

# GWENT POLICE

## DOMESTIC VIOLENCE POLICY



Heddlu  
Gwent  
Police

### SUMMARY

**STAFF ARE REMINDED THAT THIS SUMMARY IS STRICTLY AN OVERVIEW OF THE KEY ELEMENTS OF THE DOCUMENT AND FOR A MORE COMPREHENSIVE EXPLANATION THE WHOLE OF THE DOCUMENT SHOULD BE READ**

The key element of the policy is the commitment to a policy of robust intervention, based on positive action and a thorough risk assessment of each of case of Domestic Violence, leading to an intelligence led approach with multi agency involvement in case management.

The principle scope and aims underpinning this policy are set out at Par [2.0 Policy Statement & Intentions](#).

The detailed operational instructions required to implement this policy are contained in Section 1 Paragraphs 1.1-1.2.24 of the related procedural document.

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## 1.0 Policy Identification Page

This policy has been drafted in accordance with the principles of Human Rights Legislation public disclosure is approved.

### **Policy Title: Domestic Violence**

Reference: 410/2 issue 3

**Underlying Documents:**  
2004 ACPO Guidance (CENTREX)

**Protective Marking:**  
Not protectively marked

### **Policy Ownership:**

**Portfolio/Business Area Owner:** Detective Superintendent, C.I.D. Support

**Policy Written By:** D.I. Family Support Unit. HQ

**Department Responsible:** Family Support Unit

**Lead:** Detective Superintendent, C.I.D. Support

**Links to other Policies:** Child Protection, Force Crime Strategy, NIM, Crime Recording, Data Protection, Information Security, Race Equality Scheme, Disability Equality Scheme, Victim Support Referral, Taking of Forensic Samples, Multi Agency Public Protection Arrangements, CHIS, Sudden Deaths, Hate Crime, Health and Safety, Interpreters, Management of Cares Data Base, Management of Victim Interview Suites, Missing Persons, Osman Warnings, Media, Surveillance, Serious Sexual Offences,.

**Policy Implementation Date:** OPG 7th.Dec. 2006

**Policy Review Date:** Annually Commencing 1<sup>st</sup> April 2008

## 2.0 Policy Statement & Intentions

### 2.1.1 Principle & Scope

It is the policy of Gwent Police: -

To regard Domestic Violence as intolerable and to ensure all incidents of domestic violence that come to police notice are treated as seriously as any other crime against the person.

Effective application of the policy and the related procedures will maintain and enhance public confidence in our domestic violence policy by delivering an equitable service of the highest professional standards.

The arrangements and guidance contained in the supporting document provide a framework for investigation. Commencing with the report of an incident domestic violence, the framework progresses through all stages of an investigation. The process provides a structure for investigation of domestic violence with clear guidance at each point.

The information gleaned during investigations will be collated and where appropriate shared with partner agencies.

Adherence to the framework will ensure that all domestic violence incidents are subject to a risk assessment process.

This process will assist in the identification of repeat victims, and provide intelligence on repeat offenders.

The following benefits will accrue:

- Informed decision making in all cases:
- Appropriate involvement of statutory and voluntary agencies:
- Timely and relevant safety planning:
- Identification of children exposed to incidents of domestic violence:
- Good organisational memory:
- A clear monitoring and audit trail:

### 2.1.2 Aims of Policy

- (i) To establish and maintain a vigorous corporate and professional and where appropriate multi agency approach to cases of domestic violence.
- (ii) To ensure positive action is taken in relation to all domestic violence issues
- (iii) To reduce the overall number of domestic violence incidents
- (iv) .To reduce repeat victimisation.
- (v) To improve the quality of service and support to victims.
- (vi) To ensure that perpetrators of Domestic Violence are held to account

## 3.0 Introduction

### 3.1. Origins Background Information

The policy and related procedural document, written locally, supports Gwent Police Policy on domestic violence. It replaces previous policy and procedures and reflects [ACPO Guidance on Investigating Domestic Violence. \(CENTREX 2004\)](#)

Historically domestic violence has not always been given the highest priority by the police service. Often Police intervention in “domestics” was seen as “interfering in private affairs, or being worthy of little police effort as “successful prosecutions” were rare. A negative police attitude often developed as officers saw them selves as “stuck in the middle of warring factions”. This negativity became entrenched when as often the case victims would not provide written evidence or, having done so, refuse to co-operate with a prosecution.

