



Domestic Abuse Policy (516/2023)

Abstract

This policy details how Domestic Abuse related crimes will be investigated and prosecuted by Sussex Police.

Policy

1. Introduction

1.1 This policy has been produced in consultation with Authorised Professional Practice (APP) and reflects the requirements needed for investigating Domestic Abuse (DA) incidents and offences to:

- Assist the organisation to meet national standards for the investigation of DA incidents and provide the highest standard of service to the public.
- The framework will ensure our overarching aim to keep people safe is met and the correct safety measures are adopted to suit the needs of the individual.
- Ensure a robust approach from the police and Crown Prosecution Services (CPS) to prosecute offenders.

1.2 This policy is required to ensure DA related offences are correctly identified and investigated with the aim of reducing the risk to the most vulnerable victims. It ensures a robust approach from the Police and CPS to prosecute offenders.

2. Scope

2.1 This policy and procedure define a DA related incident and the subsequent investigation that must be followed by all individuals involved in the investigation process.

3. Policy Statement

3.1 Sussex Police recognises its pivotal role in preventing harm and sees the tackling of 'Violence Against Women and Girls' (VAWG) offences as an absolute priority.

The term VAWG relates to violent and high-harm crimes that disproportionately affect women and girls, such as: Domestic Abuse (DA), Sexual Violence, Stalking and Harmful Practices. The Force is dedicated to taking action to protect victims from harm and hold perpetrators criminally accountable for their actions.

Everyone has the right to feel safe. Women and girls should never feel that they are to blame for the behaviours of others.

3.2 The approach of Sussex Police to incidents of DA will be one of risk management. Our aim will be to reduce the risk of serious harm or homicide, or near misses, increasing the safety, health, and wellbeing of victims, as well as any children. This objective is

over-arching: Even where a victim does not wish to pursue a criminal prosecution, we will use all appropriate preventative options to reduce risk.

3.3 Fundamental to this approach will be a commitment to holding perpetrators criminally accountable for their actions. There will be an assumption that arrest and/or prosecution of perpetrators will enhance the safety of victims. Necessity to arrest must always be proved in accordance with the [Police and Criminal Evidence Act 1984 \(PACE\)](#).

3.4 This policy is to be applied subject to the principles of the Investigative Decision Making Model (IDMM). This interactive tool is to be used by all those within the Force whose role touches upon any investigative element.

Procedure

1. Definitions

1.1 Domestic Abuse

Sussex Police follows the statutory definition of DA as defined by The DA Act 2021 (The 2021 Act) Section one.

Please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#) to access the definition, which provides information on the behaviours outlined as abusive by the 2021 Act.

The 2021 Act states that the perpetrator's behaviour may be behaviour 'towards' the victim despite the fact that it consists of conduct directed at another person (for example, the victim's child, family member, friend or colleague).

It does not create a single criminal offence of DA, and frontline responders should continue to consider the full range of existing legislation and safeguards to protect children. It does not matter whether the behaviour consists of a single incident or a course of conduct.

1.2 Personally Connected

The 2021 Act states that the perpetrator and victim must be 'personally connected' for the abusive behaviour to be deemed as DA.

The term 'personally connected' is defined within the 2021 Act, please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#) to access.

Family members do not necessarily have to be related by blood and consideration should be made to the way they live as a family unit. When attending incidents, officers should consider how people live as a family unit and the context of the relationship when assessing whether a person or persons are victims of DA. Examples could include long-term foster placements, live in caregivers or lodgers.

1.3 Relatives

The term 'relatives' has the meaning given by section 63(1) of the Family Law Act 1996.

It includes immediate biological family, stepfamily, and extended family of an individual, including such family members of their present or former spouse, civil partner, or cohabitating partner. Please follow the link [Family Law Act 1996 \(Section 63\)](#) for the full definition of 'relatives'.

1.4 Parental Relationship

The DA Act 2021 provides a statutory definition of the term 'parental relationship', please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#) to read the definition in full.

1.5 Relationship Categories

Analysis of Sussex DA data (conducted 2021) categorised Domestic Abuse victims according to the relationship with their abuser to explore if there were quantifiable differences between how these victim clusters report harm, repeat victimisation, outcomes, and search for evidence of escalation.

The broadest victim categories were -

Intimate Partner abuse (IPA) - Abuse reported between persons aged 16 or over, who have been, or continue to be, in an intimate relationship, regardless of gender or sexuality. Once two people have entered into an intimate relationship, regardless of the passage of time, they will always be permanently encompassed within this category. An IPA victim is an individual reporting exclusively IPA.

Family abuse (FA) - Abuse reported between family members including the following relationships: mother, father, son, daughter, brother, sister, and grandparents whether directly related, in-laws or stepfamily. This list is not exhaustive and may also be extended to uncles, aunts, and cousins. An FA victim is an individual reporting exclusively FA abuse.

This analysis detected a third category of victims who experience harm at comparable rates to those reporting IPA but report significantly higher prevalence of repeat victimisation. This subcategory of victims is known as mix victims.

Mix - Victims are individuals who report a mixture of IPA and FA to police.

1.6 Controlling or Coercive Behaviour

As of 5 April 2023, the DA Act 2021 amended the offence of Controlling and Coercive Behaviour (CCB) to remove the 'living together' requirement. The offence now applies to partners, ex-partners, or family members regardless of whether the victim and perpetrator live together.

Section 76 of the Serious Crime Act 2015 (as amended by Section 68 of the Domestic Abuse Act 2021) provides that a person commits an offence if:

- a) They repeatedly or continuously engage in behaviour towards another person that is controlling or coercive,
- b) at the time of the behaviour, the individuals involved are 'personally connected'
- c) the behaviour has a serious effect on the victim,

d) and the subject knows or ought to know, that the behaviour will have a serious effect on the victim.

It should be noted that the offence of CCB does not have a retrospective effect, and nor does the amendment to the offence. This means that charges cannot be brought in relation to behaviour(s) that occurred prior to implementation.

For the full legislation, including details of instances where the offence would not apply, please refer to the [Serious Crime Act 2015 \(Section 76\)](#). Follow the link for the [Statutory Guidance Framework document](#).

1.7 Non-Fatal Strangulation and Non-Fatal Suffocation

Non-fatal strangulation can be used as a form of assault in DA and history of strangulation can increase the risk of an eventual fatality. A person commits the offence of non-fatal strangulation if they intentionally strangle another person, and non-fatal suffocation where they do any other act that affects another person's ability to breathe. These actions constitute Battery.

For further information on the offence of non-fatal strangulation and non-fatal suffocation, please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#).

Non-consensual or harmful non-fatal strangulation can arise in a sexual context. Whilst it is a defence for the person accused to show the other person consented, this does not apply where that other person suffers serious harm as a result of the strangulation or other act, and the person accused intended to cause that other person harm or were reckless as to whether that other person would suffer serious harm.

For additional information, please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](#).

1.8 Victims

Anyone can be a victim or perpetrator of DA regardless of:-

- Sex or Gender Identity
- Cultural Heritage or Ethnicity
- Sexual Orientation
- Religion or Belief
- Age
- Disability
- Social Status or Wealth
- Occupation (including police officers and police staff).

1.9 When attending an incident, officers should not make assumptions about the alleged offender or victim based solely on the above factors as these may not always be visibly obvious e.g., gender identity, hidden conditions or disabilities instead judge every case on its own merits and particular facts.

1.10 Both the victim and perpetrator have to be at least 16 years old for DA to be flagged as such under the definition. Where either party is aged under 18 years, consideration must also be given to child protection; a Single Combined Assessment of Risk Form (SCARF) (Child to Notice) report must be submitted.

