

JOINING THE DOTS:

domestic abuse, civil and criminal justice and technology

Why civil and criminal justice need to work better together to protect victims of domestic abuse



About Crest

Crest Advisory is an independent consultancy, specialising in criminal justice and policing. We provide analytical, policy and communications support to organisations who share our mission: building safer and stronger communities.

About CGI

Founded in 1976, CGI is one of the world's largest IT and business consulting services firms. We help clients achieve their goals, including becoming customer-centric digital organisations, through high-end IT and business consulting, systems integration and outsourcing services combined with a unique client proximity model and global center of excellence network.

CGI has built a deep understanding of criminal justice and public safety challenges across the UK, Europe and North America based on close relationships with our clients. Our integrated solutions help clients adopt modern and efficient work practices to support crime prevention and community policing; crime detection and analysis; courts, prosecution and probation; judicial administration; and border management.



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Foreword by Katy Bourne



The ideas proposed on the following pages are based on sound logic. After all, why would we not want to improve justice for victims of domestic abuse?

My experience over the past six years as a Police and Crime Commissioner has put me at close quarters with many victims of domestic abuse as well as a range of dedicated professionals all committed to supporting victims with their immediate needs and protecting them into the future.

Sadly, legacy technology systems and historical protocols mean that victims of domestic abuse have to navigate an ageing criminal justice system that hinders information-sharing between agencies that would better protect them, and better manage perpetrators.

The public sector has always been information-rich whilst intelligence-poor. Legislation in the 21st century is struggling to keep up with digital advances and the exponential growth in personal data production and data management. Although we live in a digital age we are quite rightly protective of personal data, and statutory agencies are naturally wary of breaching data protection regulations.

The analysis by Crest of the tensions and disconnects between civil and criminal justice shows that, by design and default, the interests of disparate parts of the criminal justice system are preventing it from functioning holistically in the interests of victims of domestic abuse.

We therefore need to work in partnership with organisations that can embed technology that allows us to share information to protect our most vulnerable people, and to place support and protection which is accessible in a meaningful way.

I really welcome a debate about dismantling structural, technological and cultural barriers to information sharing. Forthcoming legislative changes mean that all of us in the criminal justice system should be ensuring that every opportunity to prevent domestic abuse should be taken, as should every opportunity to deter or prosecute perpetrators.

If that means more awareness-raising and training of staff in the available protective measures for victims and sanctions against perpetrators, we should regard that as an investment not a cost. After all, such an investment will surely deliver a future safe from fear and harm for individuals, families and communities whilst lowering costs to the criminal justice system.

Introducing the CGI and Crest Advisory partnership

Crest Advisory and CGI have undertaken this research project to identify ways to address the twenty-first century challenges of tackling domestic abuse across the justice system and beyond. Our aim is to connect research, policy, lived experiences and technology to be able to explore ways that systems and processes could better protect vulnerable people and prevent domestic abuse now, as well as looking at where the opportunities lie for solutions for the future.

As the provider of integrated solutions across every stage of the justice system, from crime prevention and community policing to courts, prosecution and probation; CGI is in a unique position to use data to help identify challenges and drive change. This partnership, therefore, aims to identify practical ways to deliver better outcomes to victims, survivors and those at risk of domestic abuse.

Through this project we aim to:

- Expand knowledge and use of existing policing resources and systems
- Stimulate debate among stakeholders across civil and criminal justice about what practical steps could deliver 'quick wins' in tackling priority crimes such as domestic abuse
- Create a link between technology and professionals to devise new solutions to solve existing problems
- Equip the civil and criminal justice systems with smarter tools to tackle priority crimes such as domestic abuse

Our starting point was to understand how problems we know about currently can be solved using existing systems and tools. Having identified the disconnect between the civil and criminal justice systems as a possible area warranting further exploration, Crest Advisory and CGI set out to examine the issues and devise and test innovative solutions. We have run a series of workshops bringing together criminal and civil justice practitioners, stakeholders and experts to look at challenges related to domestic abuse. In addition to the series of roundtable meetings we have held individual meetings and briefings with senior stakeholders.

This report brings together the technical intelligence and public safety expertise of CGI with Crest's deep understanding of criminal justice, bolstered by evidence, insights and research undertaken by sector experts gathered over a period of six months.

We hope that criminal and civil justice leaders will find this report useful and use it as a catalyst for change. With new legislation on domestic abuse expected imminently, we believe now is the time to identify systemic issues and put forward solutions to address them. Victims of domestic abuse need and deserve a criminal and civil justice system that work in harmony to support and protect them.

The domestic abuse landscape

What is domestic abuse?

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

Domestic abuse: high impact and high cost

Domestic abuse is a prevalent, high-impact crime with widespread and long-lasting consequences. Today in England and Wales there are estimated to be 6.5 million adults who have directly experienced domestic abuse, and overall one in four women and one in six men will experience domestic abuse in their lifetime.¹

Domestic abuse results in both huge personal cost to victims and their families, and substantial financial cost to society. Eighty-two women and thirteen men were killed by a partner or former partner in 2016/17.² Domestic abuse is the leading cause of morbidity in women aged 19-44, and victims are more likely than non-victims to suffer from a range of psychological, psychiatric and physical health conditions.³ Domestic abuse is also the leading cause of homelessness nationally.⁴ On a societal level, domestic abuse is estimated to cost £5.5 billion annually, including £1.6 billion for physical and mental health costs and £1.2 billion in criminal justice costs.⁵

In terms of the criminal justice system, domestic abuse represents a significant and growing proportion of agencies' workloads. The police recorded 1.1 million domestic abuse related crimes in the year ending March 2017,⁶ with domestic abuse now making up almost a third of all violent crime.⁷

¹The Prince's Responsible Business Network & Public Health England (June 2018) 'Domestic Abuse: A toolkit for Employers': https://www.bitc.org.uk/sites/default/files/bitc_phe_domestic_abuse_toolkit.pdf

²HM Government (2018) 'Transforming the Response to Domestic Abuse': https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

³NHS Barking & Dagenham (2018) 'What is Domestic Violence?': <http://www.domesticviolencelondon.nhs.uk/1-what-is-domestic-violence/>

⁴Living Without Abuse website: <https://www.lwa.org.uk/understanding-abuse/statistics.htm> quoting Shelter (2002)

⁵Walby, S.(2004) 'The Cost of Domestic Violence'

⁶ONS (November 2017) 'Domestic abuse in England and Wales: year ending March 2017': <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017>

⁷ONS (November 2017) 'Domestic abuse in England and Wales: year ending March 2017': <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017>

