

Case 2 | Issue 32 – Protecting vulnerable people

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LEARNING THE LESSONS

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Safeguarding victims of domestic abuse

Response to a domestic abuse incident, raising issues about:

- *Completion of risk assessments.*
- *Consideration for DASH risk assessment.*
- *Use of pre-charge bail.*
- *Appropriate bail conditions for safeguarding victims.*
- *Assessing vulnerability.*

This case is relevant if you work in:

Call Handling



Public Protection



Overview of incident

Around 11.30pm a member of the public reported seeing Mr A dragging Ms B down the road and punching her in the face. He followed the couple in his car and waited for the police to arrive.

Police Constable (PC) C and PC D were dispatched to the incident and arrived within minutes of the call. The witness identified Mr A to PCs C and D. PC D took Mr A away from where Ms B was sitting, and arrested him for alleged common assault. CCTV footage was obtained but this did not show the alleged assault.

PC E and PC F arrived a few minutes after PCs C and D and saw PC D detaining Mr A, who was described as being agitated and drunk, as well as PC C trying to complete a risk assessment with Ms B. Officer E and Officer F both said that Ms B was drunk and declining any assistance. PC C said that Ms B got up and nearly fell over and also recalled that her speech was “slurred”.

PC C did not ask for an ambulance because Ms B declined one. PC C did not consider Ms B’s injuries to be sufficiently serious or that she was drunk enough.

PC C tried to ask Ms B about the incident to complete a risk assessment. Ms B was uncooperative and unwilling to engage with her, and she was unable to complete the risk assessment. PC C also tried to assist Ms B by offering to call a friend or arranging to take her home, however Ms B declined this assistance.

PC D carried out intelligence checks and a Police National Computer (PNC) check on Mr A and found that he had warning markers for violence and drugs.

No intelligence checks were carried out on Ms B, however, as they should have been, in line with local force policy around domestic violence. It is the responsibility of all officers who attend a scene to ensure that these checks are carried out.

Subsequently a police van arrived which took Mr A to custody.

Mr A's detention was authorised and he was booked into custody at around 11.45pm by Police Sergeant (PS) G. It was noted that Mr A had recently been released on licence but, because his sentence was under 12 months, he was not supervised by the Probation Service. The only way to call him back into custody for breaching his licence would have been through the court, after committing a new offence.

PC C put the details of the incident on the force records information system, without reviewing previous intelligence reports for Ms B. She completed a risk assessment, assessing the risk as 'standard' based on her assessment that Ms B had been separated from Mr A and Mr A had been arrested.

However, PC C did not consider risk factors set out in the Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) risk assessment model, such as previous convictions. If she had, the risk level may have been considered 'medium'. PS H, PC C's supervisor signed the form off. This risk assessment was then provided to the officers investigating the alleged assault.

The following morning, Detective Constable (DC) I went to Ms B's property to get a statement from her. He noticed small pieces of broken glass on the street which had come from the top of the front door of the property. He also noticed that the front door was slightly ajar. He rang the doorbell and, when there was no answer, went into the property, concerned for Ms B's safety. He searched the address but did not find anyone there.

Acting Detective Sergeant (A/DS) J was given a verbal handover by the outgoing sergeant, Detective Sergeant (DS) K. A/DS J said that she was not given information about specific work carried out on this case, and so was unaware of DC I's visit to Ms B's address. A/DS J allocated the investigation to DC L and briefed her about the incident.

DC L carried out five-year intelligence checks on Mr A and Ms B, looking particularly for domestic abuse incidents. DC L found two incidents, a verbal argument two years previously and an allegation of assault made by Ms B about Mr A with actual bodily harm a year ago.

DC L then did a full PNC check on both Mr A and Ms B and noticed that Mr A had the same address as recorded for Ms B, and that Mr A had been convicted of grievous bodily harm in 2002. However, there were no warning markers about previous domestic abuse on Ms B's record.

In an interview with DC L, Mr A said that the flat on record as the residence of both Mr A and Mr B belonged to him and that Ms B had no right to be at the address. Police records showed that Mr A had been linked to the address for two years, while Ms B had been linked to the address for five years.

DC L and A/DS J decided to visit Ms B's property to get a victim statement. They approached the door of the property and saw that it was badly damaged and slightly ajar. A/DS J said that they were wary of entering the property because of concerns over their safety.

The property was, "Known to be occupied by heroin users... as well as alleged street drinkers" according to A/DS J. DC L and A/DS J shouted out and stepped into the hallway but did not enter any other rooms.