Where a young victim of DA is involved, police officers should make it clear to CPS that the charging application is being submitted because it fits the CPS definition of DA. This should be specifically referred to within the body of the charging application as being one of the reasons for its referral. This ensures the CPS are fully aware of the circumstances of the case.

Children under 18 who see, hear, or experience the effects of domestic abuse involving someone with parental responsibility for them (either the victim or perpetrator) are to be regarded as a victim. For additional information, please follow the link [Domestic Abuse Act 2021 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2021/1/section/1).

1.11 Serial Perpetrators

The APP definition of a Serial Perpetrator is:-

“Someone who has been reported to the police as having committed or threatened DA against two or more victims. This includes current or former intimate partners and family members”.

Monitoring Serial Perpetrators can help to identify the known highest-risk offenders and to make decisions locally, but the overriding consideration must always be public safety.

Serial Perpetrator data is collected by the Strategy and Compliance Team, Public Protection and recorded on Niche using the Serial Perpetrator flag.

2. Single Combined Assessment of Risk Form (SCARF)

2.1 All incidents of DA will be subject to a Domestic Abuse Stalking and Honour Based Violence (DASH) risk assessment which will be recorded on the SCARF. In addition, where the victim, suspect or both are under 18 years old, or a child is present during the incident, a Child to Notice form located within the SCARF must be completed in accordance with the Child Protection Policy (557).

2.2 The attending officer / member of staff will complete the risk assessment with the victim face to face in order to build rapport, gain their trust and gauge non-verbal communications to aid completing the risk assessment.

It is best practice for officers and staff to use Body Worn Video (BWV) in all instances of DA to capture evidence. However, it is acknowledged that there will be occasions where BWV is not available. Those without access to BWV must complete demeanour statements on every occasion before they go off duty. Officers with BWV must use it whilst completing the SCARF and ensure it is uploaded to NICE Investigate before going off duty.

The police officer / member of staff will carry out all the intelligence checks required on the form. They will then be in a position to assess the level of risk enabling them to take initial steps to manage the immediate risk using Remove, Avoid, Reduce, Accept (RARA).

The completed SCARF must be work-flowed via Niche to the officer's supervisor or duty supervisor, who will review the DASH, add their review and assessment of risk, and then work flow the SCARF to the correct Multi-Agency Safeguarding Hub (MASH) inbox on Niche.

If a case is assessed as high risk, then this should be brought to the attention of the Public Protection Detective Sergeant who will review the safety plan and ensure that robust safety planning is in place. All high-risk should be investigated by the Public Protection Department unless there is an exceptional operational reason not to do so. The rationale for any such decision must be recorded on the Niche Occurrence Enquiry Log (OEL) by the supervising officer.

Risk assessment is a dynamic process and assessments, and subsequent risk management plans will be adjusted to take account of new incidents, changing circumstances, escalation, and intelligence. The Safeguarding Template within Niche must be used for all victims of DA related occurrences and updated in line with any changes influencing risk identification management.

All SCARFs will be triaged in the MASH regardless of risk. SCARFs need to be work-flowed to the correct Niche inbox in MASH to aid this process. SCARFs are shared with relevant partner agencies depending on the needs identified by the triage process.

Information on referrals into the Multi Agency Risk Assessment Conference (MARAC) can be found in section 16.3 of these procedures.

Any allegation or suggestion of Stalking behaviours require the officers to complete the Stalking Screening Tool (SST) using PRONTO. All identified victims of Stalking must be referred to Veritas Justice.

Supervisor reviews of Stalking cases need to be completed on the Stalking Template.

2.3 SCARF Submissions

For further assistance on how to submit the SCARF, please refer to How do I? SCARF completion guidance for Sussex.

3. Associated Investigations

3.1 The links between an investigation into another offence and associated offences of DA might not always be apparent. Investigations into the following types of offending should identify DA as a possible line of enquiry.

3.2 Child Abuse

There are significant associations between DA and child abuse. In households where DA is present, children may also be abused. Direct harm to the child may occur in over half of cases where children are exposed to DA. Similarly, in households where there is child abuse, DA may be present.

Adverse Childhood Experiences (ACEs) are stressful or traumatic events, including abuse and neglect. They may also include household dysfunction such as witnessing DA or growing up with family members who have substance use disorders.

ACEs include: physical abuse, sexual abuse, emotional abuse, physical neglect, emotional neglect, intimate partner violence, parent treated violently, substance misuse within household, household mental illness, parental separation or divorce, incarcerated household member.

Police officers are encouraged to think about the child, their voice, behaviour, and demeanour so that their needs can be better assessed. This is especially important for incidents where it is less obvious that child protection needs to be considered and recorded. For example; drink driving, DA and drug dealing.

Think Child is an internal campaign refreshed in 2020 and aims to place children at the centre of every situation, whether present or not. It focusses police officers and police staff to See the Child, Hear the Child, and Record the Child. Further information and guidance can be found via How do I? Think Child.

Police officers are reminded of their powers under the [Children Act 1989 \(Section 46\)](#) which gives police officers the power to protect a child who is reasonably believed to be at risk of significant harm. It empowers the police officer to remove a child to a place of safety or prevent the removal of a child from a hospital or other place in which that child is being accommodated.

This is an emergency police power which should only be used to secure the immediate safety of the child.

Police officers are encouraged to think about children at incidents of DA. Children who see, hear, or experience the effects of domestic abuse involving someone with parental responsibility for them are themselves victims of DA. Permission to talk to children is not required if police officers feel it is required. If refusal is encountered then the reasons for the refusal, including who has refused, should be clearly recorded on the SCARF. An Operation Encompass referral must also be made for school aged children. Refer to section 4.

Please refer to the Child Protection Policy (557) and the Public Protection How do I? pages for further guidance.

3.3 Honour Based Abuse (HBA), Forced Marriage (FM) and Female Genital Mutilation (FGM)

Police officers should consider whether identified victims might be at risk of HBA including FM and FGM. In cases where HBA, FM or FGM is reported, suspected, or feared, officers should take appropriate steps to identify particular risks, protective factors and sources of support. HBA, FM and FGM relating to minors is child abuse and should be treated as a crime. Police officers may also come across evidence to suggest that DA has already occurred in an honour-based nature. Where this is suspected police officers and police staff should take immediate guidance on steps to make the victim and any potential victims safe. Please see Harmful Practices Policy (1120) for further guidance.

3.4 Vulnerable Adult Abuse

Whatever the origin of the investigation, where it concerns suspected abuse by a familial carer, officers should consider that the case may be DA from the outset.

There may be other instances where it is only as a result of investigation that the DA link is identified. For example, an investigation into possible neglect in a care home may reveal that a family member is wrongly withholding funds from the vulnerable adult, amounting to financial abuse which is domestic in nature.

Police officers should look out for signs of other manifestations of DA when investigating vulnerable adult abuse in a household. They should also be alert to concerns relating to vulnerable adults in a household where DA is perpetrated.

The MASH will refer all cases of DA involving a vulnerable adult to Adult Social Care of the local authority after care. Please see Safeguarding Adults Policy (750).

3.5 Stalking and Harassment

DA investigations may include stalking and harassment offences (including cyber and online stalking) and vice versa. These are common offences in the context of DA following a separation when a victim may be at an increased risk of abuse. These behaviours, however, can also occur in current relationships, especially those characterised by controlling or coercive behaviour.

The perpetrator can commit the acts directly or through the actions of people associated with them. In some investigations of stalking and harassment, the offender will not be readily obvious because the offences are committed anonymously. The advice of a Stalking Single Point of Contact (SPOC) should be considered in these circumstances. Refer to the intranet for Details of your local SPOC. Please see Stalking and Harassment Policy (578) for further guidance.

3.6 Homicide

A Domestic Homicide Review (DHR) is commissioned when the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by:-

- A person to whom the victim was related or was or had been in an intimate personal relationship with the victim.
- A member of the same household as the victim.

