

Domestic Violence Protection Notices

Response to reports of domestic abuse, raising issues about:

- *Awareness of the process for requesting Domestic Violence Protection Notices (DVPNs).*
- *Recording details of offences considered.*
- *Recording rationale for non-referral to the Crown Prosecution Service (CPS).*

This case is relevant if you work in:

Public Protection



Overview of incident

Around 4pm, Ms A called the police for advice because Mr B, her ex-partner, was in her flat and would not leave. Ms A claimed that Mr B had the keys to her flat and was refusing to give them back. As a result, Ms A was staying with a friend because she was too scared to return home.

Ms A wanted the police to remove Mr B from her property without him knowing that she had asked for this, and said that she did not want to report a crime. She said if Mr B found out that she had called the police that she, “was dead”.

At first, Ms A said that she did not want to provide the call handler with her name, the name of Mr B or her address because she was scared that Mr B would find out she had called the police. After a while, and some persuasion by the call handler, Ms A agreed to provide Mr B’s details on the condition that police would not attend the address straight away. The call handler said they would carry out background checks and then call Ms A back.

Another call handler called Ms A back around 25 minutes later. In this call Ms A reiterated that she did not want to report a crime, and only wanted Mr B to be removed from her property. The call handler probed Ms A about feeling threatened, and eventually to her that the incident would be treated as a domestic issue and that the police needed to deal with the matter. They reached an agreement that police officers would not be sent to the address if Ms A agreed to speak to officers at the police station. They arranged an appointment for the following day.

At her appointment with officer C at the station, Ms A explained that a few days earlier, Mr B had arrived at her property and had been banging on the door. When she answered, Mr B entered the property, walking straight past her. Mr B demanded money from Ms A, had threatened to stab her if she didn’t pay, and refused to return the keys to the property. Ms A

also reported having received threatening text messages from Mr B, but could not expand on this because her phone battery was dead.

Officer C, recording the incident on the force's electronic record management system, noted that the risk was 'high' and added a location of interest marker on Ms A's property.

Subsequently, Mr B was arrested at Ms A's property for public order offences, blackmail and theft, although the latter offence was unrelated to Ms A. The case was also referred to the Safeguarding Investigation Unit (SIU).

DS D began her shift at approximately 7am in the SIU the following day, and within an hour of that shift recorded on the electronic record management system that the case would be allocated to investigation officer (IO) E for further investigation. IO E reviewed the case on the electronic record management system and noted that the risk remained 'high'.

IO E and IO F interviewed Mr B. Mr B said that he had never been in a relationship with Ms A, and did not take her keys.

Later that day, a police officer took a statement from one of Ms A's neighbours, who said that Ms A and Mr B had been living together and that she could not recall any arguments. Additionally, Ms A attended the police station and showed IO E the reportedly abusive text messages she had received from Mr B. IO E recorded these on the electronic record management system. IO E recorded that they were not abusive, contained no threats to kill Ms A and were about meeting each other to talk. This information was fed back to DS D. This meant that there was no evidence to support Ms A's allegations apart from Ms A's account, despite further enquiries having been made. It was therefore unlikely that this case would have met the evidential threshold of the Crown Prosecution Service (CPS).

Subsequently, DS D decided to take no further action against Mr B in relation to the blackmail and public order offences because she did not believe there was sufficient evidence to meet the CPS threshold. She charged Mr B for theft. In her investigators note book (INB) she wrote, "No threats on phone, inconsistent account, states she just wanted the suspect to leave and she wasn't kept there".

With regard to offences, DS D noted 'false imprisonment' and 'keys theft', but nothing else. DS D later said that she also considered assault, violence to secure entry, malicious communications, blackmail, theft and public order offences but there was no way of verifying this. DS D said that she did not write down all the offences she had considered because she did not have time. She also said that it is normal practice to record a full rationale for decisions made within 48 hours, seven days and then 28 days.

She did not do this because, she said, within that period of time, the case had become the subject of an IPCC investigation. The fact that the case became subject to an IPCC investigation should not have precluded DS D from recording her rationale. There is no guidance for recording information on the electronic record management system. The INB guidance does not say what needs to be recorded, or the level of detail required.

After the decision was made to release Mr B, DS D asked for a DVPN application to be made. A DVPN is a notice issued by police when they believe the suspect has committed, or has threatened, violence and is designed to protect the victim. The DVPN must be authorised by a superintendent, and imposes restrictions on Mr B to protect Ms A. DS D said she believed a DVPN to be necessary because she believed Mr B had harmed, or could harm, Ms A but didn't have the evidence to support this.

At around 4pm that day, IO F completed a DVPN on the electronic record management system. Simply completing the form on the system does not constitute a formal submission. The IO must contact the superintendent to tell them that the DVPN awaits their authorisation.