The growth in police recording of domestic abuse incidents has been dramatic, rising by over 88% since 2013. Though these range widely in seriousness, from lower level, low risk incidents up to coercive control and serious violence, each incident requires a police response. There have been concerns in recent years that police have been ‘overwhelmed’ by this increase in domestic abuse demand.⁸ Currently, domestic abuse accounts for 11% of crimes recorded by the police and 16% of prosecutions.⁹

However, whilst the police and other criminal justice agencies devote a considerable amount of resource to domestic abuse, the current low levels of reporting (an estimated 80% of incidents are unreported)¹⁰ means that, should reporting increase, there is potential for agencies’ workloads to increase substantially. It is estimated that the actual number of adults experiencing domestic abuse each year is in the region of two million.¹¹

Overall, it is recognised that policing has improved its response to domestic abuse in recent years with forces arresting more perpetrators and making better use of the powers available to them. However, it remains the case that there is scope for further improvements and, more broadly, that domestic abuse is not something police can tackle alone - forces must work closely with other agencies.¹²

The government response

In the three decades since the Home Office first issued police guidance on responding to domestic abuse,¹³ governments of all colours have made substantial progress in improving the response of the police and justice agencies to victims and perpetrators of domestic abuse. Whilst in the past the police were often reluctant to intervene in violence in the home, viewing it as a private matter, or dismissing it as ‘non-serious’, victims today are far more likely to be taken seriously by the police and wider criminal justice system.¹⁴

The culture change across justice agencies has been accompanied by (and to an extent driven by) legislative and policy change. This includes the passing of the Family Law Act in 1996, which strengthened legal remedies for victims, including the introduction of non-molestation orders; the 2004 ‘Domestic Violence, Crime and Victims Act’ which introduced a variety of changes including criminalising breach of a non-molestation order; the establishment in 2006 of Specialist Domestic Violence Courts; the introduction of the ‘DASH’ risk assessment tool in 2009; the 2010 ‘Crime and Security Act’ which introduced Domestic Violence Protection Orders; the implementation of the Domestic Violence Disclosure Scheme (Clare’s Law) in 2013, and; the 2015 ‘Serious Crime Act’ which introduced the new offence of controlling or coercive behaviour.

The current government has stated that tackling domestic abuse is an ‘absolute priority’,¹⁵ and as well as committing £100 million to combat violence against women and girls until 2020 has recently consulted on proposals to be included in a new Domestic Abuse Bill, with legislation expected to be brought forward in late 2018. The upcoming Bill is expected to enshrine the definition of domestic abuse in law, create a statutory Domestic Abuse Commissioner, and reform existing protection orders.

⁸HMIC (2015) ‘Increasingly everyone’s business: A progress report on the police response to domestic abuse’:

<https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/increasingly-everyones-business-domestic-abuse-progress-report.pdf>

⁹ONS (November 2017) ‘Domestic abuse in England and Wales: year ending March 2017’: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017>

¹⁰HM Government (2018) ‘Transforming the Response to Domestic Abuse’: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

¹¹HM Government (2018) ‘Transforming the Response to Domestic Abuse’: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

¹²HMICFRS (2017) ‘A progress report on the police response to domestic abuse’: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

¹³The first official guidance to the police outlining their role and responsibility in protecting women (and children) from violence in the home was issued by the Home Office in 1986

¹⁴The HMICFRS have stated that: “Attitudes of frontline officers have started to improve, along with their understanding of the importance of dealing with victims in a supportive and sympathetic way”. HMICFRS (2017) ‘A progress report on the police response to domestic abuse’: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

¹⁵HM Government (2018) ‘Transforming the Response to Domestic Abuse’: https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

Existing options for victims of domestic abuse: criminal vs civil justice

Victims of domestic abuse have two avenues open to them in securing an official response to domestic abuse: a criminal justice response, and a civil justice one.

A victim choosing to pursue a criminal justice response will be reliant on the police to investigate and the Crown Prosecution Service (CPS) to make a charging decision and prosecute the case in either the Crown or Magistrates' court. As there is no offence of domestic abuse, perpetrators can be prosecuted for offences under a number of statutes, including:

- Criminal damage under the Criminal Damage Act 1971 s1 (1)
- Common assault under the Criminal Justice Act 1988 s39.
- Threats to kill under the Offences Against the Persons Act 1861 s16.
- Harassment under the Protection from Harassment Act s2(1) and (2), 4(1).
- Threatening behaviour under the Public Order Act 1986 s4.
- Sexual assault under the Sexual Offences Act 2003 s3.

In addition to building a case for prosecution, since 2014 the police have had the power to provide immediate protection to the victim by issuing a Domestic Violence Protection Notice (DVPN), which compels a suspected perpetrator to leave the victim's home for 48 hours. In order to extend the protection available to victims, police must then apply to the Magistrates' court for a Domestic Violence Protection Order, which can ban the perpetrator from the home for up to 28 days.

Victims not wishing to go down the criminal route may choose instead a civil remedy, primarily a non-molestation order (NMO) or an occupation order. NMOs were introduced as a civil order under the Family Law Act 1996, and in 2007 breach of a NMO became a criminal offence.

NMOs aim to prevent a partner or ex-partner from 'using or threatening to use abuse or engaging in intimidating, harassing or threatening behaviour in order to ensure the health, safety and well-being of family members'.¹⁶ Breach of an NMO is dealt with by the criminal courts and incurs a maximum penalty of five years' imprisonment. The court has wide discretion when deciding whether to grant a non-molestation order and approximately 26,000 NMOs were issued in 2017, alongside just over 2,000 occupation orders.¹⁷

Occupation orders aim to prevent the perpetrator from entering the home or the surrounding area. Whilst breach of an occupation order is not a criminal offence, the court can attach a 'power of arrest', allowing a police officer to arrest without a warrant where there is reasonable cause to suspect a breach.

Both NMOs and occupation orders can be obtained directly by the victim without any police involvement. There are a number of charities which help victims who want to go down this route, such as the National Centre for Domestic Violence which provides a free injunction service to victims of domestic abuse.

¹⁶The Police Foundation (2014) 'The briefing: policing domestic abuse': http://www.police-foundation.org.uk/2017/wp-content/uploads/2017/08/domestic_abuse_briefing_final.pdf

¹⁷MoJ, Family Court Statistics Quarterly: January to March 2018, Family Court Tables (Jan to Mar 2018, T17)

Domestic Violence Protection Notices (DVPNs) and Orders (DVPOs)

DVPN:

- **Aim:**
To provide emergency protection to a victim of domestic abuse and to give the victim time to consider their options and decide what to do next. The Notice contains prohibitions that prevent the suspected perpetrator from either returning to the victim's home or contacting the victim.
- **Obtaining:**
The notice may be issued to a person aged 18 years and over if a police superintendent has reasonable grounds for believing that:
 - the individual has been violent towards, or
 - has threatened violence towards an associated person, and
 - the DVPN is necessary to protect that person from violence or a threat of violence by the intended recipient of the DVPN.
- **Next steps:** A DVPN lasts for 48 hours, during which time the police must submit an application for a Domestic Violence Protection Order (DVPO) to the Magistrates' Court.

