co-located specialist service FTEs (by agency)   | Specialist sector/all           | No                               |
| Data on 12 core elements of a Coordinated Community Response   | Local strategic partnerships    | Not routinely                    |
| Number of domestic abuse-related protective orders made  | HMCTS                           | No                               |
| Number of domestic abuse-related protective orders breached  | Police                          | No                               |
| Sentencing data for all domestic-abuse related offences  | HMCTS                           | No                               |
| Offenders in prison for domestic abuse-related index offences  | HMPPS                           | No                               |
| Offenders in prison with a history of domestic abuse   | HMPPS                           | No                               |
| Offenders managed in the community for domestic abuse-related index offences                         | HMPPS                           | No                               |
| Offenders managed in the community with a history of domestic abuse                                  | HMPPS                           | No                               |

## RECOMMENDATION 2

**Home Office and Ministry of Justice strengthen accountability by requiring robust and public data from Local Criminal Justice Boards, establishing a national scrutiny panel, and strengthening the powers of all criminal justice inspectorates.**

Local Criminal Justice Boards must ensure that their area's data on domestic abuse performance, outcomes, and victim satisfaction from report to court is robust and publicly available, including through sharing with the Home Office and Ministry of Justice. This data must include demographic information on both the victim and perpetrator, as well as information about their relationship. The data must also include information from the broader Coordinated Community Response, to bring accountability to multi-agency partnerships and to understand the health of partnerships at a local level. The Joint Strategic Needs Assessments now required by the Victims and Prisoners Act should form a key part of this work.

The National Criminal Justice Board must set up an independent scrutiny panel to monitor and review this data regularly.

To ensure accountability, the powers of all criminal justice inspectorates – HMICFRS, HMCPSI, HMI Prisons, and HMI Probation – must be strengthened by requiring government to respond to system-wide recommendations publicly in Parliament. Additionally, options for an inspectorate of the court system and judiciary should be scoped.

## Multi-agency working

A Coordinated Community Response must be embedded in order to achieve a holistic response to domestic abuse. The case studies in this report provide examples of how local areas have achieved this in a variety of ways.

For multi-agency working to function effectively, each organisation must have a clear understanding of what their duties are, strategies on how to fulfil them, and transparent reporting on their progress. Furthermore, there must be strategic and operational commitment to equal partnership working across agencies and the embedding of structures to ensure this. Multi-agency working must mean more than meetings of representatives from different agencies.<sup>198</sup> It must be built on respect and strong relationships.<sup>199</sup> This can be enabled, at a starting point, by a clear and consistent framework that provides for both direction and accountability.

Equally, there must be recognition of the critical role that the specialist domestic abuse sector plays in the effective functioning of the criminal justice system, which the Victims

and Prisoners Act goes some way in doing. Through the provisions in this new legislation, the Government must further define and support the shaping of specialist roles, and ensure that the sector is supported in the same way that criminal justice partners are, through a Continuous Professional Development justice advocacy programme.

Such partnership working must also be developed with 'by and for' services. Research from the Centre for Women's Justice and Imkaan identified that, in cases they reviewed, the vast majority of Black and minoritised women who died as a result of domestic homicides and suicides were not receiving support from a 'by and for' service, even though 71% had disclosed the abuse they were experiencing to agencies.<sup>200</sup> This suggests that survivors are either not being connected with such support, or there is no such support in their area. As such, it is paramount that criminal justice agencies engage with out of area 'by and for' services in the immediate term, and work with partners to build resource locally in the longer term.

### RECOMMENDATION 3

**Government improve and strengthen multi-agency working through:**

- **Resourcing the Domestic Abuse Commissioner to independently develop principles of effective multi-agency working.**
- **Conducting a baseline review of local multi-agency responses to domestic abuse, particularly in a criminal justice setting.**
- **Providing guidance for multi-agency response and commissioning.**
- **Conducting rolling reviews locally, monitoring how local areas meet these principles of multi-agency working.**
- **Supporting and developing the specialist DA sector through development of a CPD justice advocacy programme.**

This work must include specific consideration of multi-agency forums including local safeguarding arrangements to identify and mitigate risk (for example, MARAC and MASH); local strategic partnerships and governance; the policing response; the response to children; the response to marginalised and minoritised victims and survivors; and perpetrator management.

The principles of multi-agency partnership working evaluated at the local level must be mirrored in the governance of the national strategic response to domestic abuse – including through cross-government ownership and oversight of the VAWG Strategy.

## Resourcing

The value of specialist support to survivors is well-evidenced – the Commissioner’s mapping found that 67% of victims and survivors who accessed support services said they now felt safer compared with 45% of survivors who had not, while 73% who had accessed support felt more in control of their lives compared with 50% who had not.<sup>201</sup> However, the length of current criminal justice processes do not match the resource of specialist support – for example, the average length of time that someone receives IDVA support is 97.5 days, while criminal cases can take years to reach trial and sentencing.<sup>202</sup> In order to ensure that independent specialist domestic abuse services, including ‘by and for’ services, are able to be fully embedded in the criminal justice response and meet existing and any future increases in demand, they must be resourced to do so. Not only is their independence critical, but also the approach that they take, which builds trust and enables better risk management and support. But only with sufficient capacity is this approach possible.