Notably, no officers interviewed the independent witness who originally reported the alleged assault. This should have been a priority action as set out in the local force policy on domestic violence incidents.

Later that evening, DC L expressed concerns to Inspector M, the custody manager, about the amount of time that Mr A had been in custody, given that under s41(1) of the *Police and Criminal Evidence Act* (PACE) he could be held for up to 24-hours without being charged.

DC L was still optimistic that Mr A could be charged with an offence in the future if further enquiries were made. DC L explained the length of time that Mr A had been held in custody and the actions that were still outstanding on the investigation. After speaking with PS G (the custody sergeant), Inspector M advised DC L to grant Mr A pre-charge bail. This would allow Mr A's PACE clock to be paused, allowing the investigating officer time to interview him again if necessary when he returned on pre-charge bail.

It was also noted that continued detention would lead to Mr A being released without charge. There is no evidence that Inspector M considered risk factors explained in the DASH risk assessment model, such as the fact the victim and the suspect shared an address.

Mr A was subsequently granted pre-charge bail at around 10pm. The one condition of his bail was that he was not to contact Ms B directly or indirectly. He was bailed back to the address he shared with Ms B however. DC L believed the decision to bail Mr A back to his address was justified because Mr A had claimed in interview that he was the legal owner of the flat.

She did not believe officers could prevent Mr A returning to his address. She also said that she considered the fact that they had been unable to contact Ms B. She also said that had she seen Ms B, she would have referred her to a women's refuge or sheltered accommodation. There is no evidence that the DASH risk assessment model was taken into consideration when this decision was made.

College of Policing, Authorised Professional Practice – Making Bail Decisions

Commonly used police bail conditions which can offer protection to domestic abuse victims, children and witnesses include:

- to live and sleep at a specified address – this should never be that of the victim, whether or not the perpetrator owns the house or is named on the tenancy agreement

Read the guidance online: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/post-arrest-management-of-suspect-and-casefile/#bail-pre-and-post-charge>

The following morning at around 3am, Mr A phoned 999 and reported Ms B missing. The call was taken by call handler N who asked Mr A a number of questions. Mr A told call handler N that the front door had been, “kicked in” and that there was blood on the sofa and blood on Ms B’s jacket. Call handler N graded the call as ‘extended response’, which meant that officers would respond within 48 hours. Call Handler N later accepted that he had missed the address marker for the property, which explained that all calls to the address should be graded as requiring an ‘immediate response’.

Around 40 minutes later, Mr A called 999 again to report that he had found Ms B dead in the bath. Police and ambulance staff attended the address immediately and Ms B was pronounced dead. A Pathologist concluded that the woman’s death had been caused by drowning while under the influence of alcohol. However, he stated that there was “no doubt an assault to the face has occurred”, but could not give definite timings as to when this had happened.

Type of investigation

IPCC independent investigation.

Findings and recommendations

Local recommendations

Finding 1

1. Though PC C did carry out a risk assessment on the incident and assess the risk as ‘standard’, she did not take into consideration other risk factors explained in the guidance on Domestic Abuse, Stalking and Honour Based Violence (DASH) and force guidance, for example Mr A ’s previous convictions. A medium level risk would, therefore, have been more appropriate.

Local recommendation 1

2. The force should consider reviewing domestic abuse training to officers, including response officers, to focus on understanding the need to accurately and fully complete the risk assessment, identification and management tool for domestic violence incidents/crimes and, where applicable, DASH risk assessment so that ongoing risk to the victim is updated.

Finding 2

3. In determining bail conditions, there appears to have been no consideration of the DASH risk assessment model, local force guidance, or the relevant national guidance. Previous domestic abuse allegations, mental health, self-harm and substance abuse should all have been considered as risk factors.
4. The investigation considers that the single bail condition was not an appropriate safeguard for Ms B and that Mr A should have been bailed to an alternative address.

Local recommendation 2

5. The force should consider reviewing guidance on the pre-charge bail of defendants who are alleged to have committed offences of domestic abuse. In particular, the force should consider reviewing training on appropriate bail conditions to manage the risk to victims and comply with the College of Policing Authorised Professional Practice guidance.

Finding 3

6. The investigation acknowledged that PC C made efforts to encourage Ms B to wait for medical assistance, and that there were no specific powers available to the police to keep Ms B against her will until medical assistance arrived. However, Ms B was a vulnerable person because she was the victim of alleged assault and under the influence of alcohol. By leaving her to walk away from the scene alone she was exposed to further risk.