DVPO:

- **Aim:**
These orders can be put in place more quickly than civil injunctions (see below), and enable the police and magistrates to put in place protection in the immediate aftermath of a domestic abuse incident. Using a DVPO, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days.
- **Obtaining:**
Magistrates can make a DVPO if two conditions are met:
 - The court is satisfied on the balance of probabilities that the recipient has been violent towards, or has threatened violence towards, an associated person.
 - The court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by the recipient.

Why choose a civil remedy?

For most victims of domestic abuse their overriding need is for rapid protection from further harm and abuse. Whilst the first port of call for many victims will be the police, others choose not to follow the criminal route for a variety of practical, personal or ideological reasons. While doing so has the potential to deliver 'justice' for the victim, it can also prove gruelling, stressful, upsetting and extremely protracted. Victims of violent offences whose case reaches trial wait an average of 210 days between the offence and the completion of the trial,¹⁸ and only about half of all trials are 'effective' (i.e. go ahead on the day they are scheduled).¹⁹ Recent research with survivors of domestic abuse described the criminal justice process as 'a difficult and painful experience for victims'.²⁰ Some victims will therefore favour a civil remedy over other interventions (including prosecution) precisely because police and criminal justice involvement is not required.

Civil orders such as NMOs have a number of key advantages over the criminal justice route. They can be obtained quickly and more easily than a criminal justice intervention and with a lower standard of proof ('balance of probabilities' rather than 'beyond reasonable doubt'). However, despite the lower standard of proof needed to obtain them, breach of an NMO is a criminal offence. NMOs can therefore provide an alternative to criminal proceedings for victims who do not want to prosecute but want the abuse to stop. They also provide a degree of control to the victim as the case is taken by them, not the police or CPS, and they can be a useful tool in cases where there is a lack of evidence for the police to pursue criminal charges. NMOs also have a distinct advantage over a DVPO in that while a DVPO is a short-term measure, lasting a maximum of 28 days, NMOs may last indefinitely.

¹⁸Ministry of Justice (2018) 'Criminal Court Statistics Bulletin (January to March 2018 main tables)': <https://www.gov.uk/government/statistics/criminal-court-statistics-annual-january-to-march-2018>

¹⁹Ministry of Justice (2018) 'Criminal court statistics quarterly, England and Wales, January to March 2018 (annual 2017)': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/720026/ccsq-bulletin-jan-mar-2018.pdf

²⁰Mayes et al for Victim Support (2017) 'Survivor's Justice: how victims of domestic abuse experience the criminal justice system': https://www.victimsupport.org.uk/sites/default/files/VS_Survivor's%20justice.pdf

Connecting the criminal and the civil: an intractable problem?

The range and sophistication of criminal justice remedies for dealing with domestic abuse has grown rapidly in recent decades. By contrast, the civil remedies on offer have remained largely static for over 20 years, with the only significant change being the criminalisation in 2007 of breach of an NMO. This contrast is further reflected in research, public discourse, and government action, all of which almost exclusively focus on the criminal rather than the civil response to domestic abuse.

Despite the relative lack of attention civil protective orders attract, criminal justice practitioners are in broad agreement that they are an important tool for keeping victims safe and preventing the continuation or escalation of abuse. NMOs are viewed as particularly useful in this regard.

However, at present civil remedies are not proving as effective as they should be for two primary reasons; firstly, that there is a jarring disconnect between the civil and criminal justice systems (put plainly, the two systems don't talk to each other), and secondly, existing tools available to the police and others are not being used to their full potential (for example, the Police National Database).

The disconnect between the civil and criminal justice systems is rooted in their structures, systems and goals. The police and criminal courts, for example, are integral to the criminal justice response to domestic abuse, and therefore have processes in place to aid inter-agency working and communication. However, these same agencies can be on the periphery of the civil justice response, often having no role at all in the issuing or enforcement of civil measures. As a result, the police and criminal courts often lack clear and robust processes for working with the civil justice system.

In practice, this means that:

- basic information is not routinely shared between the police and civil courts;
- where information is shared it is not always timely;
- there is sometimes a lack of understanding amongst criminal justice practitioners about civil orders and what they mean in practice; and
- the criminal and civil justice systems do not always take full account of each other's judgements when sentencing/making orders.

In short, there is a significant disconnect between the civil and criminal justice systems which is undermining their ability to support and protect victims. The shortcomings fall into two main categories: information sharing/risk assessment, and enforcement.

This report seeks to explore how the criminal and civil justice systems could work together better to protect and support victims of domestic abuse, particularly those seeking civil orders. It looks at both how the practices of individual agencies could be improved as well as how existing technology could be better utilised. The aim is to prompt wider discussion and debate amongst justice practitioners, ministers, and other interested parties. The ultimate goal is that improvements are made to systems and processes so that victims of domestic abuse get the help and support they need and deserve.

Why now?

The Government is currently in the process of reviewing its approach to domestic abuse and is expected to bring forward legislation later in the year in the form of a Domestic Abuse Bill. The Bill is likely to include a substantial overhaul of the protective orders available to domestic abuse victims. The Government's 'Transforming the Response to Domestic Abuse' consultation contains a proposal to introduce a new 'Domestic Abuse Protection Order' which could be made in any one of the family, civil and criminal courts. Under current proposals it could be made by an individual victim (or party acting on their behalf), by a court during ongoing proceedings, or by an application from the police. In addition, the new order would have a range of conditions that could be attached to it, including prohibitions and positive requirements.²¹

In practice this would mean that the new order would cross the civil/criminal divide. It is therefore vital that any systemic problems in how the civil and criminal justice systems work together are identified and addressed now, so that they are not inadvertently built into the new protection order regime. Without solving the current problems inherent in the system, the Government's flagship new Domestic Abuse Protection Order risks being lost in the chasm between the criminal and civil justice worlds.