DHRs are held with a view to identifying the lessons to be learnt from a Domestic Homicide death, to ensure appropriate action was taken by police and partner agencies.

Where a death occurs that fits these criteria, there should be early consultation with the Safeguarding Review Detective Sergeant in the Strategic Safeguarding Team, who has responsibility for ensuring a referral is submitted.

DHRs will commence once it has been agreed by the multi-agency partnership that the case fits the criteria, and a referral has been made to the Home Office. They can run alongside the criminal investigation, however in many cases it is agreed by the panels led by an Independent Author that they will pause and resume once the criminal process has concluded.

Investigating officers should consider using intelligence sources and specialist staff who carry out DA investigation and coordination roles, when investigating domestic homicide. It is advised that partner agencies are consulted to establish any previous DA.

Investigating officers should consider other relevant possibilities, such as child abuse, sexual offences, and the danger to future victims of DA. The Domestic Violence Disclosure Scheme (DVDS) is available within section 23 of these procedures and should be considered for all DA incidents.

Domestic homicides committed by family members, where perpetrators attempt to restore honour, are sometimes referred to as honour killings. Concepts of honour and other cultural issues are not a defence to homicide or assault. Refer to the intranet for further information on DHRs.

3.7 Suicide

A suicide investigation may reveal evidence suggestive of DA as background to the suicide.

Where this is suspected, police officers should consider ongoing risks to anyone in the remaining household, in particular children and vulnerable adults, and take appropriate steps to make those people safe.

Where a victim took their own life and the circumstances give rise to concern, for example it emerges that there was coercive controlling behaviour in the relationship or when there has been any DA incident within the preceding 36 months or when on professional judgement you consider DA as an influencing factor, then a DHR should be considered as detailed in 3.6, even if the suspect is not charged with an offence or they are tried and acquitted. Reviews are not about who is culpable.

3.8 Domestic Homicide (and Suspected Victim Suicide) Project

A Domestic Homicide Initial Report (DHIR) must be completed for all homicides, suicides, unexplained deaths, or suspicious deaths where there is any previous record of the individual having been the victim or disputant of domestic abuse.

This must be completed by the SIO (for homicides), or Officer in Charge (OIC) for all other deaths and submitted to the DHProject copying in the Strategy and Compliance Team within 7 days of any domestic homicide or suicide.

For further information including the DHIR submission form and guidance, refer to How do I? Domestic Homicide Reviews, Domestic Homicide (and Suspected Victim Suicide) Project.

3.9 Missing Persons

There is a potential link between missing persons and DA. The person reporting an individual as missing may not know about, or might not disclose, DA to the police.

Identifying that the missing person is a victim of DA or child abuse, or is an offender, will have an important bearing on determining the type and level of investigation undertaken. The missing person could be the victim of a domestic homicide.

It is also possible that by reporting a person as missing, an abuser could be attempting to locate a victim who has escaped from a violent situation. Please refer to the Missing Persons Policy (558) for further information.

4. Operation Encompass

4.1 Operation Encompass is a police and school early intervention safeguarding partnership which supports children experiencing domestic abuse.

If a school age child is present at a domestic abuse incident, and ordinarily resides at the occurrence address, or with an involved party, an Operation Encompass referral must be made to the child's school. This early sharing of information will enable those who interact with children in educational settings to be better informed and thereby identify those who are in need of improved care, support and education as a result of witnessing domestic abuse.

The attending officer must complete a SCARF, ensuring details of child(ren) and school(s) are obtained. The school must be notified by email using the template provided, prior to the start of the next school day.

Refer to the intranet for school email addresses and further information on Operation Encompass.

5. Initial Response - Force Command and Control Communications Department (FCCCD)

5.1 Call takers should follow the Call Grading Policy, Threat, Harm, Risk, Investigation, Vulnerability and Engagement (THRIVE) principles and the departmental guidance when dealing with Domestic Abuse incidents.

Each caller will present differently, and their demeanour should not be taken as an indication of the level of seriousness of the incident.

5.2 To ensure the safety of those reporting DA, call takers should:-

- Prioritise the safety of the victim and any children present.
- Keep the victim or caller accurately informed of the deployment of police officers.
- Conduct an assessment of threat, harm and risk and record the assessment on the Computer Aided Dispatch (CAD). See 5.6 for Grade 3 process.

The emergency call may be made from a public place or somewhere that is unfamiliar to the caller, rather than a private dwelling. The call taker should therefore seek information about the location to enable prioritisation and keep this under continuous review, as conditions may change quickly in an insecure environment. Agreed procedures are in place to respond quickly to:-

- An open line / silent call.
- An agreed code word.
- Activation by the victim of an intruder alarm at their home address.
- Activation of a proximity tag or other monitored Global Positioning System (GPS), device worn by the abuser.

5.3 If the suspect is still present at the scene.

Keep the caller on the line. Any background noise from a 999 call will automatically be audio-recorded and could be used as evidence. It also helps in monitoring the incident and ensures that police officers arriving at the scene have the most up-to-date information about the situation.

5.4 If the suspect has left the scene.

Advise the caller to lock and secure the premises where possible, taking their mobile phone with them or, if using a fixed telephone line, keeping it open so that any continuation of the incident can be heard. Agree a key word for the caller to signify that the suspect has returned. Take a full description of the suspect and circulate it to police officers in the area.

5.5 If the caller is a child.

Obtain essential information from the child about what has happened, with a focus on safety. If necessary, give safety advice such as to hide in a room until the police arrive. Check all that is known about the address and the people involved. Please see APP for the Information Gathering Checklist.

5.6 Grade 3 Process.

Incidents which have been assessed by the call taker using THRIVE, as suitable for a Grade 3 Local Resolution Team (LRT) response are to be reviewed by an FCCCD supervisor before being passed to the LRT queue and triaged. This includes those where the victim has made contact with FCCCD via phone, or via Single Online Home.

The victim should be advised that they will be contacted by LRT to arrange an appointment within 72 hours of their call. If risk is not appropriate for LRT, FCCCD will update the informant with regards to the change in response and send the CAD to the radio queue for attendance. Further guidance can be found on the FCCCD intranet page.

6. Initial Response – Policy Enquiry Officers

6.1 Policy Enquiry Officers (PEO) will follow the below procedures when DA is reported in person.

- Take the reporting person out of public view to reduce the risk of being seen.
- Be mindful of accompanying people when reporting. If the reporting person is accompanied, they should be spoken to alone.
- Establish if the victim and any children are at immediate risk.
- Establish if the person making the report is subject to time constraints and flag this to the responding police officer if applicable so that the report can be prioritised.
- If the victim is unable to wait for a police officer to become available to speak to them, establish when and how they can be contacted without placing them at further risk.
- If they are believed to be at risk of serious harm if they leave without being seen by a police officer, response should be prioritised.

- If the victims first language is not English (this includes those who are Deaf / Deafened), police officers and police staff need to consider the importance of assured interpretation services as the person supporting them may be the perpetrator.
- Police Enquiry Officers dealing with reports should, as a priority, establish if the victim and any children are at immediate risk or have time constraints. If the complaint is suitable for a Grade 3 response, then contact should be made with an LRT supervisor to facilitate an appointment.
- Police Enquiry Officers will complete the following checks on both the victim and suspect:
 - Niche
 - Police National Computer (PNC)
 - National Firearms Licensing Management System (NFLMS)
 - Police Enquiry Officer to provide safeguarding advice to victim and complete a safeguarding template if appointment booked at the time of their attendance at front office. Please see APP for the Information Gathering Checklist.

7. Local Resolution Team

7.1 The LRT manages the servicing of all suitable Grade 3 DA that can be dealt with by planned appointment. The LRT offer face to face appointments at a number of police stations across the Force, or video appointments to a dedicated specialist officer.

