

# Police perpetrated domestic abuse

## Report on the Centre for Women's Justice super-complaint



A joint investigation by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing and the Independent Office for Police Conduct



Independent  
Office for  
Police Conduct



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# Introduction and summary

## Senior panel foreword

In March 2020 the Centre for Women's Justice (CWJ), working with the Bureau of Investigative Journalism, submitted a super-complaint alleging that forces were not responding appropriately to cases of domestic abuse involving police officer or police staff suspects. Its submission included highly concerning victim testimonies that described victims feeling failed and sometimes further harmed by the police response.

It is vitally important that forces both respond robustly to these cases and are seen to do so. Police workforce members are entrusted with particular powers and responsibilities. Ensuring they uphold high standards of behaviour is fundamental to public trust and confidence in the police service. Forces also need to protect against the risks of having domestic abuse perpetrators in police roles.

Any allegation that a police workforce member has used their police status, knowledge and powers to deter a victim from reporting, to harm or discredit them or to undermine a police investigation must be treated with utmost seriousness. Protecting the integrity of the police response is not enough. The police must also be able to provide assurance and demonstrate that all the risks are managed.

Our three organisations have investigated CWJ's concerns. It has been the most thorough review of the police response to domestic abuse cases involving police suspects to date. Our work has enabled us to draw some strong conclusions (although we have not conducted fieldwork in all forces and we have been able to look at some issues in more depth than others).

Our fieldwork indicates that the criminal investigation of these cases is typically of a comparable quality to other domestic abuse investigations. Data we have collected indicates that reports of domestic abuse offences are just as likely to lead to criminal charges when a police suspect is involved. We also found, for the cases we reviewed, that the initial handling and response to 999 calls was generally good.

While our findings are in some respects reassuring, there needs to be a recognition that the police response to domestic abuse, across the board, still needs to improve. There has been good progress with this in recent years, but it is concerning to find the same common weaknesses identified in other reviews of domestic abuse investigations are occurring in these cases. For example, these cases seem just as likely to be closed without all lines of enquiry being pursued, if a victim does not support an investigation.

While we have found examples of good practice when a police officer or staff member is accused of domestic abuse, we also found that the forces where we conducted fieldwork often took insufficient account of the specific needs of victims. Policing must be consistently more alive to a concern among victims that forces will 'look after their own' in

these cases and, worse still, cause trouble for those who raise allegations. This concern will be stopping some victims from reporting and supporting investigations. More also needs to be done to protect victims from repercussions when allegations are reported to the police.

We have found that victims who work in policing themselves, particularly those who serve in the same force as their perpetrator, face a unique set of barriers to reporting. The service should be a leader in providing a work environment where those being abused feel safe and able to disclose, and those committing abuse are identified and appropriately dealt with to ensure victims and the public are safe. We conclude that the service is not consistently in this place at present, although we are aware of work locally and nationally to drive improvement.

Our investigation has also found that forces are not all going the extra mile with these cases, to show they understand the importance of protecting and demonstrating the integrity of the police response. We found safeguards to ensure and help demonstrate an impartial investigation and case decisions are not consistently applied. For example, case files should include formal 'declaration of conflicts of interest' records. These were often missing in the cases we reviewed, leaving it unclear whether or how those working on the case knew the victim or suspect.

One of our most important findings is that misconduct investigations are not always being carried out when they should be, nor conducted appropriately. Allegations of domestic abuse offences against police officers and staff should be reviewed and usually investigated by force professional standards departments. Shortcomings in this aspect of the police response, including failing to consistently refer cases to the Independent Office for Police Conduct (in line with the mandatory referral criteria), is something which chief constables must immediately address.

Overall, our investigation, combined with evidence submitted by CWJ, leads us to conclude forces are not fully recognising and responding to the risks and responsibilities associated with these cases. There are systemic deficiencies in the police response to cases of police perpetrated domestic abuse in England and Wales and this is causing significant harm to the public interest.

We are aware that many forces responded immediately to the super-complaint, by reviewing and revising relevant policies and guidance. An extra and important impetus for this activity has been rising concerns about violence against women and girls (VAWG) and, specifically, how forces deal with allegations against serving workforce members. The VAWG Taskforce, led by the National Police Chiefs' Council, has required all forces to review live VAWG allegations involving police officers and staff, including domestic abuse.

Evaluating new force approaches to cases of domestic abuse involving police officer or staff suspects has not been part of our super-complaint investigation. Our case file reviews

and data collection did not include very recent cases and hence, they do not provide evidence on whether there have been any changes as a result of these new approaches, for example in investigation quality or case outcomes.

We have developed a series of recommendations aimed at better investigations and better protection of victims in these cases. The recommendations and actions for our own organisations are focused on ensuring national guidance and legal requirements are consistently followed, as well as growing an evidence base for effective practice.

We thank all of the victims who have shared their experiences and provided critical evidence to support the super-complaint and our investigation. We are also grateful to CWJ for its extremely important super-complaint submission. We believe that the very significant concerns it has raised should have been better recognised and responded to before.

Signed by

Chief Executive of the  
College of Policing

HM Chief Inspector of  
Constabulary

Director General of the  
Independent Office for  
Police Conduct

# Executive summary

## What is a super-complaint?

A super-complaint is a complaint that “a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public” (section 29A, Police Reform Act 2002). The system is designed to examine problems of local, regional or national significance that may not be addressed by existing complaints systems. The process for making and considering super-complaints is set out in the Police Super-complaints (Designation and Procedure) Regulations 2018 ('the regulations'). More information on police super-complaints is available online on the [government police super-complaint webpage](#).

## What does this super-complaint say?

The [Centre for Women's Justice](#) (CWJ) is concerned with the way forces in England and Wales currently respond to domestic abuse cases in which the suspect is a police officer or member of police staff. It contends that there are insufficient safeguards to ensure both the integrity of the police response and that the unique risks, challenges and concerns for victims of police perpetrators are adequately addressed.

While recognising that there will be cases of police perpetrated domestic abuse (PPDA) that are dealt with properly, CWJ raises serious concerns that officers can manipulate the system and act in bad faith in a variety of ways. It contends this can lead to poor, biased and outright corrupt investigations and decision making. It raises concerns that victims can be deterred from reporting and can suffer reprisal arrests and, in the case of police victims, suffer repercussions at work, including becoming isolated within the workplace or becoming a subject of misconduct investigations themselves.

The CWJ submission describes 11 overarching concerns or ‘themes’ relating to how forces respond to cases of PPDA:

- difficulties in initial reporting;
- failures in investigation;
- improper manipulation of police processes;
- improper responses to complaints/concerns;
- accused officers’ personal links with others in the force;
- accused officers using their police knowledge, status and powers;
- improper decisions on criminal charges;
- incorrect approach to misconduct investigations and decisions;

- abused women arrested;
- employment difficulties for women who are police officers; and
- workplace victimisation of women who are police officers.

CWJ identified these failings through speaking with women who had suffered PPDA and with domestic abuse professionals. It also reviewed research studies on the topic and force data and policies. [The super-complaint submission made by CWJ, including further description of the 11 themes or common patterns it raised, is available to view online.](#)

## **Our approach**

We started our investigation with an understanding that domestic abuse cases involving police suspects pose a range of unique risks and challenges. There was already pre-existing [national guidance on the subject](#) owned by the College of Policing, which covers some of these additional risks and challenges. We focused on whether the practice described by CWJ is happening and/or whether risks are being recognised and managed.

Our investigation considered the police response to PPDA irrespective of the gender of the victims and perpetrators. Like CWJ, we examined domestic abuse perpetrated by any police workforce members, whether officers, staff, contractors or volunteers. To ensure we drew out learning relevant to existing practice, we focused our investigation on the police response to domestic abuse since 2015. This is the year that a new offence of coercive and controlling behaviour was introduced, through [section 76 of the Serious Crime Act 2015](#) (which came into force at the end of 2015).

We have reviewed the evidence submitted by CWJ and conducted our own investigation activity. We have held discussions with survivors of PPDA; police practitioners (including those who had recently retired or resigned from service who, we felt, may feel more able to speak openly); and with professionals working in domestic abuse support organisations. We have also conducted case file reviews in eight forces and collated and reviewed force policies, research literature and force data. We have drawn on five existing force domestic abuse surveys and conducted our own survey and focus group with victims that have contacted CWJ. Limitations to our methodology mean that some of our findings are not necessarily applicable to all forces. See the methodology summary below and the more detailed description of our sources of evidence in [Annex A](#) for more information.

A super-complaint investigation sets out to find if alleged problems are occurring. Finding and sharing good practice has not been a primary focus of our inquiry. We have, however, encouraged forces to collaborate and share learning and we have included a summary of innovative practice we have become aware of in [Annex B](#).

## Our main findings

Our main findings are grouped into seven chapters, which cover all aspects of the police response to PPDA from how a report is made, initially treated, investigated and closed to how victims and suspects are dealt with and managed. Overall, our investigation has found that the way forces are responding to PPDA cases is a feature of policing that is significantly harming the public interest.

It is vitally important that forces respond (and are seen to respond) robustly when domestic abuse allegations are made against police officers and staff. It is critical to trust and confidence in the service and for protecting against the risks of having domestic abuse perpetrators in police roles.

### Reporting PPDA

PPDA victims may find it especially hard to report their abuse to the police. Victims can have extra and profound concerns that they will not be believed and not receive an impartial, supportive police response. They can have added concerns about repercussions from reporting, including relating to the impact on the career of the accused. For police victims, there can be concerns about potential impacts on their own career and working life, including loss of privacy. More priority needs to be given to addressing all these concerns and building trust and rapport with victims.

We found evidence in our case file reviews of victims and witnesses saying that police perpetrators of domestic abuse had used their police knowledge, status and powers to intimidate them and deter them from making a report to the police. More needs to be done to recognise and respond to this risk behaviour.

### Initial handling of PPDA reports

In the cases we reviewed, the immediate police response to PPDA allegations as criminal allegations appeared to be generally good. Cases were almost always assigned to appropriate teams to respond and emergency response was timely when required. We did not review the response to allegations that were recorded as incidents or not recorded at all.

In our investigation we found that there is more likelihood of an inappropriate response when PPDA comes to the attention of the force through an informal disclosure. PPDA allegations involving police victims are often brought to police attention this way, by those involved speaking to one of their colleagues about the abuse. Allegations that come to police attention through informal disclosures carry more risk of not being recorded appropriately as a crime and responded to accordingly.

The initial handling of PPDA allegations as allegations of police misconduct was found to be generally poor in the cases and data that we reviewed. Too often forces failed to accurately treat PPDA allegations as police complaints and conduct matters. Our evidence also indicates that forces have also frequently failed to refer cases to the Independent Office for Police Conduct (IOPC) in line with the mandatory referral criteria set out in legislation.

### **Investigating PPDA**

From the case files we have reviewed, it appears that criminal investigations into PPDA share common weaknesses with other domestic abuse investigations. We found a mixed picture in terms of thoroughness and victim engagement in the investigation. Variation in investigation quality is not uncommon in domestic abuse cases, but police forces should be responding particularly robustly to PPDA allegations given the risks involved in having domestic abusers in police forces.

From the evidence we examined, misconduct investigations are not being consistently carried out when they should be. The decisions not to investigate those accused of PPDA for misconduct that we reviewed were often flawed. We examined cases where undue weight was given to allegations occurring off duty and cases where decision makers over-relied on the outcome of the criminal investigation when deciding to open a misconduct investigation. We found these issues also contributed to flawed decisions during and at the conclusion of misconduct investigations.

The misconduct investigations that do occur are not always as robust as they should be. We found instances where those carrying out misconduct investigations into PPDA allegations had not been aware of or had failed to consider relevant evidence that had been obtained as part of the criminal investigation. We also found evidence of delays affecting misconduct investigations that were not always justified.

### **Criminal and misconduct outcomes**

We collected more comprehensive data on PPDA cases than has ever been collected before. However, weaknesses in data recording and collection methods in forces means we do not have a complete data picture of PPDA.