IO F said that this is the normal procedure for submitting a DVPN. IO F stated that the superintendent would then normally review the application and return the form advising the IO of their decision. IO F said that they should always complete the form and return it.

Superintendent G was responsible for authorising DVPNs that day. He explained his understanding of the process was that there are two stages.

- Firstly, the IO should contact Superintendent G for a briefing, where consideration would be given to the 'potential future need' for a DVPN. He explained that this briefing would normally take place while enquiries continued, and before the suspect was released.
- The second stage involved a further call from the IO, if they still wanted to make a DVPN application, after the first briefing. Superintendent G said that if the IO continued to want to make an application, he would expect to receive it by email, and normally approve the application verbally if he agreed. He said that at no stage would he check the file on the electronic record management system.

Superintendent G had previously received training on the DVPN process, and training records showed that this was a 'decision-maker course'.

IO F said that on this occasion, he had a short telephone conversation with Superintendent G to tell him about the DVPN application. Around 20 to 30 minutes later, Superintendent G told IO F that the application would be declined.

Superintendent G said that, in his conversation with IO F, he explained that it was not an appropriate time to consider a DVPN because there were other witnesses to contact and there was the potential for Mr B to have bail conditions imposed for blackmail.

He said that IO F seemed to agree with this assessment. Superintendent G said he expected IO F to let him know if the situation changed. He said that he did not receive the DVPN application form and, because the DVPN was not applied for, he did not consider Ms A's welfare further, because this was not his responsibility.

Mr B was released on bail for theft. No further action was taken about the allegations of blackmail and public order offences alleged against Ms A.

**Using Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) to make victims safer
Authorised Professional Practice (APP) September 2015**

"Officers have a duty to take or initiate steps to make a victim as safe as possible. Officers should consider domestic violence protection notices (DVPN) and domestic violence protection orders (DVPO) at an early stage following a domestic abuse incident as part of this duty."

Read the guidance online <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/domestic-violence-protection-notices-and-domestic-violence-protection-orders/>

The following day at around 9am, IO E referred Ms A to the National Centre for Domestic Violence (NCDV) to help Ms A obtain a restraining order. At around 1.30pm, he called Ms A to explain why Mr B had been released and advice on safeguarding measures.

Three days later, Ms A left her flat to go shopping. Mr B approached her in the street and physically assaulted her. He took her back to her property and continued to physically assault her. The following day Ms A persuaded Mr B to let her leave the property. She went to her friend who contacted the police and Mr B was arrested for false imprisonment and grievous bodily harm (GBH).

Type of investigation

IPCC independent investigation.

Findings and recommendations

Local recommendations

Finding 1

1. Detective Sergeant D did not produce an adequate recording of her rationale and decision-making process for finding that there should be no further action taken against Mr A. Specifically, she did not produce a sufficiently detailed account of her consideration of possible offences by Mr B; having only recorded 'false imprisonment' and 'keys theft' in her investigator note book (INB). There was no other evidence of detective sergeant D's thought process on this matter.

Local recommendation 1

2. It is recommended the force circulate guidance on why recording the reasons for not referring a matter to the CPS is mandatory. In cases of domestic abuse, the record should document all the offences considered.

Finding 2

3. There was significant variation in the understanding of the DVPN application process. This was coupled with the misunderstanding that is likely to have taken place during the telephone conversation between Investigating Officer F and Superintendent G. This resulted in a missed opportunity to issue a DVPN for Ms A.

Local recommendation 2

4. It is recommended that the force issue clear guidance on the DVPN application process. This will mean that everyone follows the same process.

Response to the recommendations

Local recommendations

Local recommendation 1

1. Dip checks have been carried out in domestic abuse cases to monitor compliance with existing training and CPS/Authorised Professional Practice.

Local recommendation 2

2. A new process was introduced to make the DVPN process simpler and more effective in terms of standardised practice. New guidance was created and implemented across the force to help understand the process.

Outcomes for officers and staff

Superintendent G

1. It was recommended that Superintendent A, the officer responsible for authorising the use of DVPNs, had no case to answer for misconduct.
2. The missed opportunity to issue a DVPN was considered to have happened because of confusion about the process for requesting a DVPN.

Detective Sergeant D

3. It was recommended that Detective Sergeant A, the officer who made the decision to release Mr A without further action, had no case to answer for misconduct.
4. Other than Ms A's account, there was no evidence to support her allegations, although enquiries were made. It was therefore reasonable to conclude that this matter would not have met the evidential threshold for referral to the CPS.
5. However, DS A did not produce an adequate recording of her consideration of possible offences committed by Mr B. DS A therefore received feedback.

Questions to consider

Questions for policy makers and managers

1. What steps has your force taken to ensure all officers understand the process for requesting Domestic Violence Protection Notices (DVPNs)?
2. How does your force ensure that officers record relevant decision making and rationales in investigation note books (INBs) or on Niche?