Domestic Abuse NFA Learning Briefing

In January 2023, 10 random DA cases with a Police NFA outcome were reviewed by a professional panel. The Panel consisted of a senior representative from Patrol, CID, LSU, the DA Influencer Network and the CPS. The need for the Panel stemmed from concerns over a significant drop (locally and nationally) in DA cases being referred to CPS for a charging decision and subsequently less DA cases passing through the criminal justice system.

This document outlines the key learning themes and good practice from the cases reviewed.

Theme: Full context

* Piecing together the whole picture of the relationship and circumstances rather than looking at a crime in isolation
* Understanding the victim’s expereince of being in the relationship and identifying patterns of abusive/manipulating/controlling behaviour by the suspect
* This creates opportunities to uncover and explore further offences
* See [Dr Patrick Tidmarsh](https://www.youtube.com/watch?v=Cpr2gtMte9k) video on ‘whole story’ appraoch



Theme: Burden of Proof

* Once all reasonable lines of enquiry have been completed, focus should be placed on if there is sufficient evidence for a realistic prospect of conviction:
	+ Can it be used in court?
	+ Is it reliable?
	+ It is credible?
* Proving guilt ‘beyond reasonable doubt’ is a matter for the criminal court to consider and not Police
* Supervisor reviews should reflect the correct burden of proof to avoid missed opportunities to refer cases to the CPS
* See [The Code for Crown Prosecutors | The Crown Prosecution Service (cps.gov.uk)](https://www.cps.gov.uk/publication/code-crown-prosecutors)



Theme: Trauma-Informed Practice

* Recognition of how the brain responds to trauma and possible victim reactions and subsequent support needs, e.g.;
	+ memory loss and/or difficulty concentrating impacting ability to provide accurate account of circumstances
	+ Increased time needed to build trust and rapport
* Creating psychologically safe spaces- e.g. using ABE suite instead of a police station, plain clothes instead of uniform etc.
* Working with partner agencies such as IDVAs and ISVAs to provide extra emotional support for the victim
* Consider the vulnerability of the victim and how to use an approach that supports the case rather than undermines it
* Be mindful of avoiding victim-blaming language
* See:
	+ [CPS toolkit on VAWG involving vulnerable victims](https://www.cps.gov.uk/sites/default/files/documents/publications/toolkit_for_prosecutors_on_vawg_cases_involving_vulnerable_victims.pdf)
	+ [Domestic Abuse: Language Matters](https://pocketbooksite.com/Utilities/Uploads/Handler/Uploader.ashx?area=composer&filename=Domestic%20Abuse-%20Language%20Matters.docx&fileguid=f3f4b13c-1449-43db-970f-5adf7a7001ff)



Theme: Suspect Focus

* The investigation should focus on the actions and behaviour of the suspect as opposed to the victim
* This includes before, during and after the offence to fully understand the circumstances and context of the incident
* Reasonable lines of enquiry may include analysis of the suspects’ digital communications and statements from third parties who may have witnessed/had disclosure made about the suspect’s behaviour
* Remain vigilant of the suspect’s ability to manipulate professionals as well as victims
* See [Power and Control Wheel](https://www.thehotline.org/identify-abuse/power-and-control/) for common tactics used by a perpetrator



Theme: Risk Assessments

* All DASH answers with a ‘yes’ need full context added in the space underneath the question or in the officer observation box
* Consider the following when assessing risk, especially in an officer observation only DASH:
	+ Victim demeanour and level of fear displayed
	+ Suspect offending history (including DA offences towards other victims)
	+ Escalation in incident frequency/severity (e.g. stalking, use of weapons, non-fatal strangulation)
	+ Prevalence of coercive control and any factors that threaten the perpetrator’s control
* Use stalking and harassment and/or Honour Based Abuse additional PPN question sets where applicable
* See:
	+ [DASH Pocketbook page](https://pocketbooksite.com/Interact/Pages/Content/Document.aspx?id=35115)
	+ [Controlling & Coercive Behaviour Pocketbook page](https://pocketbooksite.com/Interact/Pages/Content/Document.aspx?id=34529&SearchId=3552505&)



Theme: Victim Communication

* Domestic abuse victims have statutory, enhanced rights under the Victim’s Code of Practice
* Key updates on the suspect such as arrest, interview, release/ police bail (including conditions) should be provided within 1 working day
* Frequency and preferred method of contact should be agreed with the victim from the outset and reviewed regularly, especially:
	+ where long periods are expected between key decisions
	+ where the investigation will be desktop led
* Victims should be notified of NFA decisions within 1 working day and where applicable, they should be informed of their Right to Review
* LSU Victim Witness Care Officers can support with victim contact
* All victim contact should be clearly recorded on Niche, including the victim being informed of the outcome
* See [Victims Code 2020](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf)



Theme: Evidence-Led Approach

* Professional curiosity should remain at each stage of the investigation
* Keep an open-mind to investigative opportunities and explore them as fully as possible
* Ensure all lines of enquiry are recorded clearly on Niche
* Victim withdrawal is common due to several complex factors and should be anticipated
* An evidence-led appraoch should be utilised from the offset, e.g. attending officers to conduct walk-through of the scene using BWV, timely statements etc.
* Consider an informal discussion/ seeking Early Advice from the CPS as it could result in a new or improved investigation strategy
* See [Evidence-Led Prosecutions for Domestic Abuse](https://pocketbooksite.com/Interact/Pages/Content/Document.aspx?id=34686)



Theme: Supervisor Reviews

* Supervisor reviews should add value by providing direction on the investigative action plan and ensuring appropriate steps in line with the DA Procedure have been taken
* **ALL NFA decisions for DA cases must be approved by an Inspector with a clear rationale recorded within the review**
* Each learning theme within this document should be considered within DA supervisor reviews
* See [DA Procedure](https://pocketbooksite.com/Utilities/Uploads/Handler/Uploader.ashx?area=composer&filename=ASC+Domestic+Abuse+Procedure+2022+V7.docx&fileguid=f3a4f118-9e1e-4703-8f10-add811d31f3a) section 6.7 ‘Supervisory Officers’



Good practice identified:

* Caring and empathetic OIC service provided to victims
* Effective multi-agency working, utilising professionals such as IDVAs to support the victim and keep them engaged
* Risks to victim identified resulting in swift positive action against suspect

 \*\*\*\*\*\*\*\* THANK YOU FOR ALL YOU DO 😊! \*\*\*\*\*\*\*\*\*\*