The data we have collected points towards PPDA allegations being no less likely to result in charges being pressed against the suspect than any other domestic abuse allegation. Data limitations mean that this is, at best, an indicative finding. We collected data on 149 recorded PPDA offences that occurred in 2018 from a sample of 15 forces. 14 of the 149 cases resulted in a charge (9 percent). A similar proportion of all domestic abuse cases from 2018/19 resulted in a charge. 11 percent of all domestic abuse-related recorded crimes from [a sample of 37 forces published by the Office for National Statistics \(ONS\)](#) were closed with a charge or summons in the 2018/19 financial year.

We did not have enough data to estimate the number of PPDA allegations that result in misconduct outcomes. This was largely due to so few allegations in our dataset being treated accurately as a police complaint and conduct matter. The data we have indicates that very few PPDA allegations result in misconduct outcomes. Our 2018 data had 122 cases where the force reporting the data was also the employer of the suspect and hence able to share data on the professional standards department response. 47 of these 122 cases resulted in a misconduct investigation. 13 of these 47 investigations found there was a case to answer for misconduct or gross misconduct. Seven of these 13 cases led to the suspect being referred to some form of disciplinary proceeding. Six of these police workforce members were then dismissed at these proceedings (or would have been dismissed had they not already left the force) and one received a final written warning.

### **Victim care and safety**

We found that some PPDA victims are being left at risk of harm because the unique risks of having a police workforce member as a perpetrator are not consistently considered. There is too much willingness to accept a PPDA victim's preference not to take further action, close cases early and not arrest the suspect or pursue other forms of positive action which could protect the victim. We do not have evidence that this happens more commonly with these cases, but there is extra reason for forces to pursue prosecution against victims' wishes. Forces should also be exploring victims' concerns, being mindful that having a police perpetrator may be deterring them and offering appropriate reassurance and protective measures.

The failure to consistently treat PPDA allegations as formal police complaint and conduct matters is leading to victims being inadequately informed of progress in subsequent misconduct proceedings (if they happen at all). It also means victims are not being afforded other associated rights with being a formal complainant to a misconduct allegation (such as the ability to request an independent review of the outcome of their complaint).

A police officer or member of police staff cannot make a police complaint if at the time of the alleged conduct they were under the direction and control of the same chief officer as the person whose conduct is in question. This does not mean that they cannot raise concerns or that those concerns should not be investigated as a conduct matter. It also does not mean that they should not be kept informed of the progress of that investigation. The forces we assessed rarely appear to treat police victims as 'interested persons'. This would give them similar rights to a complainant to be kept informed of the progress of the investigation, and to be kept informed about and attend any misconduct proceedings that follow.

From our evidence, it appears that police victims of PPDA have often not been treated properly as victims. They are neither always afforded standards of care expected for all domestic abuse victims, nor are their vulnerabilities connected with having a police perpetrator consistently recognised and addressed.

We are not convinced that victim or public safety is always given adequate consideration when forces are deciding whether to restrict duties or suspend officers accused of PPDA. Guidance could be more detailed in this area to support effective decision making. We are also concerned that current guidance on vetting doesn't go far enough to ensure that police workforce members accused of PPDA have their vetting reviewed.

### **Employment repercussions for police victims**

There is a risk that police victims who work in the same force as their alleged abuser may experience ostracising and bullying by colleagues. We do not know how often this type of behaviour occurs, but we understand from victim testimony that it can have a profound effect on the wellbeing of victims.

We recognise that coming forward as a police victim of domestic abuse and making allegations against a work colleague is an extremely brave and difficult thing to do. Many police victims perceive that making such reports can have a detrimental effect on their career prospects. We are not sufficiently assured that forces routinely properly consider these concerns when supporting police victims of PPDA.

We think forces need to be more alive to a concern that police victims may not be reporting PPDA for fear that the suspect or their friends at work may retaliate by making malicious allegations against the victim.

### **Corruption and collusion**

Our investigation (including evidence submitted by CWJ) has found that victims are concerned about the risk of corruption and collusion in these cases and more needs to be done to give them reassurance.

Most police officers we spoke with were confident that existing safeguards and deterrents would deter and root out corruption and collusion. We have not found substantiated examples of corruption and collusion occurring through the course of our investigation. We acknowledge that our investigation had limited potential to uncover such practice. However, our investigation did find evidence that not enough is always done by forces to assure themselves and victims that safeguards against corruption and collusion are working as they should be.

We have found a few examples of victims raising concerns that it could have occurred, fitting with similar testimonies provided by CWJ. These examples mostly concern allegations that the suspect used their role in policing to deter the victim from reporting. Additionally, our case file review (56 cases) found two examples where the victim had raised concerns that the suspect may have misused their role in policing to cause them harm. It is not clear how these allegations were responded to and whether they were investigated.

We know some PPDA victims have been the subject of arrests following the report of their abuse. Given the limitations of our super-complaint investigation, we have not investigated individual cases. We have therefore been unable to assess whether these arrests were appropriate, inappropriate or malicious.

Connections between colleagues in forces do have the potential to undermine the response to PPDA. We don't believe forces have been taking this risk seriously enough. While some forces have recently introduced more robust policies, at the time of this super-complaint, force policies were not providing strong enough guidance to prevent those knowing the suspect or victim from working on a PPDA case. Declarations of conflicts of interest appear to be frequently missing and we have heard of examples, through our interviews, of cases that were being investigated by officers who knew the suspect.

## **Recommendations and actions**

We have identified systemic weaknesses in the police response to domestic abuse involving police suspects. A lot of this concerns a failure to consistently follow existing regulations and statutory guidance. To secure improvements across all forces, there must be a robust, multifaceted approach to ensure this is addressed. In particular, ensuring appropriate force professional standards department and IOPC involvement in these cases is critical.

The CWJ super-complaint submission and our investigation have raised awareness of the risks involved in PPDA cases and shown how important it is that they are addressed. Our recommendations are aimed at raising standards in PPDA investigations and in how victims are supported and engaged with. We understand that sustained effort and leadership is required. Our recommendations are focused on long-term improvement.

## Recommendations

### 1. To chief constables

- a. Chief constables should ensure that both live PPDA cases and those closed within the last 12 months (ending 30 June 2022) are audited. Appropriate action should be taken where they find cases were not treated appropriately as complaint and conduct matters and investigated accordingly.
- b. Chief constables should write, via the National Police Chiefs' Council (NPCC), to the College of Policing, the IOPC and HMICFRS within six months explaining how, following their case audit, their force has or will improve the response to PPDA allegations, including in relation to:
  - i. their handling of PPDA as a police complaint and conduct matter;
  - ii. their compliance with existing relevant APP guidance or their rationale for derogating from it;
  - iii. their monitoring of PPDA cases;
  - iv. ensuring impartial, joined-up criminal and conduct investigations conducted by people with the right knowledge and skills;
  - v. effective engagement and communications with victims;
  - vi. ensuring that appropriate decisions are being made regarding the deployment of officers under investigation for domestic abuse allegations; and
  - vii. other steps to embed the findings of this super-complaint into force working practices.
- c. The national framework for delivering better policing of violence against women and girls has already required forces to audit some live PPDA cases. We do not expect chiefs to audit the same cases twice. Chiefs should assure themselves that they have audited all live and recent PPDA cases, irrespective of the gender of the victim.

## Recommendations

### 2. To chief constables

- a. Chief constables should make sure they have plans in place to ensure PPDA allegations are investigated (both in terms of the criminal investigation and misconduct response) by someone with no prior connection to any of those involved in the allegations. Rationales for investigation ownership decisions should be fully recorded.
- b. It may be appropriate to refer a case for external force investigation when:
  - i. there are concerns that truly independent investigators cannot be found in force. For example, in smaller forces or in cases involving a suspect who, due to seniority or length of service, is well known in force; or
  - ii. victim trust and confidence cannot be secured another way.
- c. Local plans should include procedures to mitigate any unintended consequences to the speed and quality of the investigation and/or victim engagement in the investigative process that may be caused by referring a case to an external force for investigation.
- d. Chief constables should keep local plans for external force investigations under review. The recommendations and actions designed to expand what we know about PPDA (see below) should inform the development of local policies regarding when and how PPDA allegations are investigated by an external force.

## Recommendations

### 3. To police and crime commissioners (PCCs), the Ministry of Justice (MoJ) and chief constables

PCCs, MoJ and chief constables should make sure their provision of domestic abuse support services and guidance is capable of meeting the specific needs of all non-police and police victims of PPDA. This should include the following:

- a. PCCs considering whether local services are capable of dealing with the specific risks and vulnerabilities of PPDA victims and supporting them when engaging with the police complaints and disciplinary system.
- b. MoJ ensuring its guidance for independent domestic violence advisors includes guidance on the specific risks and vulnerabilities of PPDA victims and the specific support and advice they may need in relation to both the criminal and misconduct aspects of the police response.
- c. Chief constables reviewing support available to police victims of PPDA, including that provided by the force, staff associations and other workforce support bodies, and taking any action needed to strengthen these provisions.
- d. Chief constables assuring themselves that case updates and information are shared with victims in an accessible way that encourages trust and confidence in the police response. Consideration should be given to appointing a nominated senior person(s) in force (or from an external force) to have oversight of PPDA cases, to ensure they are conducted in a victim-focused way and to act as a point of contact for PPDA victims.
- e. Chief constables ensuring they provide accessible information for all non-police and police victims on how they can report PPDA and access confidential support (including through external agencies, such as the Refuge 24-hour helpline). Chief constables should also ensure accessible information is provided on how allegations will be investigated in a way that ensures confidentiality and independence from the alleged perpetrator.

### 4. To the Home Office

The Home Office should consider whether it would be appropriate to make any changes to legislation to ensure that police victims of PPDA do not have weaker rights (for example, in relation to being kept informed of investigations and subsequent proceedings, and to seek an independent review of the outcome of an investigation) than non-police victims of PPDA. Consideration should be given to what implications any changes would have for the wider police complaints and disciplinary system.

## Recommendations

### 5. To the Home Office

The Home Office should provide further guidance on the types of considerations to take into account when deciding to restrict an officer's duties (for example, move them to a new role or location) while there is an ongoing investigation into their conduct, with a view to ensuring that there is sufficient safeguarding of victims, members of the public and the integrity of any ongoing investigation.

### 6. To the Home Office

To improve the consistent recording and monitoring of PPDA cases, the Home Office should amend the Annual Data Requirement connected to misconduct cases and criminal investigations. Police forces should be required to report the number of misconduct cases and criminal investigations involving PPDA and the associated outcomes of these cases. These statistics should be published by the Home Office, so that they can support internal and external scrutiny of the police response to PPDA.

### 7. To all those subject to recommendations

Advise the College of Policing, IOPC and HMICFRS within 56 days of the date of publication of this report whether they accept the recommendations made to them. Chief constables should direct their responses to the NPCC and PCCs should direct their responses to the Association of Police and Crime Commissioners (APCC). The NPCC and APPC will then share the collated responses with the College of Policing, IOPC and HMICFRS.

## Actions

### 1. For the IOPC

The IOPC will carry out a targeted programme of oversight work in relation to police handling of PPDA. This will include:

- a. carrying out proactive reviews of local police handling of PPDA allegations and will include consideration of:
  - i. how forces identify, log and record PPDA matters;
  - ii. whether complaints and recordable conduct matters are handled in line with relevant legislation and IOPC statutory guidance;
  - iii. whether forces apply the referral criteria correctly;
  - iv. whether there is evidence which supports a change to the mandatory referral criteria; and
  - v. how forces engage with victims and complainants.
- b. issuing further guidance and support to police forces as appropriate to ensure that:
  - i. they recognise when allegations of PPDA must be recorded as complaints and conduct matters;
  - ii. they understand how and when PPDA allegations meet the mandatory referral criteria;
  - iii. they understand when off-duty conduct should be recorded as a complaint or conduct matter and that undue weight should not be given to the fact that conduct occurred off duty when making case to answer decisions; and
  - iv. they keep complainants informed and identify when a police victim should be kept informed as an interested person.
- c. considering whether additional guidance or information is required for victims and complainants on their rights;
- d. monitoring referral rates from police forces and local policing bodies and taking further oversight action as required where concerns are identified; and
- e. assessing how accessible it is for victims of PPDA to raise complaints and concerns with forces and local policing bodies.