The LRT deal with both crime and non-crime incidents where the risk is appropriate for a planned response.

7.2 Appointments

In line with the Service Level Agreement (SLA) DA victims will be called back to arrange an appointment to see an officer within 12 hours of their initial call.

The LRT offers victims an appointment to see an officer within 72 hours of their initial call.

Appointments are available between 0800 and 2200 hours seven days a week, on every day apart from Christmas Day.

During the appointment officers will obtain evidence of any offences, complete SCARF, Vulnerable Adult at Risk Form (VAAR) and Child to Notice forms and provide bespoke safeguarding advice to reduce the risk of harm to the victim.

For crimes where further investigation is suitable (identified through the use of the IDMM) reports will be passed to the appropriate secondary investigation department (Criminal Investigation Department (CID) or Safeguarding Investigation Units (SIU)).

7.3 Safeguarding

Officers within the LRT must risk assess victims against the Blue, Red, Amber, Green (BRAG) system to ensure their on-going risk level is repeatedly reassessed and responded to appropriately. Those in the Red / Amber / Green categories have a target response of 48 hours:

- Red – Any time critical reports, those where victim / suspect reside together still, those featuring vulnerable adults as victims or incidents requiring urgent service recovery. DA crime that has failed the SLA. Any breach of police bail, non-molestation order or other prohibitive civil order.
- Amber – All DA crime with no aggravating factors within SLA, any non-crime DA that has failed the SLA and triaged as requiring escalation.
- Green – All non-crime domestics within SLA and failed SLA if triaged as appropriate.
- Blue – Any report that falls outside of the above but still requires action by LRT e.g., follow up appointment / further statement.

8. Initial Response - Police Officers

8.1 The first response officers / police officers should apply a positive approach to resolving the call-out, which may range from arrest to other forms of action.

8.2 Obtaining a full picture of the situation, the family and their previous history enables police officers / first response officers to better deal with the incident, manage the offender and protect any vulnerable people at the address. Police officers / first response officers should be mindful that the atmosphere, environment, and the people involved may have returned to a normal state and this should not be an indicator of the severity of the incident that has taken place.

Police officers / first response officers should obtain all relevant information from the contact handler about the incident and parties involved to enable initial risk assessment prior to arrival at the scene. Police officers / first response officers should consider whether there is a benefit to listening to the 999 call as a form of gathering relevant information. Refer to the Domestic Abuse Checklist and Investigating Domestic Abuse and Vulnerability E-Handbook.

8.3 The first priority of police officers / first response officers should be to protect all people present from injury or further harm. This includes the victim, children, witnesses, police officers and the suspect.

Children can be seriously affected by witnessing DA. Police officers / first response officers should consider the nature of the incident that the child may have experienced or witnessed and ensure full details are recorded on the Child to Notice form located within the SCARF. A referral under Operation Encompass must be made when a child is present during a DA incident, (see section 4).

8.4 Body Worn Video

Responding officers with access to BWV must switch this on at every DA crime and incident attended, including whilst completing the SCARF. Police officers attending a DA incident will gather evidence as soon as they arrive at the scene. Relevant BWV footage must be uploaded to NICE Investigate. BWV can provide excellent evidence, particularly in criminal proceedings. There is some good evidence to show that where police officers responding to DA equipped with body-worn cameras, the proportion of positive outcomes increases. This includes evidence-based threshold decisions by the CPS where the victim is unwilling to support a prosecution.

Where digital media is relied upon as being key evidence to prove the offence, a redacted version of it, MUST be provided to the CPS, at the time of the application for charging authority, being submitted. A note should be made within the application and on the OEL on Niche, stating the date the media was provided to them.

8.5 Police officers must be aware of the importance of getting our response right first time for victims of DA. First accounts should always be made on BWV and statements must always be taken. Detection of domestic abuse is more likely to result if a victim supports police action and prosecution.

Officers should therefore positively encourage victims to provide an account. If a victim refuses to provide a statement, then their reason should be explored.

8.6 A number of victims, for whatever reason, often do not want to support a prosecution. It is our responsibility to seek a criminal justice outcome at every opportunity to safeguard victims and provide them with opportunities to break free of the relationship. First responders play an integral part in gathering and securing evidence for an Evidence Led Prosecution (ELP).

ELP is not just a DA issue. It includes all crime types that involve vulnerable victims. As such officers / staff should consider ELP in cases such as:

- Domestic Abuse.
- Modern Slavery and Human Trafficking.
- Child Sexual Exploitation.
- Child Criminal Exploitation.
- Adult Safeguarding.

For ELP to be effective, as much evidence and information as possible must be gathered at initial attendance and on subsequent handover for secondary investigation. As such first responders must consider ELP from the outset to deliver quality investigations, deliver better outcomes, improving safeguarding and being truly victim focused.

An ELP template must be completed by first responders for all victims once essential actions have been considered. This will then be reviewed by a supervisor before being passed to the receiving investigator who will then be responsible for the ELP.

First responders must:-

- Consider ELP at every DA crime and incident they attend.
- Recognise and assess the signs of abuse and the need for safety planning to protect victims (or potential victims) and prevent offences from occurring in the longer-term.
- Complete the DASH risk assessment within the SCARF in every case.
- Complete Daisy Chain referral whilst at scene. For East Sussex officers and staff referral to be made using WEProtect app.
- Identify and record criminal offences so that offenders can be brought to justice and dealt with robustly within the judicial system. The first response officers / police officers

must be mindful of the requirement to record Stalking and Coercive Control offences in addition to other offences disclosed.

- Complete and regularly review the Safeguarding template in line with the risk level. A new template must be completed every time there is a change in circumstances for the victim. This may include arrest, bail, release, or charge of the suspect.

The Safeguarding Plan Toolkit is available to assist the first response officers / police officers with options for safety planning and a means to record activity.

8.7 When transporting a child under 135cm in height a suitable child car seat must be used if available. For further details please refer to the Police Driving Policy (Surrey and Sussex) (616).

8.8 Police officers should use the Joint National Police Chiefs' Council (NPCC) CPS Gathering Checklist for all investigations.

9. Arrest and Positive Approaches

9.1 Police officers have a duty to take positive action when dealing with DA incidents. This will mean making an arrest, provided the grounds exist and it is a necessary and proportionate response. This is particularly relevant when there is an intimate (or previously intimate) relationship between the victim and perpetrator.

In some situations, other positive safeguarding approaches may be more appropriate. DA can occur where the conduct does not amount to a criminal offence and a criminal justice outcome is not possible.

9.2 Arrest

Where an offence has been committed in a DA case and where threat and risk exist, an arrest will in most cases be 'necessary' within the terms of PACE.

Proactive investigation is always required as the victims, children, neighbours, and other witnesses, may fear threats and violent reprisals, emotional pressure and be reluctant to interfere with what they perceive as personal matters. The removal of an offender through arrest is an immediate and significant step in the reduction of risk and an important aspect of the safety planning measure.

The decision whether or not to arrest a suspect rests with the police officer, who must not ask victims whether they require an arrest to be made. It is important to understand that the incident being dealt with is likely to be the latest in a series and may form part of a pattern of controlling or coercive behaviour. Police officers must base their decision to arrest / not to arrest on their professional judgement, which itself must be based on the best information available. Police officers should not base a decision to arrest or not to arrest on the willingness of a victim or witness to testify or participate in judicial proceedings.

Officers must contact the Duty Inspector if they are considering not arresting at a Grade 1 or Grade 2 domestic crime or incident to discuss their rationale and have that decision ratified. The fact that this conversation has taken place and the outcome must be updated on the CAD and OEL.

If detention is refused by custody, officers should raise this with their supervisor prior to leaving custody. The supervisor will appeal decisions where appropriate prior to the detained person being released.