²¹HM Government (2018) 'Transforming the Response to Domestic Abuse': https://consult.justice.gov.uk/homeoffice-moj/domestic-abuse-consultation/supporting_documents/Transforming%20the%20response%20to%20domestic%20abuse.pdf

Lost in space? Civil orders in a criminal justice world

The Police National Computer (PNC) and Police National Database (PND)

The PNC:

- Is offender focused
- Contains details of people who are of interest to UK law enforcement because they have criminal convictions or are subject to the legal process
- Holds information on criminal justice outcomes including convictions, cautions, custodial history and bail conditions

The PND:

- Holds intelligence from 55 law enforcement agencies
- Information held covers domestic abuse, child protection and crime
- Contains over 4 billion records, including 14 million records relating to domestic abuse and 4 million concerning child abuse
- Can be accessed by all 55 law enforcement agencies, but is not available to agencies outside law enforcement
- Has the capability to link the offender, victim, event, and location
- Is used by law enforcement agencies to conduct over 4 million searches per year
- The primary reason for PND is to support national policing activities relating to child abuse and vulnerable adults

Connecting up: information sharing and risk assessment

The criminal justice system has two primary databases through which information on both suspects and convicted offenders is held and shared: the Police National Computer, which holds information on criminal justice outcomes including convictions, cautions, custodial history and bail conditions, and; the Police National Database, which holds information and intelligence that may not have resulted in a formal sanction (see text box above). Through use of these two systems, police and justice agencies are able to build a comprehensive picture of a suspect's offending history. However, such is the disconnect between the criminal and civil justice worlds, civil orders are not routinely or systematically entered onto either the PNC or PND. In the case of NMOs, the primary civil order protecting victims of domestic abuse, there is no national record of the orders made in either written or digital form.

In practice this means that victims themselves are responsible for holding a paper copy of the order, and a copy needs to be given to the local police so they are aware that it exists. In some cases there may be a digital record on policing systems, for example if it was obtained through the National Centre for Domestic Violence (NCDV: see text box on page 14), but this is neither guaranteed nor automated. In most cases a local police force will have no knowledge of the NMOs that have been issued across their police force area. There are two serious problems with this situation, firstly, that it places too much responsibility on the victims themselves to administer the order, and secondly, that it leaves police forces in the dark about people who may be vulnerable and at risk in their force area.

²²HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

For a victim to be responsible for carrying a piece of paper around with them, possibly indefinitely, can prove both onerous and stressful. This problem was highlighted in the HMICFRS' 2017 'progress report on the police response to domestic abuse':²²

"My non-molestation order – is that not on the police systems? When the officer came out to me, I've had to show him my copy. I've actually said to him, is this not on your systems by now? He had to take my copy to the station with him. One force had it on their system, but the other didn't."

This point was echoed by a specialist domestic abuse worker at one of our roundtable events:

"[As a victim with an injunction], you may have a lifetime order or a two year order, life goes on and carrying a bit of paper [every time] you go to the shops or on holiday or move house is quite an onus on the victim. So a centralised system which comes up automatically would be so much better, the victim doesn't need to keep repeating the story over and over again... It's traumatic to keep repeating the story."

- Domestic abuse specialist

Not only is the lack of a digital record frustrating for victims, it potentially puts them at unnecessary risk of harm. A victim who has been sufficiently harmed, threatened or intimidated to be in need of a NMO is clearly at risk and fearful for their safety. The fact that the police are not aware of the existence of an NMO means that that victim may not be on their radar. Not only does this prohibit them from doing any preventative work with that victim, it also means that in the case of a 999 call the officers attending will be unaware of the full circumstances of the victim. This hampers both the dynamic risk assessment and the officers' ability to respond in the most appropriate way.

"We need to know if someone not on our radar has been granted an order. It should generate a CRIS [Crime Recording Information Service] report and maybe a home visit to find out what is going on."

- UK policing official

"Orders should be on the PND - at the moment there are civil orders protecting people that the police know nothing about."

- Senior law enforcement official

The importance of data sharing and risk assessments to keep victims safe is now universally acknowledged. As the 'multi-agency response to children living with domestic abuse' report states: 'to achieve an effective response to domestic violence, we need effective collaboration across different agencies and effective means of sharing information. The ability to share information quickly and effectively is critical to whether or not agencies are able to work together to spot risks, triangulate a picture of a problem and diagnose a solution'.²³ The report further notes that 'the volume of activity that domestic abuse creates for agencies is so great that it requires sophisticated systems and well-coordinated processes'. The importance of good data in tackling domestic abuse is also picked up by HMICFRS, who have stated that 'forces that do not have clear and reliable data struggle to understand the level of crime related to domestic abuse, their response to it, and how effective that response is'.²⁴

The Domestic Violence Disclosure Scheme (DVDS): 'Clare's Law'

Good data sharing is also important to keep *potential victims* of domestic abuse safe. The Domestic Violence Disclosure Scheme (DVDS), also commonly referred to as 'Clare's Law' (referring to the landmark case leading to it of the murder of Clare Wood by her former partner in Greater Manchester in 2009), gives any member of the public the right to ask the police if their partner may pose a risk to them. Under the DVDS, a member of the public can also make enquiries into the partner of a close friend or family member. The DVDS set out procedures to facilitate the disclosure of information by the police about previous violent and abusive offending by a potentially violent individual. The aim of such disclosures is to help protect a potential victim from harm.

²³Ofsted, HMICFRS, CQC and HMIP (2017) 'The multi-agency response to children living with domestic abuse ': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680671/JTAL_domestic_abuse_18_Sept_2017.pdf

²⁴HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

Police and other agencies need all relevant information in order to adequately risk-assess victims of domestic abuse, and this should include records of civil injunctions. The effectiveness of good risk assessments in helping to keep people safe is starkly demonstrated by the example of the DASH risk assessment. The DASH (Domestic Abuse, Stalking and Honour Based Violence Risk Identification, Assessment and Management Model) risk assessment was implemented across all police services in the UK from March 2009. DASH contains 27 questions, based on extensive research with victims of domestic abuse, that should be asked by the first responding officer. On completion of the assessment the victim will be allocated a score which indicates the level of risk they face and the help they should receive (for example, whether they need an Independent Domestic Violence Advisor). Since its introduction, the Metropolitan Police Service has witnessed a 58 per cent reduction in domestic homicide, serious incidents and repeat victimisation.²⁵ Whilst DASH will not be the only factor driving this dramatic decline, it is clear that good risk assessment is a vital tool in protecting victims.

It is therefore abundantly clear that the current archaic system, whereby a victim must hold a paper copy of an injunction that is not shared across agencies, does not follow the victim, and is not systematically available on police databases, means missing an opportunity to keep victims of domestic abuse safe.

National Centre for Domestic Violence (NCDV) ASSIST

The National Centre for Domestic Violence (NCDV) runs ASSIST, an online secure database accessible only by the police, which holds digital copies of injunctions. It is the only nationwide database for civil injunctions, and stores around 60,000.