The IOPC will make PPDA a main focus of its wider thematic work on police handling of cases involving violence against women and girls (VAWG). It will use evidence from its investigations and reviews to make learning recommendations to improve policing practice in this area.

## Actions

### 2. For the College of Policing

- a. The College of Policing will update the domestic abuse Authorised Professional Practice (APP) to better address the unique risks and challenges associated with PPDA. The APP will make it clear that a robust approach is required to PPDA criminal and misconduct investigations, commensurate with the heightened risks involved with police perpetrators and the extra anxieties victims may have about the impartiality of the response and potential repercussions from reporting.
- b. The College develops guidance in consultation with guidelines committees. It will follow this process when updating the domestic abuse APP in line with this action. More information on [how the College produces and maintains APP](#) can be found on the College website.
- c. The College is already conducting a review of its vetting guidelines, Code of Ethics and guidance on outcomes in misconduct proceedings as part of the [national framework for delivering better policing of violence against women and girls](#). We are incorporating the learning and findings from this super-complaint into this activity. This includes evidence relevant regardless of the victim's gender.
- d. The College of Policing will review its curricula and training products, with a view to including more reference and learning in relation to the specific risks and challenges associated with PPDA.

### 3. For the IOPC

The IOPC will consider how it could report data on police complaints involving an allegation of PPDA as part of its annual statistical release.

### 4. For the College of Policing and the IOPC

The College of Policing and the IOPC will work together, in collaboration with the NPCC (and in consultation with third-sector domestic abuse-related organisations) to review different approaches to improving victim trust and confidence in the police response to PPDA allegations, particularly regarding impartiality and case confidentiality. The scope of this activity will be subject to available funding.

### 5. For the College of Policing and the IOPC

To help forces share learning and identify best practice, the College of Policing and the IOPC will run a learning lessons event with forces. This event should take place in 2023.

# Our super-complaint investigation

## Scope

Our investigation considered:

- whether there is evidence that the issues of concern raised by the Centre for Women's Justice (CWJ) are occurring;
- whether they are adversely affecting the identification and investigation of PPDA; and
- the extent to which there is evidence that they may be affecting the ability of the police to keep victims of PPDA safe and ensure offenders face criminal justice and appropriate misconduct outcomes.

Investigating individual allegations and complaints was outside the scope of our investigation.

Like CWJ, we recognise the importance of workplace culture in relation to how cases of PPDA are handled in force. However, while CWJ linked its super-complaint with wider concerns about police culture, it was not one of the 11 themes that it listed and we set out to explore. It was considered not feasible given the significant scope and resources such an investigation would require. It would also have significantly delayed investigation findings.

Assessing or evaluating the effectiveness of different approaches to responding to cases of PPDA was outside the scope of our investigation. We recognised that this would need to be a separate piece of work and we did not want to delay publication of the investigation report. We have made recommendations to promote ongoing learning. We have also summarised examples of innovative force practice that we identified during the course of our investigation in [Annex B](#).

## Methodology – how we investigated the super-complaint

We analysed and grouped the concerns set out in the super-complaint and developed the following lines of enquiry:

- how reports of PPDA are made;
- how reports of PPDA are initially handled;
- how PPDA is investigated;
- the criminal and misconduct outcomes of PPDA cases;
- how victims of PPDA are supported and safeguarded;
- employment repercussions for police victims; and

- risks relating to corruption and collusion and whether and how safeguards are applied.

The super-complaint investigation has explored all of the issues raised in the super-complaint. As far as possible, for each issue we investigated, we aimed to draw on evidence from multiple sources that had been gathered through a variety of methods. Triangulating our evidence in this way enabled us to come to stronger conclusions.

To gather evidence, the investigation team did the following:

- Reviewed evidence provided by CWJ with its super-complaint, including confidential material (write-ups of victim testimonies and statements by domestic abuse professionals working in third sector bodies) as well as information published with their submission. This included evidence gathered by CWJ and the Bureau of Investigative Journalism through Freedom of Information (FOI) requests to forces, on the number and outcomes of PPDA cases and on force PPDA policies. CWJ also shared international research studies and descriptions of law enforcement approaches to PPDA in other international contexts.
- Conducted a victim survey with victims who had contacted CWJ.
- Held a focus group with victims who had contacted CWJ.
- Reviewed the results of internal force domestic abuse staff surveys which had been conducted in five forces (separate to the super-complaint investigation).
- Conducted a case file review in eight forces, assessing the initial response and criminal investigation for 56 cases and assessing, for 20 of these cases, how allegations of misconduct or gross misconduct were handled.
- Made extra data requests to forces on the number, handling and outcome of PPDA cases and analysed the results.
- Conducted confidential telephone/online interviews with people who had knowledge and experience of PPDA cases (including serving and recently retired police workforce members and representatives from third sector domestic abuse organisations), typically focusing on whether the interviewees recognised the issues raised in the super-complaint submission.
- Held focus groups with police officers with experience of the handling and investigation of PPDA, exploring their experiences of the response to PPDA in their force and whether they recognised the issues raised in the CWJ super-complaint submission.
- Collated and reviewed policies and guidance documents concerning PPDA from 33 forces.
- Searched for and reviewed academic literature on PPDA.

The investigation has been wide-ranging and multifaceted. We have aimed to gather sufficient data to assess the concerns raised by CWJ. We engaged all forces in our investigation activity to some degree and carried out fieldwork and more detailed data

gathering from a proportion of them. We are clear throughout this report where our findings are indicative rather than conclusive.

We have not conducted any new research to explore how the response to PPDA cases compares with the police response to domestic abuse more generally. Instead, where relevant and possible, we have referenced national data and HMICFRS inspection findings on domestic abuse. This has enabled us, in places, to give a tentative indication of whether our PPDA findings are reflected in the wider police response to domestic abuse.

We recognised from the outset that obtaining objective and conclusive evidence for some of the alleged failures raised in the CWJ super-complaint submission would be challenging or not feasible, within the constraints of our super-complaint investigation. In particular, we recognised that improper manipulation of police processes may not be apparent to us in written records. Similarly, we recognised that employment repercussions for police victims (such as adverse impact on their police career prospects) would be hard to evidence. For hard-to-evidence concerns such as this, we have not treated the absence of objective evidence to mean the practice or harm is not occurring.

[Annex A](#) provides information on fieldwork activity and sources of evidence referenced in this report.

# Key definitions and abbreviations

The following definitions are key to understanding this report.

## Domestic abuse

We use the definition of domestic abuse given in Home Office counting rules for recorded crime. Under the counting rules, domestic abuse is:

"any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality."<sup>1</sup>

A new statutory definition of domestic abuse, similar to the counting rules definition, came into effect in 2021. We have used the counting rules definition as this was the one used by the police during the period of our investigation.

## Police perpetrated domestic abuse (PPDA)

Domestic abuse committed by a police workforce member.

## Police workforce members

Police workforce members include:

- police officers (of any rank);
- special constables (volunteer police officers);
- police community support officers (PCSOs);
- police staff; and
- people contracted to work for the police.

## Victim

We have used the term 'victim' throughout to describe victims and survivors of PPDA.

## Non-police victims

PPDA victims who are not police workforce members themselves.

## Police victims

PPDA victims who are also police workforce members (as listed above) at the time of the abuse and/or when the abuse was reported to the police.

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<sup>1</sup> [Home Office Counting Rules for Recorded Crime: Crime Flags](#), Home Office, 9 April 2021.

## Professional standards department (PSD)

The department within a police force that investigates most complaints and allegations of misconduct relating to police workforce members.<sup>2</sup>

## Police complaint

Any expression of dissatisfaction with a police force that is expressed by or on behalf of a member of the public.

Prior to February 2020, when a number of reforms to the police complaints system came into effect, the definition of a police complaint was "an expression of dissatisfaction by a member of the public about the conduct of a person serving with the police".

A complaint does not need to be communicated in writing nor does it need to say explicitly it is a complaint.

A police officer or member of police staff cannot make a 'complaint' if, at the time of the alleged conduct, they were under the direction and control of the same chief officer as the person whose conduct is in question. This means they cannot make a complaint about another officer or member of staff in the same police force.<sup>3</sup> However, this does not mean that they cannot raise concerns or that those concerns should not be investigated as a conduct matter or recordable conduct matter.

## Conduct matter

Any matter which is not and has not been the subject of a complaint, where there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.

## Recordable conduct matter

A recordable conduct matter is a conduct matter that is required to be recorded or has been recorded under the Police Reform Act 2002.<sup>4</sup> 'Recording' in this context means that the conduct matter is given formal status and must be handled under the Police Reform Act 2002. What must be recorded is set out in the Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2020.

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<sup>2</sup> Note: In some forces the department has a different title. For example, in the Metropolitan Police Service it is named the 'directorate of professional standards'. The term PSD is used for brevity throughout this report.

<sup>3</sup> Note: Police workforce members are also unable to complain about a colleague from another force if they were on duty at the time of the incident that they are complaining about.

<sup>4</sup> The Police Reform Act 2002 is a central piece of legislation that underpins the police complaints system.

## Misconduct and gross misconduct

Since February 2020 misconduct is a breach of the policing [Standards of Professional Behaviour](#) that is serious enough to justify disciplinary action.<sup>5</sup> Prior to February 2020, misconduct was defined as any breach of the policing Standards of Professional Behaviour.

Gross misconduct is misconduct so serious it warrants an officer's dismissal from the police.

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<sup>5</sup> This is the definition where a matter is being dealt with under the Police (Conduct) Regulations 2020. The definition of misconduct in the Police Reform Act 2002 is 'a breach of the Standards of Professional Behaviour'. However, whether a case is investigated under the Police (Conduct) Regulations 2020 or the Police Reform Act 2002, when deciding whether disciplinary proceedings should be brought, the definition from the Police (Conduct) Regulations 2020 applies.

# Background and context

## Legal framework

Multiple complex aspects of policing are involved in handling allegations of police perpetrated domestic abuse (PPDA). There is specific expected practice relating to handling of domestic abuse allegations. There is also legislation that sets out how the police must handle police complaints, conduct matters and death and serious injury matters, and legislation governing police disciplinary processes. A number of reforms to the police complaints and disciplinary system came into effect in February 2020.

## Policing context

The super-complaint submitted by the Centre for Women's Justice (CWJ) has presented an extremely important and timely opportunity to review how effectively forces are managing PPDA and whether there are problems that need to be addressed.

There have been longstanding concerns and evidence of failings in relation to the police response to domestic abuse more widely. The super-complaint has triggered the first national review of how forces respond when the suspect is a police workforce member.

During the course of our investigation, there have been high-profile cases of PPDA in the news which have been in line with the concerns raised by CWJ. For example, Gwent Police apologised to two former police officers in November 2021 for how the domestic abuse allegations against a police officer colleague were handled. The victims alleged that a 'boys' club' culture in the force had contributed to their allegations not being taken seriously. They said that this had left the perpetrator able to repeatedly offend.

In its super-complaint submission, CWJ raised concerns about a 'locker-room culture' and 'institutionalised sexism' in policing. CWJ has pointed to a range of supporting evidence, including around sexual harassment reported by police employees; reports of sexual assault by police officers; and reports of undercover police officers having deceitful sexual relationships. CWJ also pointed to the ongoing and significant concern about abuse of position for sexual purpose (APSP) by police officers and staff. In October 2021, the IOPC reported that APSP was the single largest form of police corruption that it deals with.

Our super-complaint investigation did not address whether and how the police response to PPDA may vary in relation to the characteristics of suspects and victims, such as their sex, sexual orientation or ethnicity. Given that women are disproportionately victims of domestic abuse, our findings must be seen in the context of concern about potential misogyny and sexism. We are mindful that other forms of prejudice may also be relevant. We included organisations that provide domestic abuse support to LGBTQ+ victims, males and people from black and minority ethnic backgrounds in our investigation interviews.