We estimate that £544m per annum is needed for specialist domestic abuse services across England and Wales.<sup>203</sup>

‘By and for’ services must also receive dedicated funding from a national pot of £187.8m per annum, to build capacity and ensure that survivors can access these services no matter where they live.<sup>204</sup> The Commissioner’s mapping found a stark difference in the outcomes of marginalised survivors depending on whether they had accessed a ‘by and for’ service or not, with those who had demonstrating considerably better outcomes. These organisations can provide more informed risk and need assessments, additional support – such as welfare advice, language interpreters and specialist counselling – and will often work with victims and survivors for much longer periods of time.

Although specialist services should be adequately funded to provide necessary support to victims and survivors, they should never be expected to pick up the slack where statutory services fall short. However, in Women’s Aid’s Annual Audit, 44.2% of specialist domestic abuse organisations reported that they were providing a service that should be provided by a statutory agency.<sup>205</sup> It is, therefore, critical that agencies across the criminal justice system are adequately resourced to meet the demand that they face and have the personnel and time required to fulfil their role in safeguarding survivors and holding perpetrators to account. This must include resourcing to meaningfully engage in information sharing and safeguarding partnerships, in order to ensure that victims and the professionals supporting them can accurately risk assess and safety plan.



## RECOMMENDATION 4

**HM Treasury ambitiously, strategically, and sustainably invest in the specialist domestic abuse sector – which is critical to the statutory response to domestic abuse – and resource statutory agencies across the criminal justice system to build capacity in response to growing demand for domestic abuse support.**

This must include specialist support for victims and survivors within the criminal justice system, as well as building capacity and resource within the Witness Support Service. This must also include a duty on national government to meet the needs of victims and survivors identified through the Joint Strategic Needs Assessments, now required by law through the Victims and Prisoners Act, and must ensure that multi-year funding flows into local duty holders to commission services that meet the needs of victims and survivors. This must include a dedicated, ring-fenced funding pot of £187.8m per annum for the provision and capacity building of specialist 'by and for' organisations that support Black and minoritised, Deaf and disabled, and LGBT+ survivors.

## RECOMMENDATION 5

**Ministry of Justice encourage and adequately resource re-establishing and rolling out Specialist Domestic Abuse Courts (SDACs) in Magistrates' Courts across England and Wales by ensuring effective case clustering and resourcing of the court coordinator role.**

# Prioritisation of domestic abuse in the statutory criminal justice response

Domestic abuse is complex and requires a considerable level of expertise to understand the nature of the offence, the impact of trauma and the behaviours that present within abusive relationships. It is inherently different to other crime types and, therefore, requires particular expertise and knowledge. In order to provide an empathetic, abuse-informed response to victims and survivors, criminal justice professionals must be trained, mentored, and upskilled to ensure they have the knowledge required for a robust response, and the expertise that they develop should be recognised and rewarded. Statutory agencies across the criminal justice system must, therefore, prioritise domestic abuse, and this must be reflected in their training, resourcing, recruitment, and internal governance.

Multiple reports and reviews, including Domestic Homicide Reviews and other safeguarding reviews, over the past decade have made clear and consistent recommendations for

specialist, regular and consistent training on domestic abuse for criminal justice professionals, particularly, but not limited to, the police and judges.<sup>206</sup> The fact that this need has been repeatedly identified and continues to emerge as a key theme in this report, speaks to a systemic, deep-rooted problem, identified similarly in an assessment of the criminal justice system's response to rape:

"CJS leaders need to be committed to investing in workforce development that is embedded as part of a wider system of cultural change within the CJS and its effectiveness evaluated."<sup>207</sup>

Equally, responding to domestic abuse must be recognised and given the high status it deserves within the criminal justice system. Effective policing of domestic abuse requires considerable skill and emotional intelligence, and should exemplify the highest standards of what policing strives to achieve.

## RECOMMENDATION 6

**Ministry of Justice and Home Office, in collaboration with relevant agencies and the specialist domestic abuse sector, ensure that professionals across the criminal justice system – including police, prosecutors, the judiciary, and probation officers – are comprehensively, consistently, and regularly trained in identifying and responding to all forms of domestic abuse.**

This must include ongoing professional development and supervision, with its efficacy and consistency nationally monitored and reported on. Equally, the particular issues faced by marginalised and minoritised communities, such as Black and minoritised, LGBT+, Deaf or disabled survivors – as well as male victims and older victims – reveal fundamental problems within criminal justice agencies. This must be addressed.

A culture of professional curiosity should be embedded in this approach to training in order to address the many missed opportunities to prevent further abuse and escalation of harm.

## RECOMMENDATION 7

**Home Office, along with leaders within policing, elevate the status of domestic abuse within policing, and ensure that good work is properly recognised and rewarded.**

This should bring the response to domestic abuse more in line with other high-profile and priority crime types, such as counter-terrorism and serious and organised crime, and drive improvements in capability across policing.