Police officers must record on Niche the reasons for not making an arrest in a domestic incident where a power of arrest exists.

9.3 Domestic Violence Prevention Notice / Order (DVPN / DVPO)

A DVPN must be considered at every opportunity, from initial safeguarding, release from custody, and outcome of the investigation.

It is anticipated that most applications will be made after a suspect interview in custody when the PACE clock has been fully utilised to exhaust all evidential opportunities, however DVPN decision making must be recorded on every Safeguarding Template, Custody Detention Log, and Finalisation Template in all DA cases. In order for a DVPN / DVPO to be an option, the police officer should conclude that:

- Alleged perpetrator is aged 18 or over.
- Violence used or threatened on this occasion towards the victim and/or an associated person.
- The DVPN is necessary to protect the victim and or associated person from violence by the alleged perpetrator.

Divisions should not accept local DVPN applications without speaking to the sergeant first to ensure they are sighted on the file.

DVPN / DVPOs are a vital enforceable safeguarding measure that provide protection for a victim following DA. A DVPN issued by the police prohibits the perpetrator from contacting the victim, as a minimum. It gives the victim respite from the abuser and the opportunity to engage with services without the perpetrator being on the scene.

Sergeants must apply to the Superintendent for a DVPN authorisation once they are satisfied that bail or an ELP investigation is not appropriate.

Upon Superintendent authorisation, the OIC will notify the relevant support agency for their area. A joint police and Independent Domestic Violence Advisor (IDVA) visit will then take place within 48 hours.

The DVPN is followed up with an application for a DVPO in the magistrates' court within 48 hours of service. The resulting DVPO, if granted, lasts for between 14 and 28 days.

If granted DVPO checks must be made by officers at the recommended intervals. Visits will be managed via Divisional Daily Management Meeting (DMM). A minimum of three visits should be conducted throughout authority of the DVPO:

- 1st visit: joint police and IDVA within 48 hours of the DVPN.
- 2nd visit: two weeks after the first.
- 3rd visit: at the end of the DVPO.

This will be managed by the OIC and monitored via Divisional DMM.

Whilst it is anticipated most DVPN applications will be sought for perpetrators upon release from custody when a charge is not possible, an investigation is continuing or results in a caution, released under investigation or no further action, or a suspect is bailed without conditions restricting their contact with the victim, it is important to consider issuing a DVPN at incidents when an arrest has not been made and positive action is required.

If a DVPN / DVPO is breached the perpetrator is to be arrested and brought before the magistrates' court within 24 hours of arrest. If a notice is breached, they will be subject to immediate arrest and can then be remanded in custody to appear before a court for a full order to be considered. A breach of an order is a civil contempt of court and can lead to a maximum fine of £5,000 or two months prison sentence.

When considering a DVPN:

- 'Violence' is not defined by the Act so allows a wide interpretation and it is not necessary to evidence a substantial level of harm.
- The level of risk (standard / medium / high) is not to dictate whether an application is made or not.
- A DVPN can be applicable to the first incident reported to police and it is not necessary to show a history or DA.
- The occasion can be historic, but it will be necessary to show that the victim may be subject of violence and still needs to be protected.
- Hearsay evidence is admissible; this is a civil application based on the balance of probabilities. Evidence can be as minimal as an officer's statement detailing their interaction with the victim.
- A victim stating, they will not comply with a DVPN / DVPO is not a reason for deciding against a DVPN application. The DVPN / DVPO process can be pursued without the victim's active support, or even against their wishes. This can help by removing responsibility from the victim for taking action against their abuser. Refer to the intranet for further information about DVPN / DVPO.

9.4 Civil Orders

A number of different emergency injunctions can be obtained in the Civil Courts to protect victims for a period of time. The victim may apply for them even if the perpetrator is subject to bail conditions or a DVPO, as those offer only short-term protection. The Daisy Chain Project and DA Alliance through WEProtect can help to obtain the below orders. Further information can be found in section 22.2 of these procedures. Refer to APP - Arrest and other positive approaches.

9.5 Non-Molestation Order

A Non-Molestation Order (NMO) protects a named person from specific behaviour by an abuser. The order is usually granted for between six and twelve months. Although it is a civil order, a breach of the order is a criminal offence pursuant to Section 42A of the Family Law Act and therefore arrestable.

NMOs are sent to the Force Research Bureau (FRB) by the solicitors or the courts (not the applicant) after they have been serviced. FRB will add the NMO to the respondent's PNC record and send it on to FCCCD to upload on to Niche with the original documents.

You must always check PNC for the presence of the NMO. Without confirmation of the order existing or having been served, there is no breach and other crimes must be considered.

- If the informant has a copy of the order (not on PNC): Review the paperwork from the informant if they have a copy, but then complete enquiries with the solicitor to confirm the order has been served and/or is still valid.
- If the informant does not have a copy of the order but is aware that there is an order in place (not on PNC): Review the information for any other offence present, complete THRIVE and ask informant to make enquiries with their solicitor in relation to the order and sending it to PNC.

A breach of the order can still be dealt with as a civil contempt of court matter if the applicant chooses to do so, or does not support criminal proceedings, but the breach can only be dealt with once, in either the criminal or civil court. A NMO will have a penal notice attached. If the breach is dealt with as a civil contempt of court a Judge may commit the person who has breached their order to prison.

Emergency applications are often made in the abuser's absence, (ex-parte) with no need to give notice of the hearing and based only on the evidence / information of the applicant. Proof that the suspect is aware of the order and its terms can, therefore, be a key issue in criminal proceedings for breach of the order. A police officer attending the suspect's address to verbally make them aware of the order and its terms, recorded on an MG11, can avoid argument in subsequent proceedings that the suspect was unaware of either the order or its terms.

For best practice guidance please see College of Policing Non-molestation orders current practice.

9.6 Violent Offender Order (VOO)

A VOO can be applied for under Part 7 of the Criminal Justice and Immigration Act 2008 (CJIA) where a person is a qualifying offender and, there is reasonable cause to believe that an order is necessary.

A VOO may contain prohibitions, restrictions, or conditions which prevent access to places, premises, events, and people, if the court deems these necessary for the purpose of protecting the public from the risk of serious violent harm caused by the offender. The order also makes the offender subject to notification requirements and can last for between two and five years.

Police officers should consider the current risk of serious physical or psychological harm before proceeding with an application for a VOO and should also seek the advice of Legal Services if considering a VOO.

If it is deemed that a VOO may be appropriate, police officers should contact the Violent and Sex Offender Register (ViSOR) team at the earliest opportunity for advice.

Refer to APP - Arrest and other positive approaches.

10. DA Champions

10.1 DA Champions are made up of volunteers from any discipline, any rank, and any grade from all areas and departments within Sussex Police who are enthusiastic and passionate about supporting victims of DA.

Sussex Police utilise a DA Champion network to:

- Improve the force wide response to DA investigations and service delivery to victims of DA, maximising criminal justice outcomes.
- For Champions to act as a critical friend and subject matter expert to investigating officers which encourages disclosure, improves safeguarding opportunities and access to support agencies for victims.
- To create a network for sharing best practice, learning and problem solving.
- Identify and support Divisional Continued Professional Development (CPD) training of staff involved in the investigation of DA on a group or peer to peer basis.
- For Champions to raise awareness of DA amongst colleagues.

10.2 Governance

- Champions to have an identifiable local co-ordinator within their district.
- The co-ordinator will be responsible for developing DA Champions and assisting in giving support and guidance in areas which require challenge or feedback.
- Supervisors will be core members of the working group and feed best practice, cause for concern, emerging themes, and trends into the working group.
- Overall governance is via the DA Improvement and Multi Agency Meeting.
- A yearly work plan for DA Champions is set by the portfolio lead.
- Quarterly thematic areas will be allocated to DA Champions to focus on Divisionally.
- Training: all DA Champions must have SafeLives training to perform the role.