CWJ also raised concerns about a culture of loyalty in policing and how this could lead to the interests of the suspect being prioritised over victims in PPDA cases. While we have not investigated police culture or how the attitudes of individual officers and staff may influence the response to cases, we have been cognisant of and linked in with relevant work and developments.

Force culture is currently in the spotlight. The Home Office has commissioned an independent inquiry, led by Dame Elish Angiolini, in response to the murder of Sarah Everard by serving police officer Wayne Couzens. This is likely to provide more understanding about how pervasive some cultural problems are and how easy it is to whistle-blow and raise concerns about colleague behaviour and attitudes. Separately, HMICFRS has been commissioned to review police vetting, including how the police respond to allegations against serving workforce members.

## **National police perpetrated domestic abuse (PPDA) policy, guidance and training**

### **Authorised Professional Practice**

The College of Policing maintains Authorised Professional Practice (APP) on a range of policing activities. APP sets out the expected police practice in these specific areas of policing. It is designed to gather existing knowledge products and guidance into a consolidated format.

There is no legal power to compel compliance with APP, but forces will need to explain why they have not followed national guidelines should there be a review of their policies by HMICFRS, IOPC or any other inquiry, such as an inquest. We asked forces to provide us with PPDA relevant extracts from their own force guidance and policy documents. 33 of the 43 English and Welsh police forces provided bespoke policies and/or guidance to us and 10 forces told us they did not have bespoke force policy or guidance on PPDA. As we would expect, most of the force policies we reviewed complied with the APP and many included extra material.

Guidance on dealing with PPDA is contained in the domestic abuse APP. Two specific sections are dedicated to it:

- Specific management considerations when dealing with police perpetrators of domestic abuse; and
- Victims from armed services families and emergency service/public service personnel.

APP is deliberately not overly prescriptive. This allows forces to take account of local context, support services and processes and encourages them to innovate bespoke approaches to complex areas of policing, within boundaries of evidenced good practice.

The current PPDA relevant APP was introduced in 2014. The first PPDA guidance for England and Wales was introduced by the Association of Chief Police Officers of England, Wales and Northern Ireland in 2004.<sup>6</sup>

The APP section on specific management considerations when dealing with police perpetrators opens with the following statement:

“Police officers who commit domestic abuse-related offences should not be treated differently to any other suspect. They should be investigated and held accountable through the criminal justice system in the same way as any other person.”

The rest of the APP provides a limited description of the risks posed by police perpetrators. The section on risk and vulnerability says “emergency service personnel, i.e., police, fire and ambulance staff, may be exposed to trauma that has an impact on their personal relationships” and the section ‘Specific management considerations when dealing with police perpetrators’ notes that police officers “may have access to weapons, vehicles or information which would not be available to the general public and this should be considered as part of any risk assessment”.

The APP on specific management considerations when dealing with police perpetrators sets out the following expected standards for PPDA investigations:

- PPDA cases should be immediately referred to a local commander, a nominated chief officer, a domestic abuse co-ordinator and the local professional standards department (PSD).
- Forces should tell the employer force when an officer who does not work for them becomes known to them for domestic abuse.
- PPDA investigations should be reviewed by a nominated chief officer.
- Records associated with PPDA cases should have appropriate safeguards applied to them to “ensure the integrity and effectiveness of the investigation”.
- Police forces should provide support to victims.

The APP on Vetting is also relevant to this super-complaint. It complements the Vetting Code of Practice.

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<sup>6</sup> Police Officers who Commit Domestic Violence-Related Criminal Offences, ACPO, 2004.

## Statutory guidance on police complaints and conduct

There are two statutory guidance documents forces must have regard to when dealing with police complaint and conduct matters. These are:

- Statutory guidance on the police complaints system (IOPC, February 2020); and
- Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (Home Office, 5 February 2020).

If forces do not follow statutory guidance, they need to have a sound rationale and justification for departing from it or risk legal challenge.

The College of Policing's Guidance on outcomes in police misconduct proceedings also provides further guidance on assessing the seriousness of conduct. It is intended to assist those who are conducting misconduct proceedings but makes clear that it may also be used to inform assessments of the seriousness of conduct under investigation.

## Training

Police forces are responsible for training their workforce members, following national training standards set by the College of Policing. The College expects domestic abuse training "to be mandatory for all roles coming into contact with domestic abuse reports". The domestic abuse APP says that "in practice this means almost everyone" in policing should receive some domestic abuse training. The domestic abuse APP says force domestic abuse training should include "disclosure and support" provision because "it is statistically likely that both victims and perpetrators of domestic abuse are present among those receiving training".<sup>7</sup>

While PPDA is not specifically referenced, domestic abuse relevant learning is incorporated throughout the national curriculum set by the College of Policing, including for new officer recruits and in specialist investigator and leadership programmes.

There is one College of Policing delivered programme which specifically addresses PPDA, the 'Public Protection Safeguarding Leaders' programme. It was developed with Home Office funding in 2020 and around 170 police workforce members from across 39 of the 43 Home Office forces have attended so far. The programme is aimed at those working as public protection and safeguarding leads within force. It is not listed as mandatory, but it is recommended for those starting relevant strategic leadership roles. The programme is not aimed at specific ranks. Attendees have come from a range of ranks, including, for example, at detective inspector and assistant chief constable level. As part of a remote learning element, course delegates are tasked with a case study involving staff as domestic abuse victims and/or perpetrators. Delegates also have to ensure they have local procedures in place to respond effectively to such cases.

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<sup>7</sup> Authorised Professional Practice: Major investigation and public protection: Domestic abuse: Leadership, strategic oversight and management: training provision, College of Policing, 16 September 2015.

The College also provides a range of online learning resources related to domestic abuse, including, for example, the 'Vulnerability and Risk Learning Programme' and a coercive control classroom package.

A concerted effort to drive improvements in the police response to domestic abuse is being made through the 'domestic abuse matters' training programme. This programme first launched in 2017. It was developed by the College of Policing and SafeLives, working with key stakeholders including Women's Aid. It is currently delivered as a licensed product in forces by SafeLives, Women's Aid and Welsh Women's Aid (domestic abuse charities). It has been delivered in 30 forces to date. While exact attendance figures are not available, there is an expectation that all participating forces will ensure three quarters of their frontline responders will attend. Some forces have achieved 90 percent frontline responder attendance.

'Domestic abuse matters' has an emphasis on explaining coercive and controlling behaviours; barriers faced when attempting to leave an abuser; better understanding of legislation and how to gather evidence. 'Domestic abuse matters' also aims to help responders better recognise and tackle 'empathy exhaustion' (a term that describes the physical, emotional and psychological impact of helping others – often through experiences of stress or trauma). Participating forces receive training for first responders, as well as extra training for designated force 'domestic abuse matters champions' and 'sustaining the change' workshops for senior managers.

Since the submission of the CWJ super-complaint on PPDA, SafeLives has developed a one-day workshop for forces that are participating in 'domestic abuse matters' training, on 'officer involved domestic abuse'. The workshop is specifically aimed at those involved in investigating PPDA (predominately those who work in PSDs, anti-corruption units and strategic domestic abuse leads). It is focused on helping learners understand the specific difficulties and concerns experienced by PPDA victims and the unique barriers they face to reporting. It also provides insight into the additional power dynamics and tactics used by police perpetrators of domestic abuse.

To date it has been delivered to specialist teams in three forces: Hampshire, Cleveland and the Metropolitan Police Service.

Experienced investigators work in force PSDs and counter corruption units. Many of those who work in these roles will have already worked in public protection and have experience of dealing with domestic abuse, as well as having undertaken specific domestic abuse training. The College delivers the counter corruption investigator and lead investigator courses, and professional development training for appropriate authorities, heads of PSDs and PSD investigators. Domestic abuse training is not a specific element of these training deliveries.

The professional development of those undertaking PSD and counter corruption investigation focuses on the regulatory requirements that are unique to police disciplinary investigation and the knowledge and skills required to ensure effective investigation in this regulatory environment. This includes issues around sexual misconduct and discreditable conduct. The counter corruption courses also have a strong focus on APSP as a form of serious corruption. Both PSD and counter corruption investigators are reminded of the need to seek specialist support or advice where this is appropriate and beneficial in supporting both those making accusations and those being investigated.

### **International policy and guidance**

How to ensure victims of domestic abuse receive an appropriate response from police agencies, when their abuser works in the police, is of international interest. Explaining how this interest has evolved over the years helps understanding of the current context in England and Wales. Care needs to be taken around drawing parallels between experiences of PPDA in different countries, given differences in the cultural, social and legal context, and how law enforcement agencies operate.

Over the past three decades, there has been a growing body of literature on the topic, mainly from North America. Research studies have tended to focus on the prevalence of PPDA, extra factors that may contribute to domestic abuse offending by police workforce members, and extra risks for domestic abuse victims of police perpetrators. There is no reliable evidence that police workforce members are more likely to commit domestic abuse offences.<sup>8</sup>

As well as academic researchers, there are committed authors, journalists, practitioners and campaigners who have, for many years, been highlighting the unique challenges and risks involved with cases of PPDA and calling for improvements to how these are managed by law enforcement agencies.

The [FBI Academy](#) and the [International Association of Chief Police Officers](#) (IACP)<sup>9</sup> were working with academics on the subject in the late 1990s and the issues of concern then are very much in line with the CWJ super-complaint submission. The concerns include that the police response may be biased or deliberately manipulated in favour of the suspect; a police perpetrator is in a unique position to undermine victim confidence in the police and to use their police knowledge, status and powers to discredit the victim and cause them harm; victims may be less likely to report; and, ultimately, police perpetrators may more easily evade criminal justice than other domestic abusers. These and other issues have

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<sup>8</sup> 'Officer involved domestic violence: A future of uniform response and transparency', Brenda L Russell and Nicholas Pappas, 11 June 2018, *International Journal of Police Science and Management*, 20(2), pp 134–142.

<sup>9</sup> The IACP is a not-for-profit international organisation for police leaders, headquartered in North America and with over 30,000 members across 165 countries.

been raised by numerous commentators and academics on the subject since then.<sup>10</sup> Very recently, they were a focus of the first international summit on PPDA, hosted online by the [Safe and Together Institute](#) in May 2021.

Recognition that PPDA cases come with unique risks and challenges has led to the development of bespoke policies and guidance for how law enforcement agencies should respond. As CWJ explains in its super-complaint submission, an important early development on this front was the publication of the International Association of Chiefs of Police (IACP) [model policy on domestic violence by police officers](#) in 1999, which was updated in 2003. The first PPDA policy introduced for policing in England and Wales in 2004 (as referenced above) drew on this model policy.

IACP worked with other US-based organisations to develop a policy that, they intended, could be adapted and brought into use by any police organisation in the US and internationally. In an accompanying policy paper,<sup>11</sup> IACP explained "the problem of police officer perpetrated domestic violence is of paramount importance and requires a definitive policy response" and that "the integrity of the law enforcement profession and the community's trust are at stake".

As CWJ raises in its super-complaint submission, there are innovations in how law enforcement agencies respond to PPDA outside the US. Victoria Police in Australia has, for example, very recently (2021) introduced a new policy and associated guidance in relation to PPDA cases. Changes include the establishment of a specialist investigation unit for the most serious and complex cases of PPDA. The changes were enacted in response to a Royal Commission recommendation<sup>12</sup> and following a number of high-profile cases. Media attention on PPDA in Australia has raised a range of concerns which closely overlap with those presented in the CWJ super-complaint.<sup>13</sup>

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<sup>10</sup> See for example: '[Officer involved domestic violence: A future of uniform response and transparency](#)', Brenda L Russell and Nicholas Pappas, 11 June 2018, *International Journal of Police Science and Management*, 20(2), pp 134-142.

<sup>11</sup> 'Discussion paper on IACP's policy on domestic violence by police officers', International Association of Chief Police Officers, July 2003.

