



Strategic Policing and Crime Board

Date of meeting: 17th September 2019

Police and Crime Plan Priority: Hidden Crimes

Title: *Increased reporting and recording of hidden crime – Domestic Abuse focus*

Presented by: *ACC Meir*

Purpose of paper

1. The purpose of the report is to update the Police and Crime Commissioner and the Strategic Police and Crime Board on the progress in tackling Domestic Abuse (DA) as part of the wider detecting and responding to Hidden Crimes priority.
2. Increased reporting of hidden/under-reported crimes is a key indicator of public trust and confidence.
3. The Police and Crime Plan identifies improving the response to DA as a key objective in tackling hidden crimes and is a priority for West Midlands Police (WMP).

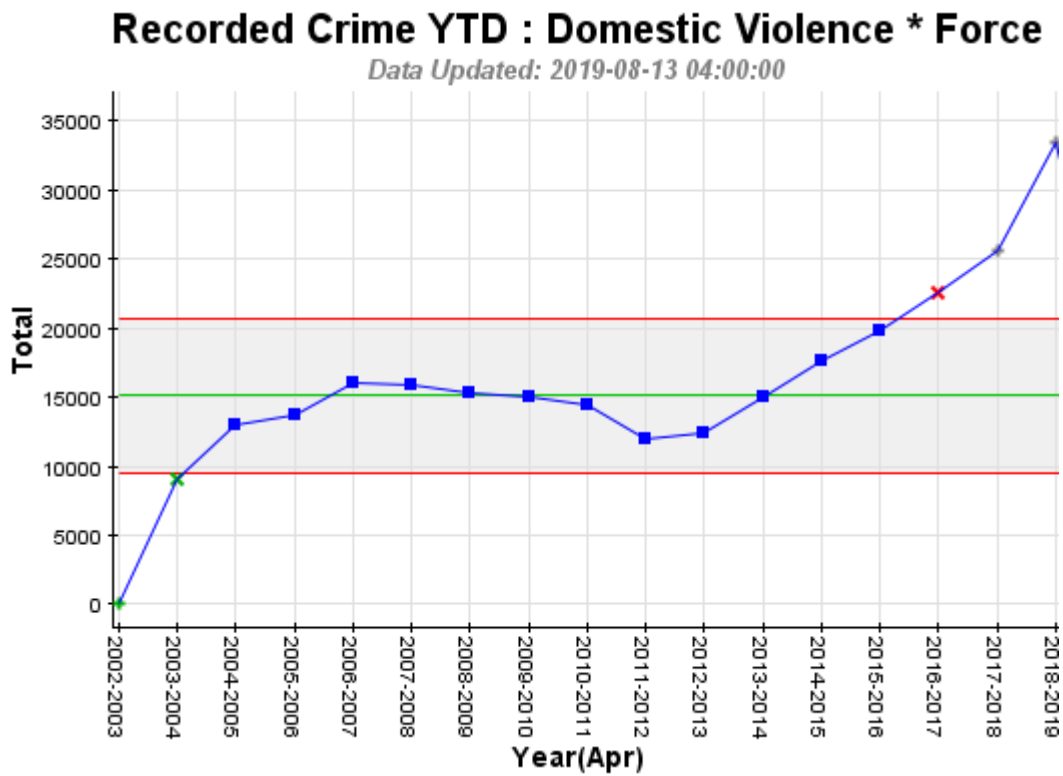
Governance and Strategic Oversight

4. Assistant Chief Constable (ACC) Jayne Meir is responsible for the governance and strategic oversight of hidden crimes within the crime portfolio and is supported by a Detective Chief Superintendent (DCSU) as head of the Public Protection Unit (PPU). Within the department, there are three Detective Superintendents covering:
 - Domestic Abuse (DA), Forced Marriage (FM) and Honour Based Abuse (HBA)
 - Child Abuse (CA) and Child Sexual Exploitation (CSE)
 - Sexual Offences Team (SOT), Modern Slavery (MS) and Human Trafficking (HT)
5. The initial attendance at DA incidents is normally the responsibility of the Force Response department, who have initial responsibility to ensure that the victim is safeguarded. They use the risk assessment model RARA (Remove, Avoid, Reduce, Accept) to guide them. All cases of DA (*apart from standard risk non-crime incidents*) are then reviewed within 24 hours by a Detective Sergeant in the Referral and Allocation unit (R&A) within the PPU. With cases that are standard and medium risk allocated to investigation departments, the officer in the case (OIC) has responsibility

to ensure the victim is continuously safeguarded during the course of the investigation.