11. Perpetrator Intervention Programmes

11.1 A number of perpetrator intervention programmes have now been established across Sussex.

When dealing with a serial perpetrator, or other high harm perpetrator who you feel would benefit from an intervention, consideration should be given to referring into a perpetrator programme. Contact the Complex Domestic Abuse and Stalking Unit (CDASU) for advice or to make a referral. The referral form can be found on How do I? Perpetrator Intervention Programmes and MATAC. High Harm Domestic Abuse Perpetrator Program Internal Referral Form.

Alternatively, consideration should be given to a referral for the Multi-Agency Tasking and Co-ordination (MATAC) meetings which run across the three divisions. The MATAC

targets the most prolific Domestic Abuse perpetrators by active disruption tactics and multi-agency interventions. The MATAC referral form can be found on How do I? Perpetrator Intervention Programmes and MATAC. MATAC referral Form.

The Memorandum of Understanding (MoU) with partners for the MATAC is included on How do I? Perpetrator Intervention Programmes and MATAC. MATAC MOU.

Referral into the MATAC or the perpetrator programme must not be offered as an alternative to arrest or prosecution.

12. Investigative Strategy

12.1 The investigative strategy should always seek to secure the support of the victim to prosecute an offender, with the relevant safeguards and special measures explored at the earliest opportunity. Consideration should also be given to securing evidence for an ELP should the victim be unable to support initially, further attempts to secure victim support should always be made. Investigators must consider whether there is any risk to the safety of the victim should the case proceed as an ELP, a victim should not be placed at increased risk through this course of action. The points to consider would be:

- Evidence that could be considered to bring the case within the Evidential Test of the Full Code Test may include admissions in interview, Close Circuit Television (CCTV), 999 Tapes, demeanour statements, independent eyewitnesses, similar fact evidence from police systems, forensic evidence, communications evidence, digital forensics, inference from special warnings, circumstantial evidence. Where it is considered by a supervisor that there could be a realistic prospect of conviction, the case will be referred to the CPS where a prosecutor will be engaged as to the public interest; it would be usual for there to be public interest in prosecuting any instance of DA.
- Statements that contain evidence in res gestae are a powerful addition to any prosecution and may corroborate a victim statement where one exists, or support ELP if not. A police officer can provide a statement containing evidence in res gestae as can any third party and it may be admissible other than as hearsay providing, they directly observed the evidence close to the time that the offence was allegedly committed and that are so directly linked to the events occurring at that time so as to make it unlikely that they were distorted or concocted.
- Consideration should be given to applying to admit a complainant's statement as hearsay under [Section 116\(e\) of the Criminal Justice Act 2003](#), if there is evidence that the victim is in fear, or where there is other evidence, consideration should be given to applying to introduce hearsay if it would be in the interests of justice to do so (detailed guidance on this topic can be found in the legal guidance chapter on Hearsay). For example, any third party witness statements from neighbours, support representatives assisting the complainant etc.

The victim must always be safely updated as to the progress of an investigation, even where they are not supportive of a prosecution. Refer to How do I? Evidence Led Prosecution.

13. Evidence and Information Gathering

13.1 Investigators must investigate DA proactively from the outset with a view to securing the support of the victim. Where this is not possible or support cannot be secured, investigators must consider ELP.

While Sussex Police would always work in partnership with victims to secure convictions against offenders, it is accepted that there are many reasons a victim may not engage with or support the police, and in order to safeguard vulnerable individuals it is important to extend the investigation beyond the victim.

If investigators involve victims in decisions and rationales at the earliest opportunity, explaining to the victim what they are doing and why, it will help to return some control to them, place the victim more at ease and encourage them to work with police.

Investigators must ensure that victims are kept informed of key developments during the investigation as set out in the victim's code, as well as setting up and complying with an individual victim contract that works for that individual.

For detailed information on tactical and investigative options, as well as further information on ELP, please refer to the Investigating Domestic Abuse and Vulnerability E-Handbook and Domestic Abuse Checklist.

13.2 There are three main types of ELP.

1. A prosecution based on hearsay evidence.
2. A prosecution featuring a non-supporting victim.
3. A prosecution featuring circumstantial evidence.

Each requires investigators to adopt a bespoke approach to every investigation.

13.3 Full details of the incident and of all parties involved will be recorded and flagged on the incident log and Niche, in line with force policy. SIU use warning flags for high-risk victims on Niche to identify those falling within this risk level. Further flags for Medium and Standard risk are also available.

DA Risk Level Flags are administered by the MASH, who check that these are consistent with the risk level given on the DASH section of the SCARF.

13.4 Evidential statements or Video Recorded Interviews will be secured at the earliest opportunity. There is clear evidence that where witness evidence is secured at an early stage of the investigation it is more likely that a positive outcome will result.

13.5 The use of digital photography and BWV are a vital tool in evidence gathering, particularly ELP, where a victim will not make, or subsequently retracts, a statement. Images of injuries, damage or disturbed scenes are vital in evidence gathering, and where available, BWV will be used at all initial responses to an incident of DA.

There is supporting evidence to show that where police officers responding to DA are equipped with BWV, it is more likely that a positive outcome will ensue.

Please refer to the APP Checklist for the Use of Photographic Evidence.

13.6 Where a victim or witness to an offence has telephoned the police, the call recording should be retained and treated as unused material if not treated as evidence. This should be documented within the crime investigation forms and brought to the attention of CPS where appropriate.

13.7 When considering how contact is made with a victim (e.g., email, phone call, text message), police officers and police staff need to be alert to any information provided by the victim that indicates the perpetrator monitors their mobile phone. In such circumstances and regardless of risk grading consideration must be given to offering the victim a safe phone, hidden App or another means of contact. Ensure that any document shared such as STORM CAD / Serial does not identify any irrelevant sensitive personal information about the caller.

13.8 Each police officer in attendance at a DA incident will make a detailed entry on their Mobile Data Terminal (MDT) of what they found at the scene, which must include a description of injuries, damage to property and clothing, and the demeanour of parties present. An MG11 will be produced where it contributes to the evidential picture. All staff present must ensure any relevant notes / material are provided to the OIC either as evidence or as unused material.

13.9 Police officers and police staff are expected to adhere to the statutory obligations to obtaining and examining digital devices. This includes obtaining a written agreement from the device user where examination is undertaken through informed agreement.

Adhere to The Codes of Practice and use the DPNa-d dependent upon whether the device is obtained through informed agreement / [Police, Crime, Sentencing and Court Act 2022](#) (PCSC) or obtained through another statutory power. Refer to Guidance for Digital Processing Notices.

13.10 For every DA investigation officers will give consideration to how best to proceed if the victim does not support a prosecution or decides to withdraw support in the future. To assist in securing best evidence and being able to successfully build an ELP, officers investigating any DA matter must use the ELP Investigative Template.

The ELP Charging Advice Template should be used for every DA investigation, regardless of the support of the victim, along with a CM01 form which can be found within Niche.

All DA cases that reach the evidential threshold for charging must be referred to the CPS when authority of charge is sought.

Refer to Evidence Led Prosecution for further details on the templates and completion.

13.11 When an ELP is taken forward, the case enquiry log within the case file must be updated to identify the case as ELP.

13.12 No DA crimes can be filed using Outcome 10 (not in the public interest) unless authorised by an Inspector in writing. The rationale for this decision must be recorded clearly and withstand public scrutiny. Any DA case that meets the evidential test but does not meet the public interest test MUST be referred to the CPS for consideration of charges before any consideration of no further action (NFA) / filing can take place.