<sup>12</sup>) [Royal Commission into Family Violence: Summary and recommendations](#), Royal Commission into Family Violence, March 2016. The Royal Commission into Family Violence launched at the behest of the Victoria state government in February 2015 and published findings and recommendations in March 2016. Recommendation 45 required a review of Victoria police policy regarding police employees and family violence.

<sup>13</sup> '[Abusers in the ranks](#)', Hayley Gleeson, ABC News (Australia), 18 October 2020.

# Our findings

# Reporting PPDA

## Summary of our findings

We found evidence in our case file reviews of victims and witnesses saying that the police suspect had used their police knowledge, status and powers to intimidate the victim and deter them from making a report to the police. More needs to be done to acknowledge and respond to this risk. This includes ensuring perpetrators are aware of how seriously any attempt to use their police position to prevent reporting, and to harm and discredit victims, will be taken.

Victims can have extra and profound concerns around not being believed and not receiving an impartial, supportive police response. More priority needs to be given to addressing these concerns and building trust and rapport.

Lack of confidence in the impartiality of a police response appears to be a common factor for victims not reporting PPDA. Our victim survey and focus group indicates that this is particularly true for victims who have had a previous poor experience with the police response to PPDA.

Concerns around privacy and the risk of repercussions at work are a strong deterrent to reporting domestic abuse for police victims, especially when the suspect works in the same force.

The impact an allegation of PPDA and successful prosecution can have on a suspect's career and finances can also have a strong influence on victim willingness to engage with the police. There is a complication for forces in that there are extra potential reasons why a victim may not support a criminal investigation in these cases, while there are extra public interest reasons why one should be pursued.

We found support for ensuring an 'external' force investigates (separate to where the suspect and potentially the police victim works) among our victim and police officer focus group attendees. It was seen as a way to encourage reporting, through raising trust in an impartial response. The effectiveness of this and other approaches to raising trust and confidence and encouraging reporting has not been assessed as part of the super-complaint investigation.

## What CWJ says

The Centre for Women's Justice (CWJ) describes how police perpetrators can use their police role to intimidate their partners and deter them from reporting. This primarily concerns victims who do not work for the police, but it is said to be applicable to victims in the service who are of a lower rank to the perpetrator or victims who are members of police staff and the perpetrator is a police officer.

CWJ says police perpetrators can make the victim feel their version of events will be considered less credible by the police. CWJ also provides victim testimonies in which victims say their perpetrators insinuated "the system" would protect them and could even be used to harm the victim. One victim describes being told they would be "thrown into jail" if they reported the abuse.

## Our findings

### **Police perpetrators undermining victim confidence to report**

We know those who exhibit coercive and controlling behaviours will isolate victims from sources of support and undermine victim confidence. College of Policing Authorised Professional Practice (APP) content on [management considerations when dealing with police perpetrators of domestic abuse](#) does not describe the specific threat PPDA victims face from their police abuser.

We found a number of examples of police workforce members accused of domestic abuse using their knowledge and power to undermine their victims' confidence to report.

Participants in the police focus groups (who all had experience of responding to reports of PPDA) discussed instances where police perpetrators had exaggerated their influence within their force, and/or within the investigation process, to give victims the impression that reporting would be futile or would cause the victim harm. 12 of the 20 misconduct case files that we reviewed included evidence that the victim or another witness had alleged that the abuser had tried to stop the victim from reporting. Some of these examples involved the suspect directly drawing on their police status, knowledge or powers to undermine the victim's confidence to report. These included the suspect trying to persuade the victim that:

- the suspect's knowledge of the law would mean they would not be punished; that the victim would be pursued for wasting police time; that if the victim reported them, the subject's 'mates' would be the ones to 'turn up'; and
- the police were on the suspect's side by pretending that the victim had been instructed by the police to move out of their home as part of their domestic abuse investigation.

In other examples, the fact that the suspect was in the police could have made the threats more intimidating or appear more real. Examples include allegations that the suspect had:

- threatened to harm the victim's (police) career;
- highlighted the financial difficulties that the family would face if they lost their job as a result of being accused of domestic abuse, and threats that the family would lose their home;
- threatened to have the victim sectioned and/or have children taken away; and
- threatened to accuse a new partner of a criminal offence and to get the victim 'in trouble'.

One participant in the victim focus group described how their police perpetrator had gained custody of their children. The victim said that the perpetrator had been very effective at drawing in other agencies, to call into question the mental health and general fitness of the victim to be a parent. In contrast, the perpetrator could present themselves as someone whose integrity was beyond doubt, by virtue of their police role.

A number of our police interviewees acknowledged that police perpetrators are likely to be good at using their position to abuse their victims.

"I can absolutely see police officers using their power and knowledge over the victim. But equally a solicitor could do the same. Yes, absolutely true that manipulative, coercive abusers will use all of the powers available to them to undermine the victim's confidence."

#### **Police interviewee**

#### **Victims feeling they won't be believed**

The [domestic abuse APP](#) explains that PPDA victims may feel they will not be believed by the police. We have found that a feeling they will not be believed is a major barrier to reporting for victims of PPDA.

Participants in our police officer focus groups said PPDA victims more commonly expressed a lack of confidence in reporting than other domestic abuse victims. They said this was because the victims often thought the police will 'look after their own' and not believe the victim. They had also heard concerns among victims that those investigating their report would be friends of the perpetrator.

"[Victims] feel the system will potentially protect their own or they won't be believed. It's the complete opposite, but that seems to be a concern."

#### **Police officer focus group participant**

"There's certainly some concern that it'll be investigated by the perpetrator's colleagues and friends, and that they won't be believed, and the perpetrator will be looked after."

#### **Police officer focus group participant**

The individuals in our victim focus group said they thought there was a societal bias towards believing a police officer's account. Some attendees told us, for example, of long-standing friends (including those who did not work in policing) naturally siding with the perpetrator's version of events, because they were a police officer.

### **Victims not trusting that they will receive an impartial police response**

Concerns that the police will ‘look after their own’, or that friends of the perpetrator will be involved in the police response, are deterrents to PPDA victims reporting to the police. We know this from feedback from PPDA victims who have had an allegation reported to the police, and who have said they would not report again for this reason. This was said by participants in the victim focus group. It can also be inferred from the victim survey findings.

Only three out of 104 respondents to the victim survey agreed that they could trust the police involved in their case to respond and make case decisions impartially. Only six said they would feel confident to report domestic abuse to the police again. The sample of people who completed the survey is not necessarily representative of all PPDA victims. It was sent to people who had contacted CWJ and hence they may be more likely to have had negative experiences of the police response to their case. Notwithstanding this, the very high proportion of respondents who would not report to the police again is deeply concerning.

Our criminal case file review found an example of a victim saying they hadn’t previously reported PPDA before as their spouse “plays the system”, “their mates would turn up” and “nothing would happen”. Our investigation did not directly explore barriers to reporting for PPDA victims who had never come forward to the police, but this example indicates that concerns about not receiving an impartial response are relevant.

Participants in both our victim and police officer focus groups recognised that having the ‘home’ force (where the suspect works) investigate PPDA allegations could exacerbate victim concerns about whether the police response would be impartial. While police officer focus group attendees expressed confidence in the impartiality of the police response, they recognised that ensuring separation between the suspect (and their work associates) and the officers investigating the case was appropriate. Among both sets of focus group participants, there was support for the idea of forces having arrangements in place to pass PPDA cases involving suspects from their own workforce to external neighbouring forces.

Police focus group participants thought having an external force investigate could allay victim fears that the police would ‘look after their own’. They raised potential practical difficulties in some cases: for example, it could involve investigators travelling considerable distances from neighbouring forces. Ensuring the investigator worked in a different geographical area to the suspect, but in the same force, was suggested as an alternative option.

Most victim focus group attendees thought having an external force investigating was not a complete solution to raising victim trust and confidence. While it could reduce the risk of those responding to the case knowing the suspect or the victim, some also expressed a view that they could never trust any police force to be impartial. They wanted more independent oversight and scrutiny or independent investigation.

## Additional barriers to reporting

An important factor that can inhibit reporting of PPDA and a victim's willingness to support an investigation is the potential impact on the perpetrator's employment and the adverse impact this could have on the victim and their family.

Five of the 35 criminal case files we reviewed with an explanation of why a victim had not supported police action described concerns about the perpetrator losing their job or getting into trouble. One reporting officer recorded that harassment and stalking had been an issue for some time but that "as the offender is a serving police officer, [the victim] seems reluctant to take the issue further ... as [they] do not want [them] to lose [their] job." In another case, the victim told officers initially investigating the incident that they did not want the alleged assault they had experienced to be investigated by the police as they feared the suspect would lose their job. They said they wanted the suspect to receive help for their anger management issues and excessive alcohol consumption.

Force domestic abuse staff surveys also point to this problem. These surveys were about staff experiences of domestic abuse, not just PPDA. Where respondents were able to give free text answers, problems with having a perpetrator in the police who could lose their job was one of the commonly raised themes.

"... my partners tend to be police officers – so you have also the issue that when you report someone who is in the police, they could lose their job or pension. It's a lot to consider."

### Force domestic abuse survey respondent

How to respond to PPDA victims who have concerns about their perpetrator losing their job is a critical question for policing. There are public interest reasons for pursuing criminal justice and misconduct outcomes in PPDA cases, but this can conflict with victim wishes. One former force domestic abuse specialist we interviewed commented that many PPDA victims may never want to report a domestic abuse offence, given the financial and emotional impact it can have on the victim as well as the perpetrator.

## Extra barriers for police victims of PPDA

In PPDA cases where the victim also works in the police, there are a range of extra barriers to reporting. Some overlap with reporting any form of domestic abuse as a police workforce member and some are more specific to having a police perpetrator. The '[risk and vulnerability](#)' section of the national domestic abuse APP references some of these extra barriers:

"Victims who are themselves employed in an emergency or public service may ... have a sense that their role, training and increased awareness of domestic abuse means that it should not happen to them. They may be worried about their partner being able to access personal information if they are both in the police service."

**College of Policing domestic abuse APP, Understanding risk and vulnerability in the context of domestic abuse**

The separate APP section on 'Specific management considerations when dealing with police perpetrators of domestic abuse' also says police staff and officer victims may:

- feel uncomfortable about seeking help and advice from their colleagues;
- be concerned about the implications of people being aware of their personal issues; or
- feel that as they are police, they should know what to do.

While these barriers are supported by evidence from our fieldwork, the list included in domestic abuse APP is too limited. We have found that concerns about a lack of case confidentiality and gossiping are strong deterrents to reporting, as are concerns the perpetrator could make counter misconduct and criminal allegations against the victim. Evidence for these and other employment repercussions for police victims are described in the section of this report on employment repercussions for police victims. These potential repercussions act as extra barriers to police victims reporting PPDA. Some are also relevant in considering the potential benefits of having an investigation that is independent from the home force.

# Initial handling of PPDA reports

## Summary of our findings

Our case file review indicates that police victims rarely report police perpetrated domestic abuse (PPDA) through the usual channels open to the public (999 calls, email or reporting to the station). They tend to disclose to police colleagues. Such disclosures carry more risk of not being recorded and responded to appropriately as allegations of crime.

We concur with the Centre for Women's Justice (CWJ) that police victims are in a difficult position in that their police colleagues may report PPDA matters on their behalf, but against their wishes, including incidents that do not constitute criminal offences. Police colleagues may do this because they want to protect the police victims and also because they have a duty to report offences.

From our case file review of recorded PPDA offences, the immediate police response appears to be generally good in the large majority of cases, in terms of initial risk assessment and prioritisation by those initially recording offences. Cases were typically assigned to appropriate teams to respond and where attendance at the scene is required, this is timely.

Too often, we found examples of police forces failing to accurately treat PPDA allegations as police complaints and conduct matters. The failure to handle a complaint or conduct matter appropriately means PPDA allegations are not always handled as an allegation of police misconduct.

We have found (in our case file reviews and data collection) that forces are frequently failing to refer cases to the IOPC in line with the mandatory referral criteria as set out in legislation.