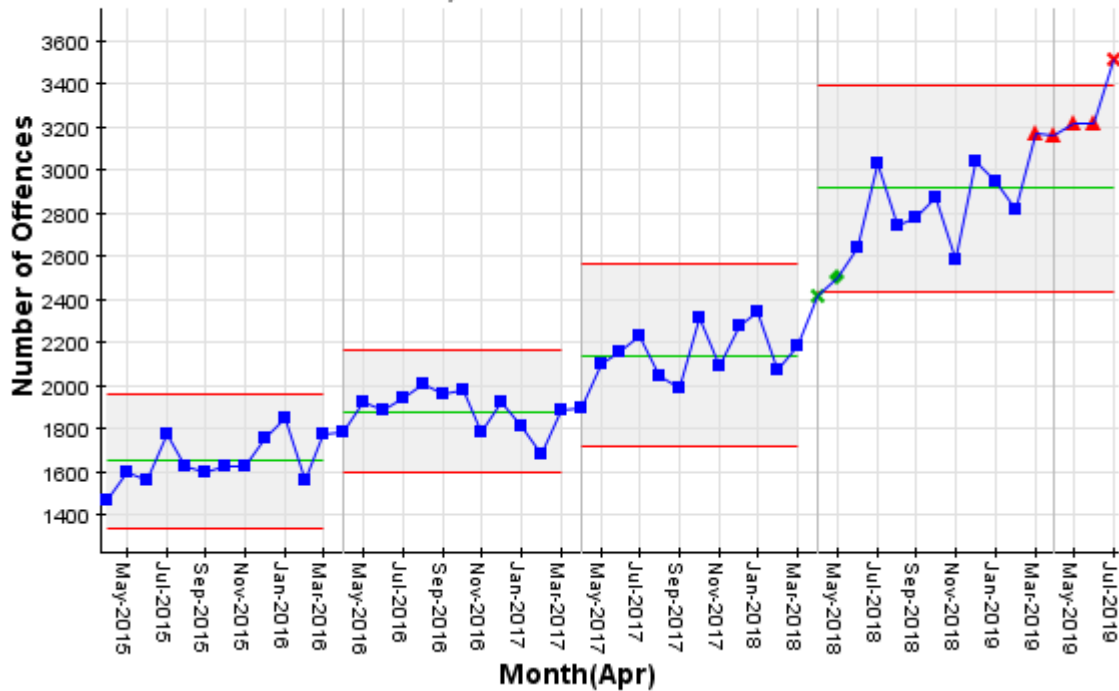
DA Performance

6. The level of recorded DA crime is at unprecedented levels, culminating in the highest level ever recorded in July 2019 with 3,524 offences.



