Joint Police Service
Domestic Abuse Protocol

Hampshire Constabulary
Thames Valley Police
Ministry of Defence Police
Royal Navy Police
Royal Military Police
Royal Air Force Police

November 2012
1. **INTRODUCTION**

1.1 This protocol has been agreed by Hampshire Constabulary, Thames Valley Police, the Ministry of Defence Police (MDP), Royal Navy Police, Royal Military Police (RMP), and Royal Air Force Police (the ‘relevant police agencies’). It outlines joint police agency arrangements for responding to and managing domestic abuse incidents relating to Service personnel or their families or takes place on Ministry of Defence property.

1.2 The aim of this protocol is to:

a) Provide an excellent service to victims of domestic abuse through effective information sharing between service and civilian police agencies operating within Hampshire, the Isle of Wight and Thames Valley,
b) Protect domestic abuse victims from harm through a coordinated safeguarding approach, based on effective information sharing,
c) Improve the trust and confidence of domestic abuse victims in the police through a combined Home Office, MDP and Service Police response.

2. **COMMENCEMENT, DURATION AND AMENDMENTS**

2.1 This protocol takes effect from the date of the final signatory to the document.

2.2 Where any signatory to this protocol wishes to withdraw from it, or withdraw the supply of any local service or standard for which they have responsibility under it, they are required to give:

- Not less than one month’s notice in writing to the other parties. This allows time for appropriate discussions to be held relating to the reasons for the withdrawal.
- Details of the standard or service to be withdrawn.
- The reason for the withdrawal (if possible).

2.3 Any provision of this protocol may be amended at any time with the consent of the signatories.

3. **PROTOCOL**

3.1 This protocol applies to:

a) all incidents involving Service personnel or their families, or
b) incidents which take place on MoD property, to which one of the relevant police agencies is called where domestic abuse is alleged or domestic abuse is a feature in the alleged offence.

3.2 The relevant police agencies undertake to treat all people fairly and with dignity and respect, regardless of gender, age, race, colour, nationality, ethnic or national origin, disability, marital status, sexual orientation, or any other irrelevant factor.
4. DOMESTIC ABUSE DEFINITION

4.1 Domestic abuse is the misuse of power and the exercise of control between people who are, or have been in a close relationship. It encompasses all forms of physical, sexual and psychological abuse, ranging from threatening behaviour and minor assaults to stalking, serious injury and sometimes death. The term domestic violence is the same as domestic abuse and both are used interchangeably.

4.2 The following shared ACPO, Crown Prosecution Service and Home Office definition of a ‘Domestic Abuse Incident’ will be used for the purpose of this protocol:

‘Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial, or emotional) between adults (aged 18 or over) who are, or who have been, intimate partners or family members, regardless of gender and sexuality’.

The term ‘family members’ includes mother, father, son, daughter, brother, sister, grandparents, in-laws and step-family (NPIA & ACPO Guidance for Investigating Domestic Abuse, 2008).

4.3 Incidents involving those who otherwise fit the definition but who are under the age of 18 years should be dealt with by reference to Hampshire Police and Thames Valley Police current Child Protection and Domestic Abuse policies and procedures.

5. DOMESTIC ABUSE INCIDENTS

5.1 Where officers from any of the relevant police agencies are deployed to a domestic abuse incident, attendance will be prompt and focussed on protecting life and property. The officers should be familiar with their powers to enter property and powers of arrest where relevant.

5.2 The absolute and overriding priority when attending a Domestic Abuse incident must be to safeguard and protect the victim and any children from further harm or abuse (Home Office Circular 19/2000).

5.3 The second priority must be to identify any criminal activity disclosed, by any party present, and ensure that all available evidence is identified, captured and preserved (including for possible forensic examination), and the perpetrator is held to account.

5.4 There is a duty on relevant police agencies to take positive action. The Human Rights Act 1998 places an obligation on police officers to take reasonable steps to protect life (Article 2) and to protect the right to liberty and security (Article 5). Failure to make an arrest where there are grounds to do so may leave a victim at risk. The requirement for positive action means that in all domestic abuse cases, officers should consider the incident as a whole, not just the victim’s oral or written evidence. Officers should focus efforts from the outset on gathering evidence in order to build a prosecution case that does not rely entirely on the victim’s statement in order to bring an offender to justice.

5.5 The relevant police agencies recognise the very real dangers that children are faced with in domestic abuse incidents. Research, high profile cases and national
evidence all serve to highlight the need to routinely consider the wellbeing of all children who come to police notice, as a matter of priority.

5.6 A risk assessment form (DASH) and Children and Young Person referral should be completed and forwarded to the relevant departments (including the Army Welfare Service, the Soldiers, Sailors, Airmen and Families Association (SSAFA) and Naval Personal & Family Service, as appropriate). The relevant MDP or Service Police agency will be responsible for making these referrals to the military welfare associations and the Home Office Force will be responsible for making these referrals to the appropriate civilian agencies as per their force policy and procedures.

5.7 Where an incident, suspicion or allegation of domestic abuse involves immediate or imminent physical harm to the victim, the most readily available police force within their jurisdiction should be contacted to take immediate action. This relies on officers using their existing powers to prevent harm occurring or continuing. In cases where there is joint attendance by more than one of the relevant police agencies, the Home Office force will take primacy in the case in respect of the victim’s safety, liaising with the other police agencies involved, and in managing the investigation of any criminal offences.