## What CWJ says

CWJ is concerned that PPDA reports are not being taken seriously enough. It is concerned that reports are often dealt with informally and that crimes are not always accurately recorded. CWJ is concerned that, because the police are not responding robustly to PPDA reports, they are failing to provide adequate safeguarding or other protections to victims.

CWJ also says that lack of confidence in the police is leading police victims of PPDA to report through informal channels. It says that police victims are avoiding the usual, direct methods for the public to contact their force or seek emergency assistance, but instead disclosing to a colleague or friend.

CWJ says police victims can be pressured to report PPDA by police colleagues.

CWJ is concerned that PPDA cases are not being referred to the IOPC when they meet the mandatory referral criteria. CWJ points out that only 7.5 percent of PPDA cases in the Freedom of Information dataset it used for its submission were referred to the IOPC.

## Our findings

### How reports are made

Our criminal case file review indicates that, when making reports of PPDA, non-police victims most commonly report through the usual channels available to the public (999 calls, emails to the force or visits to a police station). Police victims, in our sample, rarely reported through channels available to the public. They either disclosed to colleagues they trusted, with the intention that the allegation should be reported, or colleagues reported the matter without their consent.

**Figure 1: Criminal case file review – how offences were reported to the police**

Police workforce role	Victim reported through normal channels open to the public	Victim reported through reporting to a police colleague/line manager	Third party report (potentially without victim's consent)	Other
Police victim	2	7	7	1
Non-police victim	24	N/A	12	3

**Source: Criminal case file review (56 cases)**

In our sample, there were also three cases where the alleged perpetrator reported the abuse. There was one further case where no details around original reporting were available in the case records.

We only reviewed cases where a domestic abuse offence was recorded. We cannot make inferences for reports of domestic abuse incidents that were not recorded or were ultimately not recorded as domestic abuse offences.

### Recording PPDA as a crime

The police must follow [Home Office counting rules for recorded crime](#) to determine whether and what crime to record. The police must flag records on force systems associated with crime relating to domestic abuse. The police use the following definition (included in the Home Office counting rules) to decide whether recorded crime should be flagged as domestic abuse:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.”

Allegations that cannot be recorded using the counting rules should be recorded as an incident using the [national standard for incident recording counting rules](#).

'Domestic incidents' should be recorded when an allegation does not "amount to a notifiable crime" or falls outside the above definition of domestic abuse.

Forces must appoint a force crime and incident registrar (FCIR) who is responsible for ensuring counting rules are "applied with consistency locally and nationally". FCIRs are "outside operational line command ... and answer to the Deputy Chief Constable, an appropriate chief officer designated by the Chief Constable". FCIRs are expected to have passed College of Policing training and continue to maintain professional accreditation.<sup>14</sup>

The correct criminal offence was assigned in the majority of the criminal cases we reviewed (50 out of 56). In four of the cases, an incorrect crime was recorded, based on the circumstances described by the victim. In two other cases, no new crime should have been recorded; in one instance because the allegation did not amount to an offence and, in the other, because the allegation related to a crime of harassment that had been recorded previously.

### **Responding to disclosures and reports involving police victims**

Our criminal case file review indicates that police victims tend to avoid the normal routes that are open to the public for reporting an offence to the police. We understand from our fieldwork this is for privacy reasons. Disclosing to a trusted colleague or supervisor or directly to a professional standards department (PSD) can be a way to try to maintain confidentiality and influence the response that follows.

We concur with CWJ that police victims can have choice around whether to report PPDA taken out of their hands. We have found, through our police officer focus group and from reviewing force domestic abuse surveys, that when police officers become aware of or suspect a colleague is experiencing domestic abuse, they typically encourage the victim to report it. Failing that, they feel compelled to report it on the police victim's behalf.

Participants in our police officer focus group agreed that police officers are duty bound to report cases of domestic abuse if they are disclosed to them, even if it goes against the victim's wishes. They said this includes when a colleague confides in them. While the participating officers felt this could be regrettable on a personal level, they saw reporting an offence in this situation as a fulfilment of the police [Standards of Professional Behaviour](#). One of the Standards of Professional Behaviour concerns challenging and reporting improper conduct, and states that "Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour".

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<sup>14</sup> [Crime recording general rules](#), Home Office, April 2021, p8.

Police focus group attendees said failure to report suspected PPDA could leave them vulnerable to misconduct procedures in the future. They also described wanting to help the victims.

There was less agreement around colleagues putting pressure on victims to report themselves, though one agreed this could happen.

"People speak to their colleagues and they'll say something has happened at home, they're unsure what to do, and of course, then it automatically gets fed into the PSD."

#### **Police officer focus group attendee**

"You'll often find the victim comes for some advice and actually, because the advice is from the police, we are duty bound to take certain actions, which isn't always what we want."

#### **Police officer focus group attendee**

"... you feel that you almost have to put that pressure on the victim to report, because you wouldn't want something terrible to happen."

#### **Police officer focus group attendee**

Of the 14 criminal case files we reviewed that involved police victims, we found seven examples of police colleagues reporting PPDA without, apparently, the police victim's consent. This included examples where colleagues appeared to have correctly recognised the risks for the victim could be greater than the victim realised.

We found one example of a crime of assault being inappropriately recorded by a police colleague (without the victim's consent). In this particular case, no offence in law had been committed and the crime was filed without the suspect ever being made aware of the crime having been recorded or any allegations having been put to them.

We found another case where records indicate that the police victim resented the PPDA report being made without their consent and the intrusion on their private life.

For the cases where the victim reported to a colleague and supported the recording of a crime (seven cases), the crimes were all assessed correctly and properly recorded. However, there was one case involving a police victim and police perpetrator that lacked sufficient detail for us to understand who had initially reported it and what action was taken by the force to respond. Given the lack of transparency, it is not possible to rule out that the case had been dealt with in an inappropriately informal manner.

We have spoken with police victims who believe they received a worse response because they avoided normal reporting channels. One police victim, who reported directly to PSD, believed their allegation was not recognised as a potential domestic abuse offence and

was not recorded as a crime because those responding were unduly influenced by their prior knowledge of the alleged perpetrator and victim. The victim believed their force dismissed the allegations in a way they would not do for a member of the public. Another police victim described having to raise their allegations with several colleagues before a formal record of the report was made.

A third sector domestic abuse professional that we spoke with raised concerns about the response police victims could receive when disclosing their PPDA experience to police colleagues. The interviewee said they had heard directly from several police victims, that they had been asked if they really wanted to make a formal report, given the impact it could have on the alleged perpetrator's job.

Our evidence leads us to conclude that police victims of PPDA tend to avoid the normal channels for reporting that are open to the public (999 calls, email or reporting to the station). They tend to disclose to police colleagues. Such disclosures carry more risk of not being recorded and responded to appropriately as allegations of crime. Concordant with this is the risk that the victim might not receive the safeguarding they might need.

### **Immediate response to reports of PPDA offences**

Our criminal case file review provides evidence on the appropriateness of the initial response by those recording reports of an alleged PPDA offence. The findings are positive for the large majority of cases and show that control room call handlers usually responded appropriately, as did others logging reports (mostly police colleagues logging on behalf of police victims). We recognise that failings around the initial response to reports of domestic abuse, as described in CWJ case studies, may be more common than our case file review evidence implies. We only reviewed cases where a domestic abuse offence had been recorded.

The assessment of the appropriateness of the immediate response solely relied on the records available to us, including body-worn video and audio recordings where available. Some cases had more limited records than others and in many cases it was not possible to make an assessment for some aspects of the initial response.

In cases where there were sufficient records to make assessments, the immediate response by those recording allegations of PPDA offences was uniformly positive in the following areas:

- The person who received the initial notification in the police service used a structured triage approach to assess risk and consider the needs of the victim.
- The initial prioritisation was appropriate.
- The person receiving the initial notification acted politely, appropriately and ethically, using clear, unambiguous language without apparent bias.

The criminal case file review revealed evidence of the following deficiencies in the initial handling:

- No check for previous domestic abuse reports for the victim (four cases).
- No checks for previous domestic abuse allegations against the suspect (one case).
- No needs assessment conducted for the victim (three cases).
- The person taking the report did not reassure the victim that the case would be investigated (14 cases). Reassurance seems to have been more consistently given when the person taking the report knew the perpetrator was a police workforce member. There are only two cases where this reassurance was not given in this situation.

**Figure 2: Criminal case file review, evidence on initial actions by those recording offences**

Action taken	Yes	No	N/A or Don't know
Evidence or information to indicate that the person who received the initial notification was aware that the suspect was a police workforce member	35	10	11
The person who received the initial notification in the police service used a structured triage approach to assess risk and consider the needs of the victim	35	0	21
The initial prioritisation was appropriate	34	0	22
There is evidence of a check to see if the case involves a repeat victim of domestic abuse, following initial notification	37	4	15
There is evidence of a check to see if case involves a repeat perpetrator of domestic abuse, following initial notification	24	1	31
The person receiving the initial notification acted politely, appropriately and ethically, using clear, unambiguous language without apparent bias	23	0	33
It is clear that the victim was given reassurance / support that their complaint was going to be investigated, especially if the perpetrator is a police officer or member of police staff	27	14	15
There is evidence that a victim's needs assessment has been conducted by the person receiving the initial notification	22	3	31

**Source: Criminal case file review (56 cases)**

## **Initial deployment and resourcing for reported PPDA offences**

Again, our criminal case file review provides some evidence on the appropriateness of initial decisions around how to respond to reports, as well as the initial action taken by those that were tasked to respond. The findings are generally positive, but some concerning examples regarding risk assessment and immediate safeguarding responses are presented in the separate '[Victim care and safety](#)' section below.

- In all but one of the 56 criminal case files we reviewed, the right department or team was assigned to initially respond and speak to the victim. In the remaining case an opportunity to assign the case to a specialist investigator was overlooked.
- Additional risk assessments were carried out where needed (relevant to six out of 56 cases).
- In three cases, there was evidence to indicate that vulnerability and risks to others were not assessed by attending officers when they should have been.
- Only positive evidence was found about the timeliness of attendance at the scene, where this was required (24 out 56 cases).

**Figure 3: Criminal case file review, evidence on the immediate resourcing and deployment for reports of PPDA offences**

Resourcing and deployment	Yes	No	N/A or Don't know
Initial notification / deployment allocated to the right team	55	1	0
Evidence that vulnerability and risks to others were assessed by the attending officers (for example, children in the household / firearms licence holder checks)	34	3	19
Further information came to light (after the initial risk assessment) which should have re-informed an additional risk assessment	6	50	0
If so, this information was recorded on an additional risk assessment	6	0	50

**Source: Criminal case file review (56 cases)**

## **Notifying professional standards departments (PSDs) of PPDA allegations**

The APP on [specific management considerations when dealing with police perpetrators of domestic abuse](#) says supervising officers should immediately refer PPDA reports to PSDs.

All 20 of the cases in the misconduct case file review were referred to PSDs. However, it is likely that forces participating in the case file review fieldwork identified relevant cases by searching their PSD records. In most cases, for this sample, the PSD was notified the same day the allegation was made or on the following day. However, five cases involved delays (ranging between three and eight days) in the PSD being notified about one or

more of the allegations. In one case the suspect's supervisor appeared to have been told about a PPDA allegation against their team member but took no action (this was several days before the victim approached the force directly to make a complaint).

We have seen evidence elsewhere that PSDs might not have been notified of PPDA cases. In six of the 122 relevant cases<sup>15</sup> in our extra 2018 data request, it was either confirmed or there was an indication that the matter had not been referred to a PSD. The participants in one of our police officer focus groups did not have complete faith that PSDs were immediately notified of all PPDA allegations.

### **Treating PPDA as a complaint or conduct matter or recordable conduct matter**

Where an allegation of PPDA has been received, a decision must be made whether to treat it as a complaint or conduct matter.<sup>16</sup> This decision will usually be made by the force's PSD. When a matter is being treated as a conduct matter, the force must then consider whether it is a conduct matter that must, or may, be formally recorded and handled under the Police Reform Act 2002. 'Recording' in this context means that the conduct matter is given formal status and must be handled under the Police Reform Act 2002 as a 'recordable conduct matter'. Legislation sets out the criteria for when conduct matters must be recorded as recordable conduct matters under the Police Reform Act (as opposed to being handled as conduct matters under the Police (Conduct) Regulations).