Recorded Crime - Month : Domestic Violence * Force

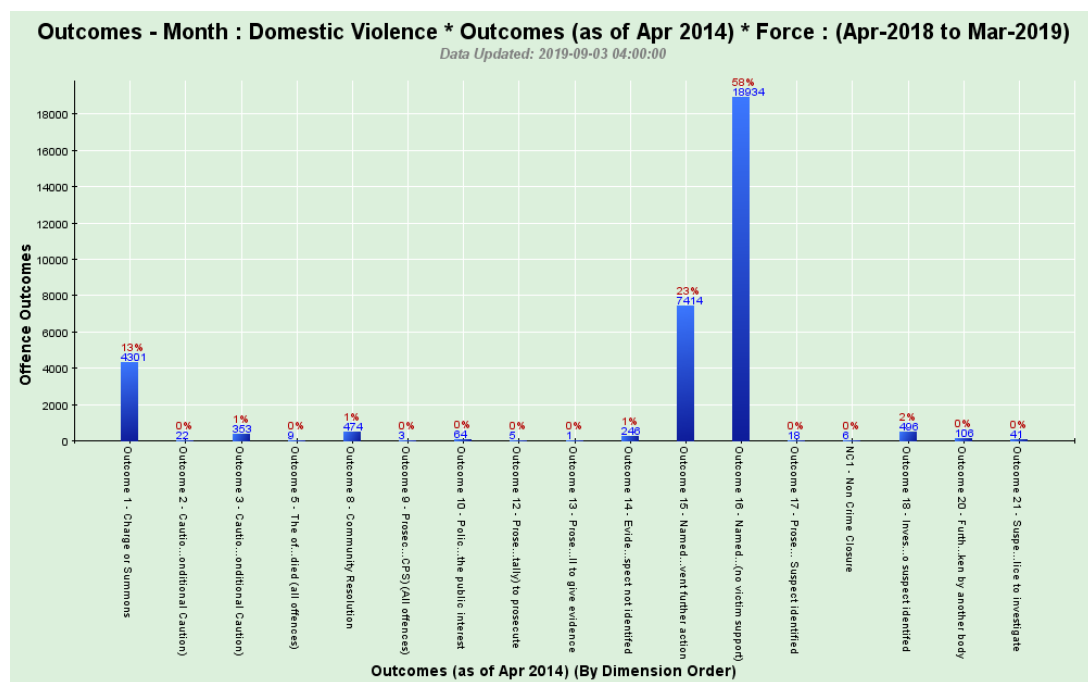
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7. It is assessed that the record levels of DA are a function of more accurate crime recording and victims being more confident in reporting this crime type. Comparing the quarter one figures for reported incidents of DA in 2018-19 with the same period in 2019-20, shows an increase of around 2% (17,085 rising to 17,440). Comparing the same period in terms of recorded crime, shows a significant rise of around 27% (7,552 rising to 9,589). The rise in recorded crime places additional strain on the PPU tasked with processing this new work.
8. The definition of DA is broad and the more accurate application of Home Office Counting Rules tends to mean that these “new” crimes are often at the lower end of the risk spectrum.
9. As the force also makes strides in its ‘Crime Data Integrity’, we are more likely to record a crime that previously may not have been recorded or measured. These crimes also tend to be at the lower end of the risk spectrum, where the victim does not wish to pursue the matter, driving the non-recording of these incidents.
10. All recorded crimes are subject to the same requirements set out by national guidance in Approved Professional Practice. This creates a challenging working environment and a strained system for investigators and their supervisors. The force are striving to find the most efficient system of work which results in a proportionate investment of resources in these cases dependent on the risk they pose and the prospects of a positive criminal justice outcome.
11. WMP prioritise calls to DA incidents. All incidents are graded either as a P1 (emergency) or P2 (prompt response), providing a priority response to the victim. On

occasions, the victim may prefer to be seen by appointment provided there is no concern that the victim is at risk.

12. WMP aims to record all crimes and incidents of DA. The Referral & Allocation Unit in PPU review all reports of DA and part of this review is to ensure that the crime is recorded accurately. This responsibility extends to investigating officers who may gain new information when they are investigating a case. All crimes that fit the definition of DA are given an appropriate flag.
13. In terms of outcomes (See Annex A for outcome definitions), a large percentage of reported DA results in the outcome of No Further Action (NFA), with the highest outcome categories being outcome codes 15 (23%) and 16 (58%).



14. Outcome 15 (23%), which is where a named suspect is identified, the victim supports police action but evidential difficulties prevent further action, reflects wider challenges in achieving a positive outcome rate for DA. Even with the support of the victim, it can be difficult to successfully prosecute. The force is committed to using perpetrator courses linked to conditional cautions, which is reflected in the data as outcome code 3. Whilst only representing 1%, this is 353 cases where a caution has been used.
15. Outcome 16 (58%) is where a named suspect is identified but the victim is not supporting proceedings. Whilst the decision to prosecute a case is not dependent on the co-operation of the victim, this is a very significant factor in determining whether the case proceeds. The high burden of proof required in any criminal case, means that without the testimony of the victim, a conviction is not possible without significant corroboration.