This programme of work should be centrally driven and put serious consideration to:

- Improving remuneration and support for officers in Public Protection Units.
- Requiring evidence of capability – through time in Public Protection Units – in order to seek promotion into senior roles within policing.

## Police-perpetrated domestic abuse

Findings from reviews like the Angiolini Inquiry and Casey Review also highlight fundamental problems within policing culture – including institutional and systemic misogyny, racism, and homophobia – which underpin the harmful response that many victims and survivors of domestic abuse face. Although this report does not comment in depth on the changes required in recruitment and structuring of the police in order to address these systemic issues, the Commissioner expects to see swift implementation of the recommendations from Part 1 of the Angiolini Inquiry, and looks forward to the forthcoming findings and recommendations of Part 2. This report focuses recommendations on the training, supervision, and internal misconduct handling changes required to improve the policing response to domestic abuse.

### RECOMMENDATION 8

**Home Office strengthen police misconduct regulations and vetting processes to hold police perpetrators to account, as well as hold forces to account in rooting out abusive officers and staff through accurate, consistent recording and clear consequences.**

This must be achieved by the following:

- Prioritising implementation of recommendations put forward by the Centre for Women’s Justice in their follow-up report on the 2020 PPDA super-complaint.
- Amending the Police (Conduct) Regulations to ensure automatic suspension for any officer or staff charged with a crime related to domestic abuse or violence against women and girls, and automatic dismissal for any conviction of this nature. In the absence of a charge or conviction, regulations should clearly establish a holistic approach based on consistent recording, risk and need assessment, and imposition of relevant measures to any complaint made against a serving police officer related to domestic abuse or violence against women and girls.
- Conducting a review into the vetting process for police with the aim to ensure the process forms a more holistic picture of the candidate, including through the use of additional sources of information and intelligence, such as data from specialist commissioned services and relevant statutory agencies.
- Ensuring that all survivors of police-perpetrated domestic abuse have access to specialist support by requiring all police forces to publish a policy on police-perpetrated domestic abuse that establishes safe spaces for reporting and clear pathways to support.

## Management of perpetrators in the community

Alongside holistic wrap-around support for victims and survivors, there must be sufficient quality-assured perpetrator behaviour change programmes available across England and Wales, as well as tactical policing measures to divert and manage the risk posed by the most harmful perpetrators.

The introduction of 'SDS40' – that is, early release of prisoners to ease the prison overcrowding crisis – has exposed significant issues in how perpetrators are released from prison and the management of their risk in the community. It is concerning that only those whose perpetrators receive a sentence over 12 months are eligible for the Victim Contact Scheme, and of those, just 51% of eligible victims chose to be a part of the scheme.

Current processes also focus too heavily on a perpetrator's conviction, despite many known perpetrators of domestic abuse being imprisoned for other offences. It is important that the wider risks posed by a perpetrator – whether they are convicted for a domestic abuse-related offence or not – are recognised and managed, and their victims treated as such.

Concerns over early release are compounded by lack of capacity by probation to safely manage perpetrators in the community, and robustly manage their risk. This must be considered seriously alongside efforts to reform the sentencing regime and ease prison overcrowding.

### RECOMMENDATION 9

**Home Office and Ministry of Justice fund and roll out tactical policing interventions (such as MATAc) and quality-assured perpetrator behaviour change programmes to every force area in England and Wales.**

This will ensure that:

- Every perpetrator and, in particular, those that pose the greatest risk of harm, are robustly identified and risk-assessed, with plans put in place to divert and manage the risk they pose.
- Every perpetrator has access to quality-assured perpetrator behaviour change programmes, and availability of provision is no barrier to robust use of positive requirements within the new Domestic Abuse Protection Orders, nor a perpetrator's desire to change.

### RECOMMENDATION 10

**Ministry of Justice and the National Probation Service develop a programme of work to build community-based interventions and supervision specifically for domestic abuse.**

Without this, victims and survivors will continue to pay the price for the prison overcrowding crisis. It is critical that this work is done in parallel with sentencing reform. Alongside recommendation 10, this should ensure perpetrators are genuinely managed robustly in the community; and victims and survivors – from first report through to their perpetrator’s release from prison – know that the criminal justice system is doing all it can to keep them safe.

## **RECOMMENDATION 11**

**Ministry of Justice expand eligibility for the Victim Contact Scheme to all victims and survivors of domestic abuse, regardless of sentence length or whether their perpetrator’s conviction is specifically for a domestic abuse-related crime.**

## **Victims and survivors in the criminal justice system**

A culture within the criminal justice system where victims and survivors fear disclosing, and are disbelieved when they do so, must be challenged.<sup>208</sup> Furthermore, the introduction of a statutory defence for victims of VAWG whose offending is driven by their experiences of abuse would send a strong and clear message of support to victims and the professionals they encounter, and would be an important step in driving this challenge.

## **RECOMMENDATION 12**

**Ministry of Justice introduce legislation to make self-defence more accessible for victims of domestic abuse who use force against their abuser, and to provide a defence where victims of domestic abuse are coerced into offending.**

## End notes

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