It is no longer acceptable to allow these difficulties, if they exist, to influence police decision making in domestic violence issues. The Human Rights Act places a duty of positive action on officers. This translates into a requirement for officers to always consider arrest suspects whenever evidence is available. A decision not to arrest must be well founded and the reason(s) recorded.

In order to mount a successful prosecution the evidence of the victim whilst, clearly desirable and should be sought, is not always essential. Medical, Forensic, eye witness evidence of others, i.e. Police Officers, relatives and any person with first hand knowledge of the issues will be considered by the Crown Prosecution Service, and where appropriate accepted by the courts.

There is today a greater awareness that intervention at an early stage on a multi agency basis has a beneficial effect for the victim by decreasing the risk of repeat victimisation and providing support and security.

### **3.2 Motivators/Driving Forces**

3.2.1 The motivation for the policy and the related procedures is the fact that nationally domestic violence accounts for approximately 25% of all violent crime and 70% of homicides. These figures are reflected in the Gwent Police area.

Timely, targeted multi agency intervention will contribute to a positive impact on these crimes.

3.2.2 Further impetus to the implementation of the procedures is the 2004 ACPO guidance (CENTREX) which sets out a nationally agreed process for the managing of domestic violence related crimes and related matters.

### **3.3 Legal Basis/ Legitimate Aims**

#### **3.3. Legal Basis**

The lawful authority for the exercise of the powers and duties outlined in this Policy is contained in: -

1. Common Law
2. Police & Criminal Evidence Act 1984.
3. Criminal Justice Act.1988
4. Offences Against the Person Act 1861.
5. Sexual Offences Act 1956.
6. Public Order Act 1986.
7. Criminal damage Act 1971.
8. Protection From Harassment 1997.
9. Criminal Justice & Public Order Act 1994.
10. Children's Act 1989.
11. Youth Justice & Criminal Evidence Act 1999
12. Race Relations Act 1976 (as amended by the Race Relations Act 2000)
13. Family Law Act 1996.
14. Human Rights Act 1998 & European Convention on Human Rights.
15. Domestic Violence, Crime & Victims Act 2004.
16. Serious & Organised Crime & Police Act 2005

#### **Documents used in an advisory capacity include:-**

- (1) ACPO Guidance on Investigating Domestic Violence (CENTREX 2004)
- (2) Sharing Information in the Context of Domestic Violence HO Dev.&Practice Report 30
- (3) ACPO Guidance: - Police Officers who Commit Domestic Violence-Related Criminal Offences

## **Legitimate Aims**

Gwent Police considers that the actions detailed in these policies are necessary in a democratic society in the interests of: -

- (i) Public Safety.
- (ii) The protection of safety and morals.
- (iii) The prevention of disorder or crime.
- (iv) The protection of the rights of others

## **3.4 Definitions**

### **Domestic Violence**

Domestic Violence is not a specific statutory offence. The term is used to describe a range of criminal - and sometimes sub criminal behaviour. ACPO Nationally and Gwent Police have a common view on the definition of Domestic Violence.: -i.e. “ Any incident of threatening behaviour, violence or abuse (psychological, physical sexual, financial or emotional) between adults, who are or have been intimate partners\* or family members, regardless of gender.

### **Intimate Partners.**

There must have been a relationship with a degree of continuity and stability. The relationship must also have, or have had, a sexual aspect, such as in a relationship between a husband and wife or between others generally recognised as a couple- including couples of the same sex. The partners or co-partners need not be living together on a full time continual basis and need never to have done so.

### **Family Members.**

Family members are defined: - as mother, father, son, and daughter, brother, sister, grandparents, in-laws and stepfamily.

### **Domestic Homicide**

The killing (including murder, manslaughter and infanticide) by one family member of another (including killings by and of children) or by a current/former partner

## **4.0 Implications of the Policy**

### **4.1 Financial Implications/Best Value**

This policy will adhere to the principles of best value. There are no known financial implications other than those already incurred and those referred to at 4.2. below.

## **4.2. Human Resources /Training**

Domestic Violence Co-ordinators will require, administrative support in order to facilitate the risk categorisation and Multi Agency process in a timely manner.