In 2017, 25,661 injunctions were issued nationally,²⁶ only a fraction of which were obtained through the involvement of NCDV and therefore stored on their database. In the same year, 2,000 orders were downloaded to be viewed by police officers,²⁷ however an increasing number of police forces are making referrals to NCDV for injunctions and downloading the orders to view them.

NCDV's online referral system 'Refer Direct' has a mobile app version, which a number of forces have adopted to make referrals from their mobile devices.

The need for a national database for civil protective orders: the PND and the potential for a 'quick win'

During our roundtable events, criminal justice stakeholders expressed frustration that there is no national database for NMOs:

*"A central database is 'crucial' to safeguard vulnerable children, adults and victims."
- Civil justice official*

The current paper-based system is archaic and out of step with the digital world. As one participant observed, 'Putting these orders on paper might have worked in the 1950s but it's a completely implausible way to operate now'. The PND already has inbuilt capability to serve as a central database for NMOs and other protective orders, yet it is not currently used for this purpose. Were NMOs to be systematically entered onto the PND it could perform the database function without major IT upgrades or resourcing. NMOs could be viewed, downloaded, and linked to current information and intelligence.

²⁵The Police Foundation (2014) 'The briefing: policing domestic abuse': http://www.police-foundation.org.uk/2017/wp-content/uploads/2017/08/domestic_abuse_briefing_final.pdf

²⁶MoJ, Family court statistics quarterly: October to December 2017; and MoJ, criminal justice statistics quarterly, 2017

²⁷NCDV website, 2018

Not only is it vital that the police have access to the full range of relevant information, it is also crucially important that partner agencies are able to access it. One such agency is CAFCASS (Children and Family Court Advisory and Support Service). CAFCASS represents children in family court cases in England by 'making sure that children's voices are heard at the heart of the family court setting, and that decisions are made in their best interests'.²⁸

Domestic abuse is shockingly prevalent in the lives of children and its impact on their wellbeing and long term prospects is substantial. Domestic abuse is the leading cause of children being deemed at risk of serious harm in the country.²⁹ There are estimated to be 130,000 children living in homes where there is a high risk of domestic abuse³⁰ and almost two-thirds of children living with domestic abuse are directly harmed by the perpetrator.³¹ As the multi-agency report on children living with domestic abuse states, domestic abuse 'can have a detrimental and long-lasting impact on a child's health, development, ability to learn and well-being'.³² Further, 'children affected by domestic abuse are more likely to be excluded from school or become homeless at a young age. They are at higher risk of offending'.³³ It is therefore crucially important that children are protected from exposure to domestic abuse.

CAFCASS research has identified that domestic abuse (or alleged) is a factor affecting 62% of their cases.³⁴ CAFCASS requires the full picture of the abuse in order to best represent children and make recommendations to the court about what is in a child's best interests. In building this picture, they are reliant on the police to provide accurate and timely disclosure of information on incidents of domestic abuse affecting the family. However, court proceedings are currently undermined by a problematic system of information sharing between CAFCASS and the police.

CAFCASS have an in-house team with access to the PNC and the ability to conduct so called 'level 1' checks. However, if an enhanced (so called 'level 2' check) is required (involving checking the PND) CAFCASS are reliant on the police to conduct the check for them and provide them with the relevant information. CAFCASS has reported that the turnaround time for level 1 checks (conducted in-house) is 4 working days. The waiting time for a level 2 check varies significantly by police force, with the quickest force responding within 1 working day, and the slowest taking an average of 44 days.³⁵ In extreme cases CAFCASS can wait six months to receive the information they need from the police.³⁶

²⁸CAFCASS website (accessed September 2018): <https://www.cafcass.gov.uk/about-cafcass/>

²⁹Ofsted, HMICFRS, CQC and HMIP (2017) 'The multi-agency response to children living with domestic abuse ': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680671/JTAL_domestic_abuse_18_Sept_2017.pdf

³⁰Safe Lives website (accessed September 2018): <http://www.safelives.org.uk/policy-evidence/about-domestic-abuse#facts>

³¹Safe Lives website (accessed September 2018): <http://www.safelives.org.uk/policy-evidence/about-domestic-abuse#facts>

³²Ofsted, HMICFRS, CQC and HMIP (2017) 'The multi-agency response to children living with domestic abuse ': https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/680671/JTAL_domestic_abuse_18_Sept_2017.pdf

³⁴CAFCASS & Women's Aid (2017) 'Allegations of Domestic Abuse in Child Contact Cases': <https://www.cafcass.gov.uk/2017/07/25/cafcass-womens-aid-collaborate-domestic-abuse-research/>

³⁵Data provided by CAFCASS, September 2018. For the period 1st April 2018 to 30th June 2018 a total of 21,776 Level 1 checks were commissioned by Cafcass. The current turnaround time for level 1 checks is 4 working days. The year-to-date average completion time is 6 working days. From August 2017 to July 2018 a total of 9,807 Level 2 checks were requested by Cafcass. During this period, the average time for a Level 2 Check to be received back by Cafcass was 16 days. On average, the Police Authority which took the greatest amount of time to return checks was 44 days. The shortest return time was 1 day.

³⁶Anecdotal evidence from CAFCASS staff

Long waits for police disclosure can have serious and detrimental consequences for children and their families. Delays in receiving level 2 checks may mean that cases have to be adjourned, leaving children in limbo for longer. More significantly, if the information is not available to the Family Court at the time the case is heard, the Court may decide to make a Final Order with the information still outstanding. This creates a risk of unsafe orders being made in the family court, potentially exposing victims (and in particular children) to unnecessary risk.

“[There is] a lot of unsafe decision making going through the courts resulting in inappropriate protection orders.”
- Civil justice officer

CAFCASS is just one example of an agency reliant on the police to disclose information in relation to domestic abuse. The concern about the timeliness of police disclosure has also been raised by other partner agencies such as Ofsted, the Chief Inspector of which noted that ‘the failure of the police to share information in a timely way is a recurring theme... particularly in relation to domestic abuse’.³⁷ In addition to the significant issues raised by the timeliness (or lack thereof) of information sharing, the work of CAFCASS and other partner agencies is hampered by the civil and criminal justice disconnect as outlined above.

Just as the fact that NMOs are not entered onto the PNC or PND impacts on the police, it has consequences downstream when the police share information. For example, if the police are not aware of an NMO they clearly cannot make partner agencies aware of one either. A parent may have disclosed the fact that they have an NMO against the perpetrator to CAFCASS, but this is not recorded on the policing systems and so is also not recorded in the enhanced police report. This is particularly problematic where one party is not willing or able to disclose that they have an NMO, for example where the parents are denying that domestic abuse is a factor or where the parent who had obtained the NMO is deceased. Without access to all relevant information, including on civil orders, agencies may miss important information.