16. To pursue a case of 'Coercive Control' for example, would be challenging without the support of the victim. Careful judgement needs to be applied about when we act expressly against the victim's wishes. This could damage their long term confidence and prevent them from calling the police when matters escalate and their life could be in danger. Occasionally the victim may feel so strongly about not having a suspect prosecuted, that they actively testify for the defence. This is highly likely to undermine a prosecution.
17. The force are striving to improve their overall outcome rate. Despite a resource intensive summer period where the level of recorded DA reached new record levels, the force recorded a consistent and improving volume of positive outcomes. As we enter a lower period of demand, the force will continue to drive performance in this area.

Right to ask / Know applications

18. Both Clare's Law and the Domestic Violence Disclosure Scheme (DVDS) are now online. Where previously an applicant would have to telephone the force via 101 or present face to face at a station, both types of request can now be made online via the WMP website. The PPU and WMP Corporate Communications have worked together to build forms which are user friendly, clearly define their purpose and help the applicant to understand exactly what they are asking for, whilst ensuring that the forms are being used appropriately.
19. In development is a database which will collect information around the quality of the forms, outcomes of the requests and assess trends in the data. Moving online and promoting such a resource, has created an inevitable increase in interest and referrals. As a result, it is important to monitor the schemes and extract tangible information to assess their effectiveness.

Partnership working

20. The WMP Multi Agency Risk Assessment Conference (MARAC) team have been focussed on successfully implementing the MARAC Coordination and Administration function into the force.
21. Reflecting on the first quarter, whilst challenging, WMP have received excellent feedback from partners across the region who have noted the dedication of this brand new team. During the first quarter, WMP have processed almost 1,300 referrals across the region.
22. A database has been built which allows WMP to track the movement of MARAC victims around and out of the region, and provides transparency and quality information sharing that has never been available before. It is an aspiration that this will be available to wider partners also, which will complete the picture and transform how MARAC cases are managed.

23. An on-going priority for the next quarter is partnership work in terms of promoting MARAC, the benefits of engaging in such a process and delivering relevant training across the region free of charge. Engagement with Modern Slavery within WMP, Black Country Women's Aid (BCWA), regional Stalking Service, a new regional Lesbian Gay Bi-Sexual Trans Independent Domestic Violence Advisor (LGBT IDVA) service and the MOD's Army Welfare Service enables new partners to bring some real innovation and encourages the MARAC forum to consider the diversity of MARAC families and the complexities they face.

Learning from Domestic Homicide Review (DHR)

24. WMP PPU have a dedicated review team which ensures compliance with all the requirements of DHRs. There is no specific learning from DHRs to refer to in this report. WMP are fully engaged with the DHR into the tragic murder of Raneem Oudeh and Khaola Saleem, and will respond positively to any recommendations from this case.

Offender Management

25. The Force IT systems allow the tracking of offenders who are "*actively sought*". This includes suspects who are wanted for arrest and those who should be interviewed on a voluntary basis. All suspects wanted for arrest are circulated as "WANTED" on the Police National Computer, and will be arrested if they come to the notice of law enforcement agencies anywhere in the UK. Outstanding offenders are scrutinised at the daily management meetings of each of the eight Neighbourhood Policing Units (NPU). These meetings review issues of threat, risk and harm over the last 24 hours in each NPU area. The NPUs scrutinise the performance of the Response department who should strive to arrest the suspect when they first attend reports of DA. In cases where the suspect still remains outstanding, there is on-going tasking to ensure the arrest of the outstanding offender, co-ordinated by local neighbourhood teams. The number of outstanding offenders has increased over the summer period due to high demand levels and also the prioritisation of high risk offenders who need to be arrested promptly. Additional resources have been tasked to ensure this increase is addressed.

26. Over recent months, challenges have been identified in terms of a declining volume of positive outcomes and referrals to the Crown Prosecution Service (CPS). Whilst referral data to the CPS has declined since the last quarter (755 referrals in the first quarter of 2019), this is a trend reflected nationally and there is assessed to be a direct correlation with the significant rise in recorded crime.