Training will be required as shown: -

### **Call Handlers (Call Centre/ F.C.R. Staff.)**

Trained with modules 1&2 of Centrex Responses to Domestic Violence Modular Training Programme

### **First Response (Uniform Patrol Officers.)**

Trained with modules 1&3 of Centrex Responses to Domestic Violence Modular Training Programme and use of Gwent Police risk indicator tool. (DV1)

### **Domestic Violence Liaison Officers (Uniform Patrol Officers.)**

Trained with modules 1,3,&5 of Centrex Responses to Domestic Violence Modular Training Programme and use of Gwent Police risk indicator tool.(DV1)

### **Specialist Domestic Violence Officers. (Det.Con. Family Support Unit. FSU)**

Trained in accordance with the Initial Crime Investigators Development Programme for Domestic Violence co-ordinators and modules 1,3, 4,5,6&7 of Centrex Responses to Domestic Violence Modular Training Programme and use of Gwent Police risk indicator tool. (DV1) In addition DVO's will be trained in risk assessment processes, information sharing protocols, and the Multi Agency Risk Assessment Process.

### **Domestic Violence Co-ordinator. (Det.Sgt. (FSU)**

Trained in accordance with the Initial Crime Investigators Development Programme for Domestic Violence co-ordinators and modules 1,3, 4,5,6&7 of Centrex Responses to Domestic Violence Modular Training Programme. In addition DVCO's will be trained in risk assessment processes, information sharing protocols, and the Multi Agency Risk Assessment Conference Process

### **Public Protection Manager. (Det.Insp. FSU)**

Trained with appropriate modules of the Centrex Responses to Domestic Violence Modular Training Programme. In addition PPM's will be trained in risk assessment processes, information sharing protocols, and the Multi Agency Risk Assessment Process.

### **Custody Officers**

Trained with modules 1&3 of Centrex Responses to Domestic Violence Modular Training Programme and use of Gwent Police risk indicator tool. (DV1)

### **4.3 Strategic Plan Links**

Implementation of the policy and the related procedures contribute to the annual plan at: -

Key Priority 1: "Reducing overall and violent crime"

Key Priority 2: "Providing a citizen focused service which responds to the needs of individuals, especially victims and witnesses"

Key Priority 3: "Taking actions with partners to increase sanction detection rates and target prolific and other priority offenders"

Key Priority 4: "Reduce people's concerns about crime and anti-social behaviour"

### **4.4 Partnership Links**

Formal links with partner agencies exist in established local Domestic Violence Fora and the Pan Gwent Domestic Violence Forum. These links continue into the Multi Agency Risk Assessment Conference and in certain cases the Multi Agency Public Protection Arrangements.

### **4.5 Diversity**

4.5.1 Under Sec.7 (1) Race Relations (Amendment Act) 2000 Gwent police is required, to undertake pro-active work, to meet in full the General Duty of: -

- (i) Eliminating unlawful racial discrimination.
- (ii) Promoting equality of opportunity.
- (iii) Promoting good relations between people of different ethnic groups.

4.5.2 In the application of this procedure consideration must be given to the potential for social impact. Where it is appropriate and in accordance with the Gwent Police Race Equality Scheme a community impact assessment will be undertaken within the first four hours of the start of an investigation of any critical incidents and/or serious crime. The assessment will be reviewed periodically throughout the entirety of the investigation. The Senior Investigating Officer will manage this process.

4.5.3 Monitoring will be undertaken to ensure there is no adverse impact either positive or negative upon any one particular social group or individual. The results of qualitative and quantitative monitoring must be analysed, available for publication and change implemented as appropriate.

4.5.4 All officers and police staff using this policy must be aware of the potential impact on the individual(s) involved.

The following strands of diversity and the corresponding pieces of legislation have been considered:

- Welsh Language Act 1993
- Race - Race Relations Act 1976
- Race Relations Amendment Act 2000
- Disability Discrimination Act 2005
- Gender - Sex Discrimination Act 1995

- Equal Pay Act 1970
- Age - Article 13 Treaty of Amsterdam (2006)
- Sexual Orientation - Article 13 Treaty of Amsterdam (2003)
- Religion - Article 13 Treaty of Amsterdam (2004)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

#### **4.6 Consultation.**

##### **External**

Externally consultation has taken place with partner agencies in Health, Social Services, Education CPS, Probation Services and voluntary agencies i.e. Women's Aid & BAWSO

Additionally at an operational level consultation and partnership working arrangements will continue via Multi Agency Risk Assessment Conferences (MARAC) within each territorial division.

Strategically consultation will be a continuous process with our partners via the local and Pan-Gwent Domestic Abuse Fora.