It is clear that the significant disconnect between the civil and criminal justice systems means that police and partner agencies do not always have the information they need to keep victims and children safe. Further, even where information is available, the restrictions on who can access information from the PND means that not all agencies have access to the information they need when they need it. Neither of these problems is insurmountable and both could and should be solved in order to better protect victims and their families.

Risk assessment and the PND: what could it tell us that we don’t already know?

The fact that civil protective orders are not routinely entered onto the PND is a significant weakness. However, we do know that the PND contains a wealth of information that law enforcement could make better use of.

The PND contains vast amounts of intelligence relating to domestic abuse, including over 14 million domestic abuse linked records as well as custody records, crime reports, child abuse and intelligence records. The PND was used 181,000 times in 2017 to search for domestic abuse records by 55 police forces and law enforcement agencies. One force alone accounted for 40% of these searches. It is recognised that some domestic abuse searches within the PND will have been recorded under different categories but more can be done to make use of the technology and information we already have.

By reviewing a sample of domestic abuse cases from 2016, it was established that were domestic abuse incidents routinely checked against the PND, it would make a significant impact on many risk assessments. The review found that in 36% of domestic abuse cases, the PND contained ‘new’ information that would not be known to officers purely through conducting a PNC check, 27% returned significant new information which might affect a risk assessment such as serious crime links, and 10% returned highly significant new information that would clearly affect a risk assessment, such as serial domestic abuse reports, child abuse offences, allegations of rape and controlling behaviour.

³⁷Sir Michael Wilshaw, HM Chief Inspector, Ofsted letter to Sir Thomas Winsor, HMIC, October 2016

The long arm of the law? Enforcement of civil protective orders

If a victim is fortunate, the existence of a civil protective order alone will be enough to deter the perpetrator from causing further harassment. However, unfortunately this is often not the case and victims are reliant on a robust response from the police and criminal justice system when an order is breached. Our roundtable events, in conjunction with information gathered from existing research and reports, reveals significant concern that breaches of civil protective orders are not dealt with consistently or robustly enough by the criminal justice system.

Breach of an NMO means not only that the perpetrator is continuing to cause harm to the victim, but could also signify an escalation of their behaviour and therefore the risk they pose. This risk needs to be taken seriously. As the HMICFRS note in their 'progress report on the police response to domestic abuse', 'breaches [...] can increase the risk that the perpetrator poses, and affect the safety of the victim. If [...] orders are to be sought and obtained, then they need to be enforced'.³⁸

However, both the HMICFRS and our roundtable participants have raised concerns that the police are not in fact enforcing breaches adequately. The HMICFRS reports that 'there continues to be a lack of action taken when civil orders [...] are breached'³⁹ and goes on to cite evidence that 'in some cases, breaches were not responded to immediately', a practice which the inspectorate describes as 'very high risk'.⁴⁰

Our roundtable participants echoed these concerns, and also described the police response as 'inconsistent' from area to area.

"If you put someone on a restrictive order, there has to be a fear that something will happen if you do breach... but there's not enough resource to actually police them."

- UK law enforcement official

Where the police fail to act robustly in the case of breach, there are two significant consequences. One is that the victim may not get the protection and support they need to keep them safe. The other is that their confidence in the system as a whole may be undermined. As the HMICFRS observed, 'when the responses to breaches are ineffective or delayed, victims will lack confidence in the police and the criminal justice process'.⁴¹ Given that victim confidence is vital in encouraging victims to report crime,⁴² this is of significant concern.

A lack of adequate police action on breach also has consequences further down the line, resulting in low levels of prosecutions for breach offences. Although reliable figures are hard to obtain for the number of NMOs breached against the number issued (see text box on the following page), it would appear that the number of breach cases that come before the courts is lower than would be expected.

³⁸HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

³⁹HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

⁴⁰HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

⁴¹HMICFRS (2017) 'A progress report on the police response to domestic abuse': <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf>

⁴²Victim Support (2010) 'Left in the dark: why victims of crime need to be kept informed': <https://www.victimsupport.org.uk/sites/default/files/Left%20in%20the%20dark%20-%20why%20victims%20of%20crime%20need%20to%20be%20kept%20informed.pdf>

Case study - police FOI breach data

Crest Advisory sent a FOI request to every police force area in England and Wales asking for the number of breaches of non-molestation orders, occupation orders, and restraining orders that were made in the years 2015/2016, 2016/2017 and 2017/2018, as well as a breakdown of the outcomes for each. In addition, the FOI request asked for the number of Domestic Violence Protection Notices (DVPNs) that were authorised, and how many applications for Domestic Violence Protection Orders (DVPOs) were made in the same years, along with a breakdown of the associated outcomes. Of the 42 forces approached, 28 replied and sent data, 9 replied but did not provide data, and 5 did not reply. A number of police force areas stated that the information requested was not easily retrievable and would require manual analysis across a number of folders and formats (i.e. that there was no central register for the information), which would take the request over cost (in excess of 18 hours).

Non-molestation order breaches and restraining order breaches

The majority of police force areas saw an increase in the number of non-molestation order breaches from 2015-2018, with the largest increase seen in Norfolk (180%). On the other side of the spectrum was Suffolk, which showed a 52% decrease.

The most common outcomes for non-molestation order breaches (example statistics drawn from the Metropolitan Police 2017/2018 data) were 'charge/summons' (43%), 'police named suspect, victim supports but evidential difficulties' (34%), and 'victim declines/withdraws support - named suspect identified' (8%).

Data on restraining order breaches showed a very similar pattern, with the majority of police force areas showing an increase between 2015/2017 and 2017/2018. The largest increase was seen in Durham (95%). The most common three outcomes were the same as for non-molestation order breaches.

DVPNs and DVPOs

The number of DVPNs authorised in each police force area from 2015/2016-2017/2018 varied significantly, both within and between police force areas. For example, the West Midlands only authorised one DVPN in 2017/2018, whereas Merseyside authorised 480. The majority of police force areas showed an increase in the number of DVPNs authorised over time, with some showing significant increases (e.g. North Wales authorised 25 in 2015/2016 compared to 227 in 2017/2018), and others only showing small differences.

The DVPO data also showed mixed results. Seven police force areas showed a decrease in the number of DVPO applications between 2015/2016 and 2017/2018, whereas eight showed an increase. Thirteen police force areas showed an increase in the number of DVPOs granted in the same timeframe, whereas seven showed a decrease. The numbers of applications and how many were granted each year also varied significantly between police force areas.