27. As a result, WMP are now working with the CPS to review evidence led prosecutions and support each other to provide a more standardised process that will produce more referrals and refocus resources. The force has also increased the focus on positive DA outcomes, and the summer months have shown an improvement in positive outcome rates. Whilst positive outcome rates in May were recorded as 8.4%, outcomes rates have since increased as follows: June 10.4%, July: 10.2%, August:

10.1% and September: 10.7%. It is assessed that this is as a result of recent changes within the department including an uplift in staff. This is encouraging against a challenging period of high demand. As the force enters an anticipated lower period of demand in the autumn/winter, the force strives to increase positive outcome rates and meet its performance targets.

28. WMP re-designed the PPU in February 2019 so that it now has an Early Resolution Team (ERT) (as detailed in the corresponding Hidden Crimes paper). This department is focussed on securing out of court disposals for DA, primarily centred on conditional cautions linked to the completion of the Conditional Cautioning and Relationship Abuse (CARA) course. The course is aimed at perpetrators at the lower end of the risk spectrum, who may be at the beginning of engaging in escalating DA. Failure to complete the course would result in the rescinding of the caution and then a criminal prosecution. Perpetrators who complete the course show a significant reduction in their offending.

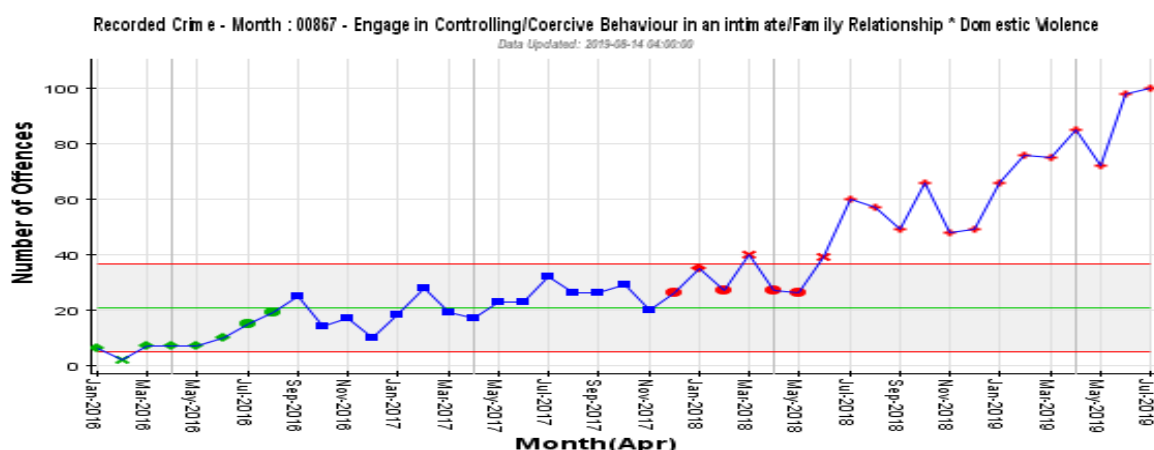
Domestic Abuse Bill

29. The current Domestic Violence Protection Orders (DVPO) are applied for by the police on the authorisation of a police Superintendent. The bill proposes a move to a new order which could be applied for by other agencies or the victim (Domestic Abuse Protection Orders – DAPO). This potentially creates a number of resourcing and processing challenges for the police.
30. An application made by a party other than the police, may still result in the police being asked to provide information to support the application. Currently, for example, DVPOs cannot be varied, extended or withdrawn. It is proposed there is more flexibility for DAPOs, but this may still require the police to conduct research on applications they did not initiate. This has resourcing implications as well as concerns regarding the required funding streams to support this work.
31. There are also concerns in terms of other additional demand in terms of gatekeeping of suggested orders, servicing of the order, ongoing safeguarding concerns and monitoring of the orders.
32. There is also debate about widening the breadth of existing orders including whether positive requirements should be placed on the DAPO for the perpetrator such as perpetrator programmes or behaviour change work. It is unclear how breaches of conditions or of DAPOs would be enforced. Currently DVPOs are dealt with on a civil burden of proof, which provides a limited sanction. Raising the bar to a criminal threshold increases the potential punishment, but at the same time requires a much higher burden of proof, which in turn requires more investigation work, file preparation and court process to enforce.
33. WMP are engaging with the Home Office and there is a National Stakeholder group in place to ensure that all the potential issues of DAPOs are considered and any legislation changes produce a better outcome for victims of DA. A revised Home

Office impact assessment will be produced later in the year and the working group will reconvene.