14. Out Of Court Disposals

14.1 A charge is the preferred starting point, domestic abuse will always be an aggravating factor and consideration must be given to raising the gravity score. Refer to Out of Court Disposal Policy (1118) and Community Resolutions Policy (1091).

15. Safeguarding Investigation Units

15.1 In line with the Crime Management Strategy - Investigations / Crime Management Strategy - Public Protection, SIUs are responsible for the management of both the criminal and safeguarding aspects of investigations involving child and adult abuse, high risk DA and rape and serious sexual offences. Investigations Teams on each division are responsible for medium and standard risk DA cases.

SIU Officers are required to complete the Safeguarding Template for high risk cases, in addition to the initial template completed by the response officer. The Safeguarding Template should be regularly reviewed in line with the risk level.

16. Partnership Working and Multi-Agency Response

16.1 Co-operation between agencies is important to help reduce the risk of cases slipping through the safeguarding system and stopping DA at an early stage or preventing it from happening in the first place. It makes it possible to see the whole picture, facilitating:-

- Early effective risk identification.
- Improved information sharing.
- Joint decision making.
- Co-ordinated action to assess, manage and reduce risk.

16.2 Multi-Agency Safeguarding Hubs (MASH)

The MASH have arrangements whereby services are co-located to improve information sharing and respond more effectively to safeguarding needs. They are usually, but not always, focused on the needs of children and vulnerable adults.

MASH are co-located with teams from the local authority and health to enable quick and effective information sharing. Details of the MASH Detective Sergeants can be located via MINT.

16.3 Multi-Agency Risk Assessment Conference (MARAC)

A MARAC is a multi-agency meeting which DA victims who have been identified as at high risk of serious harm or homicide are referred to. The MARAC is attended by representatives from a range of agencies including police, health, child protection, housing, IDVAs, probation, mental health and substance misuse and other specialists from the statutory and voluntary sectors.

During the meeting relevant and proportionate information is shared about the current risks, enabling representatives to identify options to increase the safety of the victim and any other vulnerable parties such as children. The MARAC then creates a multi-agency

action plan to address the identified risks and increase the safety and wellbeing of all those at risk. The primary focus of the MARAC is to safeguard the adult victim. However, taking in to account the UK law which priorities the safety of children, the MARAC will also make links with other multi-agency meetings and processes to safeguard children and manage the behaviour of the perpetrator.

At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim to be able to identify and manage the risks, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is represented by an IDVA who represents their views and wishes and ensures that victim's safety remains the focus of the meeting.

All SCARFs will be triaged in the MASH. The MASH administrator will review each DASH within the SCARF and identify whether they should be referred to MARAC. The review is measured against the following criteria:

- Visible High Risk: A score of 14 or more on the SafeLives recommended DASH.
- Professional Judgement: An assessment of dangerousness of the situation based on the practitioner's judgement.
- Potential Escalation: Where 3 or more DA events occur in a 6 month period. An "escalation review" is to take place by the DA caseworker to consider MARAC referral.
- Repeat referral: ANY instance of abuse between the same victim and perpetrator(s), within 12 months of the last referral to MARAC. A "repeat review" is to take place by the DA caseworker to consider MARAC referral.

For more information or the latest operating protocol please refer to your local MARAC. The meeting combines up-to-date risk information with an assessment of the victim's needs.

The police are key partners to the MARAC. In order to support the effective management of risk, the police attendee must be of sufficient experience and seniority to both recognise the interventions that are required and to take actions on behalf of Sussex Police. An SIU Detective Inspector should attend each MARAC but may delegate to a suitably skilled and briefed DS in circumstances when they cannot attend; this is in addition to the DA Caseworker.

Police attendees should also be seeking to identify information from partner agencies to capture as intelligence or support the pursuit of ELP.

17. Withdrawal of Support

17.1 When a victim indicates that they wish to withdraw their support for the prosecution process, a statement should be taken stating and describing any reasons for the withdrawal. Police officers should use the DA Retraction Interview Guide when taking a statement from the victim and contact SIU for advice if required. Any retractions from DA investigations must go through a supervisor. Refer to the intranet for further details on the DA Retraction Interview Guide.

17.2 Withdrawal / retraction statements may still be used as evidence in current or future criminal proceedings or as evidence within the family court system. Any withdrawal of

support for a prosecution should prompt a revised risk assessment process and safety planning. The officer in the case should notify the CPS without delay if the victim indicates a wish to withdraw support for the prosecution.

17.3 A retraction statement should contain the following information:

- Confirmation of whether the original statement given to the police was true – if the original account has to be amended, an explanation for this should be included.
- Whether the victim has been put under pressure to withdraw.
- Nature of the original allegation (if not fully covered in a previous statement).
- Victim's reasons for withdrawing the allegation.
- With whom they have discussed the case – particularly anyone who has advised them (a solicitor, for example).
- Whether any civil proceedings have been, or are likely to be, instigated.
- Impact on the victim's life and that of any children if the case continues.

Retraction statements should be forwarded to the CPS and accompanied by a background report from the officer in the case, to include their views of the case.

In addition to taking a retraction statement staff are required to complete an up to date risk assessment with the victim face to face. This updated assessment of risks must include intelligence checks and the CPS must be updated. The CPS must also be informed of any changes in risk.

A MG6 form must be used to accompany the retraction statement and risk assessment and needs to include the following information:

- Comments on veracity of retraction.
- Victim's views on whether to proceed, to include views on special measures and views on application for restraining order.
- Risk assessment to include assessment of fear / intimidation.
- Likely reaction of victim at being compelled to give evidence.
- Number of offences since charge (if any).
- Police perception on reason for retraction.

This information together with the risk assessment will assist in determining whether the case proceeds.

The risk assessment should be discussed with your supervisor and must be recorded on Niche together with the safeguarding measures taken to address the risks.

18. DA involving Police Officers and Police Staff

18.1 As police officers and staff, we hold positions of authority and power. We are entrusted by our communities to respond to reports of DA, to support victims and to bring perpetrators to justice. We recognise that how we respond to reports of DA involving our

own officers and staff will reflect on our organisation and the confidence that both our staff and our communities have in our commitment to tackling DA.

We pledge to create a culture, within our organisation and amongst our staff, in which DA is never tolerated, minimised, or excused; a culture which is supportive, non-judgemental, and empowering to those who experience abuse. We will offer support and preventative interventions for colleagues who are concerned about their own behaviours. Where an individual chooses to engage in abusive behaviours, we will respond robustly and hold them to account.

Officers and staff who experience DA may find it especially difficult to report it. They may have a sense that their role, training, and increased awareness of DA means that it should not happen to them.

Where the perpetrator is a serving officer or staff member, there may be concerns that they could abuse their position to manipulate the situation, frustrate an investigation or improperly access personal information about their partner. Refer to Abuse of Position for a Sexual or Improper Emotional Relationship or Purpose (Surrey and Sussex).

All reports of DA, where the victim or suspect is a police officer or police staff (including Special Constables and volunteers), should be taken seriously, with a response that is robust and respects the sensitivity of the matter for all involved.

Refer to the DA Toolkit and Pledge - Police Perpetrated Domestic Abuse document.

19. Victims with Insecure or Uncertain Immigration Status

19.1 When responding to reports of DA, it is widely understood that we need to be victim-focused and to have them at the centre of our considerations, especially when considering safeguarding and keeping them safe from future harm.

DA is complex, but recent developments have highlighted how much more complex the situation can be for people, especially victims of DA, who are in the UK illegally or for those who have uncertain or insecure rights to remain here. We recognise that:

1 – People experiencing DA may be less likely to report it to police for fear of their case being reported to Immigration Enforcement, which could lead to enforcement action or removal from the UK, and

2 – Abusive partners can use an individual's insecure immigration status as a means to coerce, control, or abuse them. This may be more likely in cases where the abuser has settled immigration status or is a UK national, but the victim does / is not.