This suggests there is a large amount of variation in the use of DVPNs and DVPOs nationally, however any inferences made from the FOI data should be made with caution due to the significant amount of missing data.

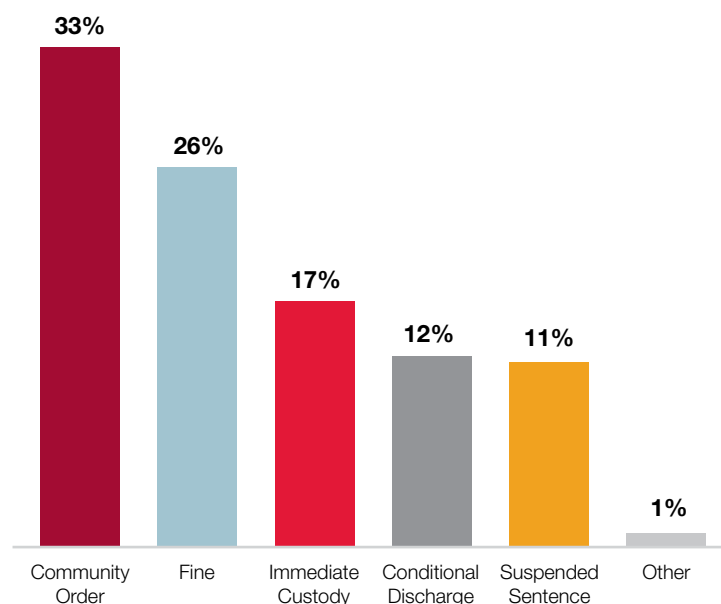
Our roundtable participants suggested that problems do not lie with the ability of prosecutors to prove a case of breach, as, in the words of a senior law enforcement official, a breach of an order is a 'fairly easy case to prove'. The fundamental issue appears to be that the CPS do not see enough breach cases in front of them, and when they do, it is evident that it is not the first time a breach has occurred for that particular victim - just the first time it has resulted in a charge brought to court. It was also noted anecdotally to be the case that often, prosecutors are not made aware of an existing order when other criminal offences, deemed more serious than breach of a civil order, are being prosecuted. This gap in knowledge could result in a less severe sentence being handed out.

There are several reasons posited for why enforcement of breach of civil orders is poor. The primary one cited is the issue of resources, with any kind of proactive work involving domestic abuse victims being expensive and labour intensive. Others have suggested that there could be a lack of buy-in from police leadership or insufficient understanding amongst officers of all levels of the seriousness of domestic abuse and the risk posed to victims. A further, more prosaic, reason cited for poor enforcement of civil orders is that police officers lack familiarity with them and that they often contain 'legal jargon' making them difficult for officers to understand. Where a police officer struggles to interpret the meaning of an order, it is difficult for them to enforce it.

Even when a case makes it to court, there is evidence to suggest that sentencers do not always take into account breach of a civil protective order such as an NMO as seriously as they should. For example, there is a vast difference in how the courts sentence breach of a restraining order (which can only be issued as part of criminal proceedings) from breach of an NMO. Both offences carry the same statutory maximum sentence (five years' imprisonment), and both are dealt with under the same Sentencing Council guideline.⁴³ However, an offender is less than half as likely to be sentenced to immediate custody for breach of an NMO compared to breach of a restraining order.

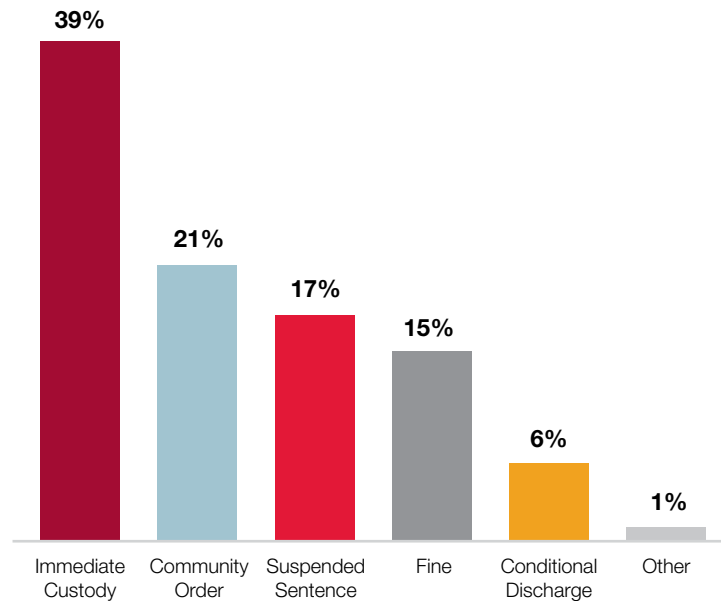
Further examination of the figures on breach reveal that of the 3,086 sentences handed out for breach of a NMO in 2017, a third were community orders and just over a quarter were a fine (figure 1). Compare this with breach of restraining order (figure 2); 2 in 5 outcomes were immediate custody (39.1%) and 1 in 5 for community orders (20.6%).

Figure 1: Sentences handed out in 2017 for breach of non-molestation order



⁴³Sentencing Council (2018) 'Breach Offences: Definitive Guideline': https://www.sentencingcouncil.org.uk/wp-content/uploads/BreachOffencesDefinitiveGuideline_WEB.pdf

Figure 2: Sentences handed out in 2017 for breach of restraining order



It is difficult to establish the reasons behind the apparently more lenient approach to sentencing breach of an NMO. It may simply be explained by variations in seriousness between the two categories coming before the court, and unfortunately no data exists that would make it possible to examine this hypothesis. However, some practitioners have attributed the difference to a lack of familiarity by magistrates in dealing with civil orders. This could in part be due to the fact that whilst NMOs are issued in the Family Court, usually by a judge with significant experience in the area, breaches are usually dealt with by magistrates, who have a lesser understanding of the circumstances in which an NMO might be issued and the consequences of breach on the victim. One practitioner suggested that the closure of a number of specialist domestic violence courts may have exacerbated these issues:

“There is a lack of ‘transparency’ around data in this subject [sentencing] and lack of data makes it very hard to understand what decisions are made.”

- Senior justice policymaker

The Sentencing Guidelines on breach clearly state that ‘where a breach is committed in the context of a background of domestic abuse, the court should take care not to underestimate the harm which may be present in a breach’.⁴⁴ It may be that some magistrates require enhanced or updated training to enable them to better understand the potential seriousness of breach of an NMO. As one law enforcement official put it:

“A breach of an order is normally the tip of the iceberg.”