Coercive Control

34. In relation to Coercive Control, there has been a significant increase in recorded crime of Coercive and Controlling Behaviour offences since it became legislation in December 2015. Please note that a Coercive Control recorded offence is often recorded at the same time as other offences such as assault/harassment etc and so does not represent the full extent of police action.



35. Whilst nationally there have been a small number of notable cases where convictions have been secured solely for coercive control without traditional associated physical abuse, there remains challenges in levels of reporting as many victims do not recognise coercive control and it also represents a challenging offence to investigate.
36. All forces have delivered specific Coercive Control training and the new Domestic Abuse Risk Assessment (DARA), developed by the College of Policing and Cardiff University Women’s Safety Unit, has proven to increase identification of Coercive Control.

Economic Abuse

37. The DA bill seeks to introduce the first statutory definition of DA to specifically include economic abuse.
38. The current definition of DA means that fraud or theft in a family or intimate relationships are investigated as DA and are automatically allocated to Adult Volume or Adult Complex Teams, or the Adult Care Abuse teams in PPU for progression. These teams then have the option to request advice and guidance from the Economic Crime Unit or request a transfer of the investigation if it is sufficiently complex. WMP are providing additional training courses in December in relation to fraud investigation predominately for Public Protection Unit and Force Criminal Investigation officers to assist with understanding how to deal with a fraud investigation.

39. Economic abuse within the context of DA can take many different forms and could include restricting access to essential resources such as food, clothing or transport, and denying the means to improve a person's economic status (for example, through employment, education or training). This is not a specific offence, but would fall under the offence of 'Coercive Control'. The wider Force Response department are due to engage in an external training programme provided by SafeLives called "DA Matters". By using an external organisation to deliver this training, it is assessed that this may challenge the way the police traditionally view and deal with DA incidents. This includes a significant emphasis on incidents where there is no physical violence and will directly address the issues around coercive control and economic abuse, reflecting the priority given to these areas.

Next Steps

40. The Board is asked to note this report and the current challenges facing WMP in the unprecedented rise in the amount of recorded DA crime.

Author(s): Public Protection Unit

Annex A – Definition of outcome codes

Outcomes (as of Apr 2014)	
+	Outcome 1 - Charge or Summons
+	Outcome 2 - Caution - Youth (inc Conditional Caution)
+	Outcome 3 - Caution - Adult (inc Conditional Caution)
+	Outcome 4 - Take into consideration (TIC)
+	Outcome 5 - The offender has died (all offences)
+	Outcome 6 - Penalty Notice for Disorder (PND)
+	Outcome 7 - Cannabis Warning
+	Outcome 8 - Community Resolution
+	Outcome 9 - Prosecution not in the public interest (CPS) (All offences)
+	Outcome 10 - Police decision - Formal action against the offender is not in the public interest
+	Outcome 11 - Prosecution prevented - named suspect is below the age of criminal responsibility
+	Outcome 12 - Prosecution prevented - suspect is too ill (physically or mentally) to prosecute
+	Outcome 13 - Prosecution prevented - Named suspect identified but victim or key witness is dead or too ill to give evidence
+	Outcome 14 - Evidential difficulties victim based - named suspect not identified
+	Outcome 15 - Named suspect identified: Victim supports police action but evidential difficulties prevent further action
+	Outcome 16 - Named suspect identified: Evidential difficulties prevent further action (no victim support)
+	Outcome 17 - Prosecution time limit expired: Suspect identified
+	NC1 - Non Crime Closure
+	Outcome 18 - Investigation complete: No suspect identified
+	?
+	Outcome 20 - Further action will be taken by another body
+	Outcome 21 - Suspect Identified, but not in the public interest for police to investigate