Local recommendation 3

7. The force should consider a review of how response officers are trained to respond to victims of domestic abuse. In particular, the force should consider reviewing how best to respond to victims who do not wish to engage, including the provision of medical assistance to victims who are reluctant to co-operate with the investigation.

Response to the recommendations

Local recommendations

Local recommendation 1

1. A Professional Development Day (PDD) was delivered to all front line officers. This training covered all the issues highlighted. The initial foundation course delivered to new police recruits was substantially modified. In particular, domestic abuse training at foundation level has been improved with an emphasis on the use of the DASH questions and completion of the risk assessment. What was a half day training has now been replaced with a more comprehensive two day training, culminating in the officer's completing a risk assessment.

Local recommendation 2

2. Pre-charge bail relates to custody procedures and is therefore covered in the Custody Foundation Course. The course content has recently been reviewed and already covers this material. Additionally, the trainer notes for the relevant session also include information on when such conditions should be applied.

Local recommendation 3

3. The Community Safety Unit (CSU) five-day course now includes new material on unsupported prosecutions and extra management of victims for unsupported cases. The CSU course has become mandatory for all officers who work in CSU departments. The

PDD day (as noted in the response to local recommendation 1) also included training on unsupported prosecutions.

Outcomes for officers and staff

PC C

1. PC C, the officer who responded to the initial call from the member of the public who reported the alleged assault by Mr A against Ms B, did not complete the risk assessment adequately, and did not thoroughly consider Ms B's welfare when leaving her at the scene. There was no evidence that PC C acted in an intentionally neglectful way, and so the investigation concluded that she had no case to answer for misconduct. However, PC C was the subject of management action for performance issues.

PC D

2. PC D was jointly responsible, with PC C for ensuring that safeguards were in place for Ms B and ensuring that adequate intelligence checks were carried out at the scene. However there was no evidence that PC D acted in an intentionally neglectful way, and so the investigation concluded that she had no case to answer for misconduct. However, PC D was the subject of management action for performance issues.

DC L

3. DC L was responsible for the investigation into alleged assault and putting forward bail conditions to the custody sergeant. DC L did not take risk factors into consideration using the DASH risk assessment model. Notably, DC L did not interview a potentially important independent witness. Therefore, DC L had a case to answer for misconduct, but resigned from the force before any misconduct proceedings could take place.

A/DS J

4. A/DS J was responsible for supervising the investigation into alleged assault. There was no evidence that A/DS J considered the risk posed to Ms B in line with the DASH risk assessment model. The evidence indicates that the risk to Ms B was not properly managed and supervised. Therefore, the investigation concluded that A/DS J had a case to answer for misconduct and, following a misconduct hearing, A/DS J was issued with a written warning.

PS G

5. PS G was responsible for bailing Mr A in consultation with DC L. The evidence suggested he did not fully consider the risks posed to Ms B and that he could have had more influence in challenging the bail decisions. The investigation concluded, therefore, that PS G did have a case to answer for misconduct but PS G resigned from the force before any misconduct proceedings could take place.

Inspector M

6. Inspector M was responsible for providing advice on the bail of Mr A. The evidence suggested that Inspector M gave advice which contravened local force policy as well as

National Policing Improvement Agency (NPIA) guidance and there was no evidence that he fully considered risk factors in accordance with the DASH risk assessment model. Therefore, the investigation concluded that Inspector M had a case to answer for misconduct but Inspector M resigned from the force before any misconduct proceedings could take place.

Call Handler N

7. Call Handler N was responsible for grading the call and did so inappropriately. Therefore, there was an indication that Call Handler N had failed in his duties as a call handler and the investigation concluded that there was a case to answer for misconduct. However, Call Handler N resigned from the force before any misconduct proceedings could take place.

Force commentary

8. A Prevention of Future Deaths report was issued following the connected inquest. In response to the Matters of Concern raised two changes were made:
 - Staff cannot record a risk as standard if they have been unable to communicate with a victim effectively.
 - Staff should complete an enhanced pre- release risk assessment when bailing Domestic Abuse prisoners.

Questions to consider

Questions for policy makers and managers

1. What steps has your force taken to ensure officers consider domestic abuse, stalking and harassment and honour based violence (DASH) risk assessment questions in relevant cases?
2. What guidance does your force give to officers on setting pre-charge bail conditions to help safeguard vulnerable victims at risk of abuse?

Questions for police officers and staff

3. What bail conditions would you have set in these circumstances to avoid bailing the man back to the house he shared with the woman?