If a matter is not treated as a complaint, conduct matter or recordable conduct matter, it cannot be referred to the IOPC, there will not be a formal complaint or misconduct investigation, and the conduct of the officer subject of the allegation cannot be referred to disciplinary proceedings. Treating PPDA allegations as complaints, conduct matters or recordable conduct matters is therefore vital to ensuring they are dealt with appropriately as allegations of police misconduct.

The misconduct case file review found significant evidence of forces failing to meet statutory requirements to treat allegations of PPDA as complaints and conduct matters. A complaint was not recorded in any of the 20 cases (despite only five victims being excluded from making a complaint under legislation as they were employed by the same force as the subject/suspect officer). The matter was only treated as a conduct matter in

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<sup>15</sup> In 122 cases in the dataset the case involved a police workforce member who worked for the force completing the data request. This meant they had access to PSD records for the cases. In other cases (27) reporting forces did not have linked PSD records.

<sup>16</sup> Forces must also record and refer to the IOPC any death or serious injury (DSI) matter. A DSI matter means any circumstances (unless the circumstances are or have been the subject of a complaint or amount to a conduct matter) in, or as a result of which, a person has died or sustained serious injury and: at the time of DSI, the person had been arrested by a person serving with the police and had not been released or was otherwise detained in the custody of a person serving with the police; or at or before the time of DSI the person had contact of any kind – whether direct or indirect – with a person serving with the police who was acting in the execution of their duties and there is an indication that the contact may have caused – whether directly or indirectly – or contributed to the DSI. However, this sub-category excludes contact that a person who suffered the DSI had while they were acting in the execution of their duties as a person serving with the police.

11 of the 20 cases we reviewed. The decision not to treat the matter as a complaint or conduct matter appeared justified in only one of the remaining nine cases. In most of these cases, there was no rationale for the decision not to treat the matter as a complaint or conduct matter. There was also evidence of flawed rationale where a rationale was recorded. Examples included that:

- the allegation did not amount to misconduct (despite amounting to serious criminal offences such as stalking);
- the criminal investigation had concluded and there was insufficient evidence to prove the allegation; and
- the allegations did not involve violence.

There was also evidence of decisions about how to treat the matter being delayed pending the outcome of a parallel criminal investigation. This is in direct contradiction to Home Office guidance.

We found a similar failure to treat PPDA as complaints and conduct matters in the extra 2018 force data request dataset. Only 47 out of the 122 suspects who worked for the force completing the data request had an associated police complaint or conduct matter recorded in connection with the allegation that had been made against them. There were 33 conduct matters, 12 recordable conduct matters and two police complaints.

We would have expected to find an associated police complaint or conduct matter for almost all the suspects in the dataset as they were all named suspects on a criminal record. Any indication that an officer committed a criminal offence should be treated as a conduct matter (where the matter is not and has not been the subject of a complaint). In some cases, a matter had not been treated as a conduct matter, even when a referral to the Crown Prosecution Service (CPS) had been made. We also found other examples of serious offences not being treated as a conduct matter. The 2018 dataset includes four allegations of rape, five allegations of coercive and controlling behaviour and one allegation of grievous bodily harm that were not treated as a complaint or conduct matter.

As part of our data request we asked the forces to (where possible) give a summary of their rationale for not treating a matter as a complaint or conduct matter. This commentary was given for 56 cases in the dataset (in some circumstances multiple reasons were given). The rationale recorded includes multiple examples that appear flawed:

- 26 cases referred to matters related to the criminal investigation. The majority referred to the fact that the suspect was not charged. In one case it was stated that the case was not treated as a complaint or conduct matter because a harassment warning was offered but not accepted by the subject officer, and in another case that the case was "out of criminal time limits".

- Three were not treated as a complaint or conduct matter because it was stated that the victim did not complain or did not engage with the PSD.
- Three were not treated as a complaint or conduct matter because the issue was dealt with by other means. In one of these cases the officer was given words of advice, and in another it was stated that they attended a 'Standards Awareness Discussion'.

The criteria set out in legislation for when conduct matters must be recorded as recordable conduct matters under the Police Reform Act include "conduct whose gravity or other exceptional circumstances make it appropriate to record the matter".<sup>17</sup> It is our view that conduct matters related to allegations of PPDA will meet this criterion and, therefore, should be recorded under the Police Reform Act, even if they do not meet any of the other criteria.

### Referring cases to the IOPC

Forces must refer certain serious complaints and incidents which meet the mandatory referral criteria to the IOPC. The referral must be made without delay.<sup>18</sup> The mandatory referral criteria are set out in legislation and in the IOPC's statutory guidance on the police complaints system.

Under the mandatory referral criteria, forces must refer complaints and recordable conduct matters that include allegations of conduct which constitute:

- a serious assault;
- a serious sexual offence;
- serious corruption, including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship;
- a criminal offence or behaviour which is liable to lead to disciplinary proceedings and which, in either case, is aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status identified in the IOPC's statutory guidance;
- a relevant offence;
- complaints or conduct matters arising from the same incident as one where conduct falling within the above criteria is alleged; or

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<sup>17</sup> [Regulation 7\(1\)\(f\) of the Police \(Complaints and Misconduct\) Regulations 2020](#).

<sup>18</sup> A mandatory referral must be made without delay and in any case not later than the end of the day after the day it first becomes clear to the appropriate authority that it is a matter which must be referred. Where the IOPC calls in a matter, it must be referred without delay and in any case by the end of the day after the day the IOPC notifies the appropriate authority that the matter must be referred (Regulations 4, 7 and 9 of the [Police \(Complaints and Misconduct\) Regulations 2020](#)).

- any conduct matter relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) and any complaint relating to a chief officer (or the Deputy Commissioner of the Metropolitan Police Service) where the appropriate authority<sup>19</sup> is unable to satisfy itself, from the complaint alone, that the conduct complained of, if it were proved, would not justify the bringing of criminal or disciplinary proceedings.

They must also refer complaints which arise from the same incident about which there is a complaint alleging that the conduct complained of resulted in death or serious injury.

There will be some PPDA matters that would not necessarily be caught by the mandatory criteria. For example, threatening behaviour, controlling or coercive behaviour, economic abuse or psychological or emotional abuse are not 'relevant offences' (although allegations involving these offences may be captured by the mandatory criteria some other way). While stalking involving fear of violence or serious alarm or distress under Section 4A of the Protection from Harassment Act 1997 is a relevant offence and is caught by the relevant offence criterion, the stalking offence under Section 2A of the same Act is not. However, the IOPC also encourages police forces to use their ability to refer complaints or conduct matters that do not have to be referred, but where the gravity of the subject matter or exceptional circumstances justify referral.

The misconduct case file review showed a significant failure to refer cases to the IOPC. Most cases were not referred (only two out of 20 in our misconduct case file review), despite the fact that just over half of those cases clearly met the mandatory referral criteria. These cases involved allegations of assault occasioning actual bodily harm (ABH), Section 4A stalking (under the Protection from Harassment Act 1997) and rape.

Of the remaining cases, in two a referral was not required on the basis of the crime recorded. However, evidence within the material reviewed suggested more serious offences should have been recorded which would have brought the matters within the mandatory referral criteria (Section 4A stalking and assault occasioning ABH). One case did not clearly constitute a conduct matter. Five cases did not fall within the mandatory referral criteria.

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<sup>19</sup> "The appropriate authority for a person serving with the police is:

- for a chief officer or an acting chief officer, the local policing body for the area of the police force of which that officer is a member; or
- in any other case, the chief officer with direction and control over the person serving with the police.

In relation to complaints not concerning the conduct of a person serving with police, the appropriate authority is the chief officer of the police force with which dissatisfaction is expressed by the complainant."

*[Statutory guidance on the police complaints system](#)*, IOPC, February 2020, p173.

There was also evidence of flawed rationale for not referring cases where a rationale was recorded. For example, in one case the rationale stated that no referral had been made as there was no indication that the officer had abused his position. But it overlooked that the allegation constituted a relevant offence,<sup>20</sup> thereby bringing it within the mandatory referral criteria. In two cases, the rationales failed to recognise that Section 4A stalking (under the Protection from Harassment Act 1997) amounts to a 'relevant offence'. In another case, the rationale stated that a referral had not been made as the allegation amounted to a low-level assault, but the assault had been recorded as assault occasioning ABH.

Again, there was similar evidence of a failure to refer cases in the extra 2018 force data request dataset. The data returns showed that only eight cases had been referred to the IOPC. In a further 22 cases (of the 122 relevant cases), this information was either not known or not provided. Although it was not possible to assess from the datasets alone whether all decisions not to refer were appropriate, there was evidence of failures to refer matters meeting the mandatory referral criteria and of flawed rationale in some cases. For example, non-referral of matters amounting to a relevant offence; basing the decision not to refer on the outcome of the criminal investigation; or, in one case, not referring because the force believed that the allegation was malicious.

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<sup>20</sup> A 'relevant offence' is defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for seven years or more (excluding any restrictions imposed by Section 33 of the Magistrates' Court Act 1980).

# Investigating PPDA

## Summary of our findings

The police perpetrated domestic abuse (PPDA) criminal investigations included in our case file reviews shared common weaknesses with other domestic abuse investigations.

Our criminal case file review found evidence that victim engagement was typically acceptable or good throughout criminal investigations of PPDA, but this was not always the case. Where victims are engaged with poorly, this appears to have a profound effect on their experience of the police. The case files and evidence from victims reveal that more account needs to be taken of the specific concerns of PPDA victims (for example, regarding impartiality and reasons for not supporting police action). This is important for gaining and retaining victim trust and confidence during a PPDA investigation.

There is evidence that misconduct investigations are not always being carried out when they should be. We agree with the Centre for Women's Justice (CWJ) that decisions whether to investigate those suspected of PPDA for misconduct were undermined by decision makers placing undue weight on allegations occurring off duty. They are also undermined by decision makers over-relying on outcomes in criminal investigations.

We found instances where those carrying out misconduct investigations had not been aware of or had failed to consider relevant evidence that had been obtained as part of the criminal investigation. This undermined their misconduct investigations.

Joining up the criminal and misconduct investigations can improve the thoroughness of both investigations.

We found evidence of delays affecting misconduct investigations that were not always justified.

## What CWJ says

CWJ is concerned that PPDA allegations are poorly investigated. It presented victim testimonies recounting police failures to take key statements and to follow up on obvious lines of enquiry. The testimonies appear to show that some cases were closed because the victim did not support prosecution, regardless of the existence of other available evidence.

CWJ also says PPDA victims may not be supporting police investigations or prosecutions due to a lack of confidence in police impartiality. Relevant case study evidence provided by CWJ includes a victim stating they chose not to continue with a formal report because they suspected the responding officer knew the perpetrator and hence were concerned they would not receive an impartial response.

CWJ also argues that police forces are making inappropriate decisions during misconduct investigations. It says misconduct investigations frequently fail to provide enough evidence to put officers before misconduct proceedings because:

- PSDs are placing undue weight on the allegation occurring off duty when making decisions about whether it could bring the police service into disrepute; and
- PSDs are incorrectly applying criminal standards to conduct decisions and are overly influenced by outcomes in criminal investigations.

## Our findings

### Criminal investigations

The criminal investigations we have looked at for this super-complaint are varied in quality. Overall, most of the investigations in the criminal cases we reviewed were acceptable or good in the circumstances (34 of 56). The remaining 22 cases fell short of expected standards in how victims were dealt with and cases resolved.