- Courts-based official

⁴⁴Sentencing Council (2018) ‘Breach Offences: Definitive Guideline’: https://www.sentencingcouncil.org.uk/wp-content/uploads/BreachOffencesDefinitiveGuideline_WEB.pdf

Looking to the future: the need for a new approach

Victims of domestic abuse are amongst the most vulnerable, at-risk group served by the justice system. On average, domestic abuse victims experience 50 incidents of abuse before getting effective help.⁴⁵ High-risk victims live with domestic abuse for an average of 2.3 years and medium-risk victims 3 years.⁴⁶ It takes courage for a domestic abuse victim to reach out to criminal or civil justice agencies for help. When a victim does ask for help, it is vital that they are able to trust that the systems in place will protect and support them.

Unfortunately, for victims seeking a civil justice intervention such as an NMO, the archaic paper-based system of issuing civil injunctions is failing to provide them with the protection they need. The civil and criminal justice systems lack basic processes for sharing information required to keep victims safe. The fact that criminal justice agencies are not automatically made aware of civil orders leaves victims liable to fall through the gap between the two systems.

The knock-on effect of the failure of the civil and criminal justice systems to pass information between each other is substantial: the police may not have the information they need to properly risk-assess victims, and subsequently cannot share this information with partner agencies. Further, a lack of focus on civil protective orders means that the police don't enforce them vigorously, and the criminal courts do not sentence breach as severely as might be expected.

These problems are not insurmountable and some of them could be solved with relative ease. With the Government's proposed new Domestic Abuse Protection Order expected to be issuable by any court, and thus crossing the civil/criminal divide, it is vital that the gaps in the system are closed now. Without addressing the issues inherent in the civil justice system, the Domestic Abuse Protection Order risks being lost in the gap between the criminal and civil justice worlds.

The aim of this report is not to give definite answers as to how the issues raised should be addressed, but to prompt criminal justice leaders to engage with the debate. We do however set out the key questions raised in this report and suggest potential solutions that could significantly improve the current approach, and provide a better and safer system for victims of domestic abuse.

How can we ensure the better coordination of civil/family and criminal courts processes?

1. The fact that there is no single database of civil protective orders makes it almost impossible to keep track of the orders that have been issued. This significantly hampers the ability of the police, partner agencies such as CAFCASS, and the courts to adequately risk-assess cases and take the steps required to keep victims safe. A database of all protective injunctions made in both civil and criminal courts should be accessible and searchable in courts so information can be passed on to members of the judiciary and safeguarding providers such as CAFCASS.
2. The justice system has a powerful tool at its fingertips with the ability to keep track of all orders and flag them across justice agencies in the form of the PND. Were business processes to be amended to ensure that all orders issued in the civil courts were automatically entered onto the PND, this could improve the ability of justice agencies to protect domestic abuse victims. Further, it could assist the police in their duties to disclose information about perpetrators under 'Clare's Law'. In parallel with this change, forces would need to amend business processes to ensure that PND checks were routinely carried out in relation to domestic abuse.

⁴⁵Safe Lives website (accessed September 2018): <http://www.safelives.org.uk/policy-evidence/about-domestic-abuse#facts>

⁴⁶Safe Lives website (accessed September 2018): <http://www.safelives.org.uk/policy-evidence/about-domestic-abuse#facts>

Should non-law enforcement agencies be able to access policing data to ensure appropriate safeguarding?

3. Even where relevant information is contained on the PND it is not always shared in a timely manner. There are two possible solutions to this:
 - a) extend access to the PND to partner agencies such as CAFCASS so that agencies can conduct their own checks, or
 - b) encourage forces to expedite their disclosure processes. Forces may be encouraged to share information more quickly were this given more emphasis by HMICFRS as part of their force inspections.

What opportunities are there to enhance knowledge and business processes across the system, and address inconsistencies across forces/organisations in response to domestic abuse?

4. Evidence suggests that civil orders are not always fully understood or robustly enforced by police officers. Whilst training is not a panacea, it could have a role to play in increasing officers' knowledge of the civil protective order regime, how to interpret those orders, the potential escalation of risk involved when an order is breached, and the need for orders to be enforced. As the Government proposes to change the protection order regime it would seem sensible that new training be developed to coincide with these changes.
5. As with the police, magistrates may not always have a thorough understanding of civil protective orders and the fact that breach of such an order should be sentenced in line with breach of a restraining order. Training around these issues should be introduced to coincide with the introduction of the proposed new Domestic Abuse Protection Order.
6. The NPCC and College of Policing should define best practice on use of the PND in domestic abuse, with a particular focus on serial perpetrators and information sharing with safeguarding partners such as CAFCASS.
7. The College should, as part of the development of its new risk assessment tool, include in its evaluation whether the tool flags up any existing civil orders and, as part of its ongoing DASH review, ensure any new process helps officers to establish existence of civil orders.

Before any new protective order is introduced, do we understand the efficacy of NMOs and civil orders as protective measures for those subjected to domestic abuse?

8. As part of its consultation process, the Home Office should carry out feasibility work to consider how the proposed new DAPO would actually work in practice, including possible pilots.
9. Research should be conducted between the police and courts to enhance understanding of what crimes and in what situations NMOs *and civil orders* are handed out, and what the outcomes for victims are, to build the evidence base upon which organisations are best placed to respond to any safeguarding issues.

Could the courts require non-criminal justice agencies to do more to address the drivers of offender behaviour?

10. There are numerous factors that contribute to domestic abuse, operating on both a personal and societal level. This means that domestic abuse cannot be solved by prosecution alone, and many of the solutions lie outside of the criminal justice system e.g. improved mental health support, healthcare, drug and alcohol treatment, and housing. Consideration should be given to placing greater responsibility on the courts to access and provide these more holistic solutions/interventions to domestic abuse perpetrators. For example, the police could be given the power to seek orders from the courts which require domestic abuse perpetrators to address the drivers of their offending, and require other agencies to provide the appropriate programmes and support. Stalking Protection Orders, which give police the authority to address specific issues relating to the perpetrator's crime(s) e.g. by ordering psychological assessments, or ordering the perpetrator to attend a rehabilitation programme, provide a potential model for how this could work.

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Mark Darby, Association of Police and Crime Commissioners
Jenny Beck, Beck Fitzgerald
Lolita Gerald, CAFCASS
Rebecca Dale, CAFCASS
Martin Jebb, CGI
Liz Lindsay, CGI
David Wilson, CGI
Sharon Stratton, College of Policing
Jon Clements, Crest Advisory
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Kyla Kirkpatrick, Safe Lives
Katy Bourne, Sussex Police and Crime Commissioner
Sara Jones, Sussex Office of Police and Crime Commissioner



Authors:

Sophie du Mont

Polly Rossetti