##### **Internal**

Police Authority

ACPO

Divisional and Departmental Heads

Information Security Officer/Data Protection Officer

Superintendents Association

Federation

UNISON

Force Solicitor

Freedom of Information Officer

Gwent Woman Police Association

Gwent Black Police Association

Gwent Disability Network

Gwent Police Gay Support Network

## 5.0 Human Rights Consideration Certification

### 5.1 Auditing for potential interference and discrimination

*The following Articles of the Human Rights Act 1998 may be engaged: -*

*Article 1. Right to life*

*Article 5. Right to liberty*

*Article 6 Right to a fair trial*

*Article 8. Right to a private life.*

*Article 9. Freedom of thought, conscience and religion*

*Article 14. Prohibition of discrimination*

*There is a potential to discriminate. Historically the vast majority of victims in cases of domestic abuse are female, however: -*

*"In the application of this Policy the Force will not discriminate against any persons regardless of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status as defined under article 14 of the European Convention on Human Rights ".*

### 5.2 Key Human Rights Principles

5.2.1 The legal basis for this Policy is set out at Section 3.3.1

5.2.2 There is a potential for interference with individual rights protected in Articles 8-11 Human Rights Act through the exercising of this Policy. However Gwent Police believe that this potential is compatible with the convention as there is a legitimate aim in protecting the interests listed at Articles *Article 1. Right to life*

*Article 5. Right to liberty*

*Article 6 Right to a fair trial*

*Article 8. Right to a private life.*

*Article 9. Freedom of thought, conscience and religion*

*Article 14. Prohibition of discrimination.*

5.2.3 Staff will be aware of the defined decision making processes by reference to this document and the related procedural document in particular Section 1. Initial and ongoing training will reinforce this process.

5.2.4 All documentation of decision making will be within the standardised crime recording and investigation documents process. Additionally there is a specific process relating to domestic violence. This process commences with the computerised transfer of ORIS logs closed as domestic violence incidents to the Family Unit database. (FUD) The risk assessment policy together with the Multi Agency Risk Assessment Conference (MARAC) process decisions taken, will be recorded on FUD.

5.2.6 Guidance on the justification for assessments and actions being the least intrusive is contained in Section 1 of this document

### **5.3 Rights, Publication, Audit and Inspection**

Rights: The right to appeal or make representation in connection with the application of this policy will be: -

- (i) Through the Criminal and Civil Courts
- (ii) Aggrieved persons can pursue complaints against police via the Independent Police Complaints Commission and/or the Professional Ethical Standards Unit of Gwent Police
- (iii) Police staff and Police officers will also have recourse to the Gwent Police Grievance Policy.
- (iv) Other than when to do would comprise legal proceedings, informal discussions between an appropriate officer and persons involved in the issue may take place.

Publication: This policy will be categorised as 'not protectively marked'. It is appropriate to release the document for public use.

Inspection/Independent Scrutiny: The Policy is available for scrutiny by the Police Authority/HMI.

### **5.4 Certification of Compliance**

*Consideration has been given to the compatibility of this policy and related policies and procedures with the Human Rights Act; with particular reference to the legal basis of its precepts: the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making process's and outcomes of actions.*

### **5.5 Legal Vetting**

**There are no issues in this policy under ECHR, which cannot be resolved.**

**This policy has been vetted.**

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### **6.0 Promotion and Distribution**

#### **6.1 Internal**

This policy will be distributed via Gwent Police General Orders and be available on the Gwent Police Intranet on the policy site. It will also be highlighted on the Headquarters Family Support Unit website. Both policy and procedure will be highlighted at briefings by Domestic Violence Officers and by the Det.Insp FSU to Senior Detective Conferences and Divisional management meetings.

## **6.2 External**

This policy is suitable for general publication. It will be published on the Gwent Police Internet Website, policy page. Members of the public will be provided with a paper copy on request.

## **7.0 Monitoring / Review**

### **Monitoring**

At an operational level the application of these policies will be monitored by

- First line supervisors who, on a case by case basis are responsible for monitoring the initial response to DV and the development of subsequent investigations, including recording processes, quality and timeliness of prosecution files.
- Domestic Violence Co-ordinators who will monitor progress and quality of risk assessments by reviewing the decision of the DVO in very high and high-risk assessments & dip sampling cases assessed as medium or standard risk.
- Public Protection Managers will monitor progress and quality of “very high risk” assessments through the MARAC process & dip- sampling cases categorised as “high risk”.

At a strategic level, the effectiveness of the policy and procedure will be monitored through the local and Pan Gwent Domestic Violence Fora.

Included in the monitoring will be analysis of: -

- Repeat victimisation
- Repeat offending
- Impact on minority groups

### **Review**

In addition to an annual review, the Det.Insp. HQ FSU will subject the policy and procedure to continuous review and where appropriate amendment in the light of, operational experiences, amendments to legislation, and ACPO guidance.