5.8 Informing other agencies rests with the attending police agency. Home Office and MDP will record offences in line with the Home Office counting rules with Service police being responsible for their own recording requirements and welfare referrals.

5.9 Service Police may also consider options under the Service Justice System in respect of non-criminal conduct offences under the Armed Forces Act 2006.

5.10 Where Service Police or MDP attend domestic abuse incidents, they will attend in a first response capacity in order to:

a) Preserve life.
b) Secure the scene and identify and preserve any evidence.
c) Where a criminal offence is suspected and only one party is service personnel, arrange as per h) below.
d) Where both parties to the incident are service personnel, consider whether the investigation and prosecution of offences will best serve the public interest if civilian or military police handle the case (sect 5.9 above refers).
e) In all cases, complete a DASH Risk Assessment form and take statements where appropriate.
f) Record / report the incident details as per the attending service’s agreed processes and procedures.
g) In all cases (with d) above as a separate consideration) request the attendance of the Home Office police force to take over the handling of the incident.
h) The timing and place of that handover needs to be determined between the attending service and the Home Office force. Subject to availability that handover may range from a handover at the scene to handover of a suspect in custody. Expectations are that the handover should take place at the earliest opportunity.

5.11 The MDP and Service Police will seek to provide support (pre and post incident) to the Home Office Force if available and requested to do so.
6. SAFEGUARDING CHILDREN AND YOUNG PEOPLE

6.1 A child is defined as any person under the age of 18 years. Officers should seek to establish whether there are normally any children living in the household and physically see the children if they are on the premises.

6.2 First response officers should only ask sufficient questions to establish whether or not any children are safe, to identify any crime scene location, identify suspects and their location and ensure evidence is preserved.

6.3 Once any children have been identified, appropriate referrals must be initiated to ensure that information is shared amongst agencies that can, if required, intervene to protect the child from further harm or abuse.

7. INFORMATION SHARING

7.1 In order to facilitate the arrangements outlined within this protocol, relevant information will be shared in order to prevent and detect crime, manage victim safety, protect vulnerable people and reduce crime and disorder. The legal basis for this is contained within:
   a) Section 115, Crime and Disorder Act 1998,
   b) Children Act 1989,
   c) Children Act 2004,
   d) Human Rights Act 1998 (Articles 2 and 3),
   e) Data Protection Act 1998,
   f) Safeguarding Vulnerable Groups Act 2006,
   g) ‘No Secrets’ Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse (DH, 2000).

8. EQUALITY AND DIVERSITY

8.1 The relevant police agencies recognise the additional barriers to reporting crime that black and minority ethnic victims may face when they are subjected to domestic abuse. In order to meet their general and specific needs there must be both generic and specialist provision of services.

8.2 Lack of cultural awareness or understanding should never be used as a reason for under policing or non-intervention.

8.3 In addition to the guidance outlined in this document for dealing with domestic abuse cases, victims from black and minority ethnic groups alleging an incident of domestic abuse should be dealt with in accordance with the following good practice.

8.4 Attending police officers,
a) Should not attempt to mediate or reconcile the victim with their spouse/ partner or family member. This could place the victim at further risk of abuse and seriously undermine their confidence in respect of the independence of the police and the wider criminal justice system,
b) Should not breach confidentiality by contacting relatives, friends, community members or religious leaders without the express permission of the victim. This could place the victim under undue pressure from others to withdraw their allegation. It is recognised that when Service Police officers attend an incident
they are bound to report incidents to the Unit Welfare Officers unless this requirement is waived by a senior officer,
c) Should not act as informal mediators by agreeing to pass letters or messages to the alleged victim. This could place the victim under undue emotional pressure to withdraw the allegation,
d) Should not use the services of a family member when requiring an interpreter. This could undermine the evidential value of any statement taken and place the victim under pressure not to disclose what has happened. A properly accredited professional interpreter with no social link to those involved should always be involved,
e) Should not allow any adverse immigration status on the part of the victim to affect the manner in which the case is dealt with,
f) Should consider any additional needs of those with a physical or mental disability and put measures in place to address these needs.

8.5 The relevant police agencies strive to improve public confidence and trust through delivering an excellent service, providing fair and equitable outcomes for all disabled service users.

9. HUMAN RIGHTS ACT 1998

9.1 The relevant police agencies acknowledge the provisions contained in The Human Rights Act 1998 and undertake to adhere to those principles in discharging their duties under this protocol.

10. PERFORMANCE

10.1 All parties to this protocol will set, monitor and evaluate their own performance when dealing with domestic abuse cases. Any multi agency performance issues will be raised to the Home Office force domestic abuse lead in order to initiate a multi agency meeting to resolve the issue.

11. TRAINING ISSUES

11.1 Joint training for all relevant police agencies is an ongoing requirement in order to ensure that relevant staff are kept abreast of national best practice guidance in relation to domestic abuse response, as well as the provisions of this protocol.
13. SIGNATORIES

Hampshire Constabulary
Date: 8.11.12

Thames Valley Police
Date: 5th November 2012

Ministry of Defence Police
Date: 8 Nov 2012

Royal Military Police
Date: 8 Nov 12

Royal Navy Police
Date: 8 Nov 12

Royal Air Force Police
Date: 8th November 2012