In some cases, where there is a clear rationale, it may be appropriate to share information with the Home Office Immigration Enforcement (HOIE). However, conducting checks on an individual's immigration status, or referring an individual to HOIE, is likely to result in enforcement action being instigated.

Unless there is evidence that the victim has committed an offence (which must amount to more than simple doubt about their immigration status), officers must stop sharing information on DA victims with Immigration Enforcement. Instead, police officers should link the victim to a third party that can provide advice and assistance (See section 22 – Support Agencies and Victim Hubs).

Where a referral to HOIE is considered appropriate, the rationale for doing so must be recorded on the OEL.

20. Victims Out of Force

20.1 Where a victim of DA resides out of force and arrangements are being made for the other force to take responsibility of safeguarding the victim, the OIC must obtain formal confirmation from the other force that they have accepted safeguarding responsibility. This must include what safety measures will be put in place and how any updates will be provided. This information must be documented on the Niche OEL.

It is required that an intelligence log is created that shares what the safeguarding measures are across both forces ensuring that Specialist Crime Command (SCC) intelligence disseminate to the relevant force.

21. Offences Outside of the UK (Extra-Territorial Jurisdiction)

21.1 Where appropriate, UK nationals and those habitually resident in the UK, who commit certain violent and sexual offences outside of the UK, may be brought to trial here. For further information and the list of offences to which this applies, please refer to the [Domestic Abuse Act 2021 \(Section 72\)](#).

22. Support Agencies and Victim Hubs

22.1 It is important for victims of DA to feel supported when dealing with DA related incidents, regardless of whether they have been reported to the police. There are a number of agencies and charities that provide support to victims of DA.

These organisations have IDVAs who work alongside the police and other criminal justice agencies, to provide support to victims of DA.

IDVAs work primarily with people at high risk of DA, in some areas only those referred to a MARAC, to secure their safety and that of their children. They are often the main point of contact and work to assess level of risk, discuss options and develop safety plans, alongside the police. IDVAs should maintain current information about victims and witnesses in DA cases. They should also update police officers responsible for the case, and attend and contribute to MARACs, as required.

Commissioned victim support providers are as follows:

- Specialist DA support in Brighton and Hove - [Brighton and Hove Domestic Abuse Specialist Service \(DASS\)](#)
- Specialist DA support in East Sussex - [Change Grow Live \(CGL\)](#)
- Specialist DA support in West Sussex - [Worth Services](#)
- Specialist rape and sexual violence abuse service for Sussex - [Survivors' Network](#)
- The specialist stalking advocacy services for Sussex - [Veritas Justice](#).
- Brighton and Hove Refuge provision for Women aged 18+ and their children (aged 0-18) - [Stonewater](#).

Victim Hubs based in Brighton, Eastbourne, Hastings, and Horsham have a multi-agency function, comprising police and partners from the main commissioned victim support providers. The Hubs follow the principles of the MASH by co-locating the main commissioned victim support service providers in a single consolidated hub. The Hubs reduce duplication and provide an enhanced victim experience by ensuring a more co-ordinated and co-located approach to victim support provision and will reduce the risk of re-traumatising victims by having to recall their story to multiple providers. In addition, they support a common needs assessment for victim support across service areas. The Hubs enable a more effective feedback loop between victim support providers and investigators. Information on other local support agencies (not just DA), can be accessed at www.safespacesussex.org.uk.

22.2 The Daisy Chain Project and WEProtect

The [Daisy Chain Project](#) offer free legal support to those experiencing, or fleeing, DA and can offer advice, support, and representation on matters such as: emergency ex parte injunctions, non-molestation orders, child contact in DA situations and divorce in DA situations. Referrals can be made by the victim or police by emailing info@thedaisychainproject.com

For East Sussex, referrals for early legal assistance and intervention can be made using the WEProtect app. Further details can be accessed at [WEProtect](#).

Police officers are encouraged to refer victims of DA to the many support services that are available to them. This helps the victim to feel supported in the process of positive action or arrest.

23. Domestic Violence Disclosure Scheme (DVDS)

23.1 The DVDS, also known as Clare's Law, was introduced to set out procedures that could be used by the police to disclose information about previous violent or abusive offending, (including emotional abuse, CCB or economic abuse) by an individual, where this may help protect their partner, ex-partner, and any relevant children, from violent or abusive offending.

23.2 It relies on the polices' common law powers to prevent crime and provides a structure to exercise those powers.

23.3 The guidance for executing a DVDS is statutory. It imposes a duty for police to have regard to the guidance and justify any deviation from the outlined course of action.

23.4 The DVDS recognises two procedures for disclosing information:

- The 'right to ask' route, which enables members of the public to make a direct request to the police for information.
- The 'right to know' route, which requires safeguarding agencies to make a proactive decision to disclose information to protect a potential victim.

In either case, the information can only be shared between agencies and the disclosure made to the applicant if both the information sharing and the disclosure are lawful, necessary, and proportionate to protect the potential victim from further crime. Refer to the intranet for information on the DVDS process.

24. Firearms

24.1 Please refer to Seizure of Legally Held Firearms and Certificates Policy (Surrey and Sussex) (1173) for the action to be taken when dealing with a domestic incident where one or more of those involved holds a firearms licence or is known to have access to a firearm.

25. Cyber Enabled Abuse

25.1 This can include a number of different areas. It is important to consider that whilst we use the term cyber enabled, it is in fact simply another way in which perpetrators commit DA and it is important to risk assess and investigate accordingly.

The term cyber enabled refers to traditional crimes which are perpetrated online instead of in person. Image based abuse is an example of this, or crimes which are assisted by technology such as tracking a victim using a tracking device.

Clearly the posting of intimate images online is designed to distress, humiliate, and assert control over the victim and the posting of images online ensures a wider impact than say delivering or posting the images to neighbours of the victim or putting up posters in the area where the victim lives.

The signing up to dating websites pretending to be the victim is a cyber enabled crime, traditionally this would have instead been an entry in the local Friday ad or paper and whilst the impact is wider, the effect and crime are no different.

Cyber enabled abuse can also involve the victim being stalked or monitored by the perpetrator gaining access to the victim's online accounts or devices, by placing tracking or monitoring equipment on the victim's person, belongings, vehicle, property, by using existing online camera feeds or by installing spyware on a victim's devices. In these cases, it is important to establish how the victim is being tracked. A local Digital Media Investigator (DMI) can be contacted to assist and who can consider if the digital investigation support unit should be consulted.

Cyber enabled abuse should be dealt with in the same way as DA and will be investigated by Divisional investigations or SIU dependent on risk / nature of any linked crime.

Perpetrators will sometimes upload images or create posts on nefarious non-law enforcement friendly websites however if the image or post has been posted on a particular website then it is worth considering requesting the image or post is removed, normally this is done because the perpetrator would have breached the terms and conditions of use. This can either be done directly or via National Fraud Intelligence Bureau (NFIB) (City of London) and the Cyber Crime Unit can be contacted for a copy of the latest request form to do this.

In all cases of cyber enabled abuse, digital safeguarding for the victim should be considered by the attending officers and investigating officer. If the cyber enabled abuse is particularly complex or high risk, then a local DMI should be contacted for advice and a digital safeguarding intervention considered.

A digital safeguarding intervention can be quite intrusive and therefore it is key that the victim is consenting. It involves looking at all the victims online accounts and either increasing security or removing them. In the most serious of cases, it can also involve a complete removal of data from a laptop or phone or a victim creating a completely new and separate online presence.

Most local DMIs can undertake a digital safeguarding intervention. However, in cases where they cannot or where a very high risk or very complex case is identified please contact the Surrey and Sussex Digital Investigation Support Unit to discuss.

Team: Public Protection