**Figure 4: Summary of case file review findings regarding key investigation indicators**

Indicator	Yes	No	N/A
Evidence that the investigation was methodical, proportionate and updated appropriately	41	13	2
The investigation summary mentions that other appropriate specialist resources or staff were considered to progress the investigation	24	24	8
Evidence that all appropriate investigative opportunities were taken from the outset and throughout the investigation	33	23	0
Evidence of effective supervision providing direction and advice to the investigator, and oversight of investigative actions	38	18	0
Evidence the police progressed or tried to progress the case without the support of the victim	10	25	21
Overall, evidence that it was an effective investigation	34	22	0

### Source: Criminal case file review (56 cases)

Our case file review found examples of very good investigations, including several evidence-led investigations pursued to court without victim support. We have also heard from police workforce members (in interviews and through our focus groups) who have been involved with and experienced good investigations.

"They are investigated incredibly thoroughly. In fact, we'll do our absolute best to make sure that they go to court and that the courts deal with them in an appropriate manner."

### **Police officer focus group attendee**

However, the investigations we looked at did share some common weaknesses. For example, not all appropriate investigative opportunities were taken in 22 out of 56 cases in our criminal case file review. Similarly, evidence indicates that the police often did not progress or try to progress the case without the support of the victim where they potentially could have done. We also found examples of extra potential offences, indicated during the course of the investigation, not being explored further. In particular, there are several examples of this in relation to coercive and controlling behaviour. While this failing is by no means unusual in cases of domestic abuse, there are extra public interest reasons why this is concerning in cases of PPDA.

We cannot meaningfully compare the effectiveness of PPDA investigations with other domestic abuse investigations owing to the scale of our case file review. However, we do think that PPDA investigations share common weaknesses with other domestic abuse investigations. All victims of crime should expect appropriately resourced and executed investigations but variation in investigation quality is not uncommon. HMICFRS previously raised concerns (in the [2018/19 PEEL inspection spotlight report](#)) that all victims are facing "increasingly divergent experiences of policing" and has said performance varies throughout the investigative process. We have found similar inconsistencies in PPDA investigations.

Forces should be responding particularly robustly to PPDA allegations given the risks involved in having domestic abusers in police forces. There is a potential for accused police workforce members to abuse their position, knowledge and powers to harm their victim or others. There is also a substantial risk to public trust and confidence in policing if police workforce members accused of crime are not robustly investigated.

### **Victim support for police investigation and prosecution**

Ensuring victims are supportive of police action in domestic abuse investigations can help ensure an appropriate outcome. Victims of PPDA have specific concerns and anxieties regarding the police and the response they are likely to receive from them. Investigators must recognise these concerns from the very beginning of investigations. It is imperative that officers work hard to gain the trust and confidence of victims to make successful prosecutions viable. Not doing so risks losing (or never gaining) the victim's support for police action.

Some participants in our police officer focus groups discussed how they had tried to gain the trust of victims in PPDA cases they had worked on. They discussed aiming to reassure victims about the robust and closed nature of the process. They said they offer

reassurances that the investigating officer does not, and will not, have any close relationship with the perpetrator. They also discussed encouraging victims to report on the basis that the abuse must stop so that it does not escalate. They mentioned the importance of getting in contact with the victim as soon as possible to follow up on the initial report, to reduce the rate of report retraction from victims.

Most of the criminal cases we reviewed involved acceptable victim engagement by the investigating officer. This was the case for 40 out of the 44 cases where an investigating officer made contact with the victim. In 11 cases the victim had made clear they would not speak to an investigating officer, before any such contact could be made with them. In one case there are no records on victim engagement to enable an assessment.

We found limited evidence in our criminal case file review of the type of victim engagement described by police focus group attendees, where the specific concerns of PPDA victims were addressed. There was one particularly encouraging case. The police response to a victim who was initially reluctant to support police action was so effective that the victim changed their mind during the investigation and eventually supported a prosecution. Importantly, the work with this victim included extra steps to increase their trust in the investigation. This included responding to the victim's request that a different team be allocated the investigation, to demonstrate the force's impartiality in overseeing the case.

In four of the 56 criminal cases that we reviewed, we considered that there had been insufficient levels of engagement with victims. In each case, poor victim engagement was detrimental to the investigation.

- One case involved a force that was too ready to accept the victim's withdrawal of support over the phone, without first visiting them in person to understand why they were reluctant to support an investigation.
- One case involved previously reported serious allegations of stalking and harassment. The victim disclosed further offences in repeated calls to police, but the case progressed slowly without the victim understanding why. There were insufficient efforts to engage with the victim by the different police officers involved and communication with the victim was at a level where they became discouraged and lost confidence in the force's response.
- One case involved a victim who did not speak English and was spoken to through a relative rather than a professional interpreter. This was inappropriate as the relative was a witness to certain elements of the investigation and should have been treated independently from the victim. Again, this showed a lack of appropriate consideration for the victim in how evidence should be obtained.

- One case involved a victim being told the case was closed immediately after the suspect had been interviewed and had denied the offence. There were no further attempts to develop the investigation or test the perpetrator's account using other evidence. This demonstrated to the victim that there was an unwillingness to prolong the case but instead a readiness to allow the investigation to be concluded at the earliest possible stage.

We do not know whether the poor practice in these examples was due to the suspect working in policing. It would be concerning if found in relation to any domestic abuse cases. In these cases it potentially undermined the identification of a domestic abuse offender working in policing. It may also have added to victim concerns that the police will not respond robustly to allegations of PPDA.

Victims can withdraw support from investigations for many reasons. Sometimes these reasons are unconnected with the quality of the police response. Our criminal case file review evidence and findings from our victim survey do indicate, however, that victim engagement can be a critical factor in PPDA cases.

We have evidence that when PPDA victims do not feel their case is being properly investigated, it can have a lasting impact on how they view the police. The victim survey indicates it deters PPDA victims from reporting domestic abuse again. While not necessarily a representative sample of all PPDA victims, only three of the 104 respondents in the victim survey agreed that, overall, they had been able to trust those involved in their case to act or make case decisions impartially. Only six said that, given their experience of police involvement in their case, they would be confident to report domestic abuse again to the police.

**Figure 5: Victim support in the criminal case file**

Assessment of victim support	Number
Victim did not support an investigation from the outset and never engaged	33
Victim supported investigation and never withdrew support	14
Victim withdrew support within days, after initially engaging	3
Victim withdrew support some time into the investigation	3
Victim did not initially support an investigation but then did	1
Case records do not allow an assessment	1
No criminal offence was disclosed after initial assessment	1

**Source: Criminal case file review (56 cases)**

## Assessing off-duty conduct for the purposes of misconduct investigations

Our investigation found evidence that some allegations were not dealt with appropriately as an allegation of police misconduct because the conduct had occurred 'off duty'.

For example, they were not treated as a complaint or conduct matter, or it appeared that undue weight had been placed on the fact that an incident had occurred off duty when making a case to answer decision.

The [Standards of Professional Behaviour](#) for police officers require officers to "behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty".

This standard creates some restrictions on the private lives of police officers. [Home Office statutory guidance](#) provides further information on this:

"Police officers have some restrictions on their private life ... These restrictions have to be balanced against the right to privacy in common law and right to a private life, as set out in Article 8 of the Human Rights Act 1998. Therefore, in considering whether a police officer has acted in a way which falls below [expected] standards while off-duty, due regard should be given to that balance and any action should be proportionate, taking into account all of the circumstances."

"As a result of the nature of the office of constable, a police officer is always subject to the Standards of Professional Behaviour even when off-duty. As such police officers should not behave in a manner that discredits the police service or undermines public confidence at any time."

In the police officer focus groups for this investigation, participants were asked whether they believed police officers fully understood their responsibility to comply with professional standards when off duty. The groups agreed that in circumstances as serious as domestic abuse, officers would understand that this was in direct violation of their professional standards, as well as the law. There was discussion in one group that officers did not fully understand the importance of complying with professional standards when off duty but they linked this to what they considered to be 'lower-level' poor behaviour, such as inappropriate behaviour on social media.

However, the misconduct case file review found evidence that some allegations were not dealt with appropriately because the conduct had occurred off duty. This included undue weight being placed on the fact a matter had occurred off duty when making a decision as to whether an officer had a case to answer for misconduct or gross misconduct. In one case, the person dealing with the case recorded in their rationale that they did not think the matter, which largely occurred while the subject was off duty and acting in a private capacity, was of a nature which the Standards of Professional Behaviour were designed to regulate. This rationale also inappropriately appeared in one of the criminal investigations records we reviewed.

## Decision making in criminal investigations impacting misconduct investigations

We have also found that decisions in the criminal case (which has a different purpose and a different standard of proof) have wrongly impacted on handling and decision making in respect of complaint and conduct investigations.

We identified such concerns in 14 of the 20 misconduct case files we reviewed.

These included:

- decisions being made to take no further action or consider issues further as part of a misconduct investigation solely based on the decision to take no further action in the criminal case;
- the possibility of addressing PPDA allegations through misconduct procedures being overlooked following the criminal case being discontinued because of issues specific to criminal law (for example, expired statutory time limits which apply to summary only offences such as common assault);
- decisions about severity assessments being delayed inappropriately pending the outcome of the related criminal investigation;<sup>21</sup>
- a decision to lift suspension placing too much emphasis on the decision to take no further action in the criminal case and not considering the remaining risk of prejudice to the misconduct investigation or the public interest; and
- too much emphasis being placed on the criminal standard of proof or the outcome of criminal proceedings (for example, downgrading a severity assessment to misconduct based solely on a not guilty verdict at court and withdrawing a subject's notice of investigation based solely on a not guilty verdict at court).

Negative outcomes in a related criminal investigation also appeared as the rationale for not launching a misconduct investigation in our 2018 data request dataset. Contrary to awaiting the outcome of a criminal investigation, legislation stipulates that where a matter is subject to an investigation under the Police Reform Act, criminal proceedings must not be brought until the misconduct investigation has been completed.<sup>22</sup>

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<sup>21</sup> Where a matter is going to be investigated, the investigating police force must make a severity assessment in relation to the conduct of the officer subject of investigation. The severity assessment provides the officer with an indication of the investigator's view of the level of seriousness of the conduct, if proved (i.e. whether it would amount to misconduct that is so serious as to justify disciplinary action or gross misconduct); and, if any disciplinary proceedings were to follow, the likely form of those proceedings.

<sup>22</sup> Unless the investigation is certified as subject to accelerated procedures or where it appears to the Director of Public Prosecutions that there are exceptional circumstances which make it undesirable to delay.

One of our police interviewees thought that poor criminal investigations often led to negative PSD decisions because failures in the criminal investigation result in PSDs having poor evidence to draw on.

"Where PSDs have not led the criminal investigation, they are often left in the position where they are trying to prove discreditable conduct without a good investigation that has secured the requisite evidence. PSD could absolutely go back over the evidence – essentially restart the investigation. But the problem you've got is so often you have to seize the moment. Every minute that passes since the offence ... you lose your opportunities available in the golden hour, which is often longer than an hour and stretches over a day or two. If evidence hasn't been secured (no photography of injuries, body-worn video (BWV)), it often can't be secured later on and confidence of the complainant can also be lost and never regained."

#### **Police interviewee**

This highlights the importance of criminal investigations involving appropriate supervision and the early involvement of PSD staff.

#### **Failure to consider relevant evidence during misconduct investigations**

In five of the 20 misconduct cases we reviewed, we found that those carrying out the investigations had not been aware of or had failed to consider relevant evidence that had been obtained as part of the criminal investigation.

- In one investigation, the PSD failed to read an update on the criminal case file and made a decision to take no further action in the misconduct case based on incorrect information that the criminal case had resulted in no further action. This meant that the restrictions to the subject's duties were lifted and they were not subject to any misconduct processes for five months while they awaited criminal trial. The officer was working in an unrestricted role, which included having contact with vulnerable victims of domestic abuse while the officer himself was under criminal investigation for a serious domestic abuse assault.
- In another case the misconduct investigation into a member of police staff was led by the force's human resources department, which did not have access to the force's crime management system and was not able to access the criminal case file to see updates. This led to repeated and unsuccessful attempts by human resources to obtain updates from the team conducting the criminal investigation.
- In a further case, a breakdown in communication between the criminal investigators and the PSD meant that the PSD missed an opportunity to identify information disclosed by the victim in interview regarding the subject's potential risk to the public in their role.

We are also concerned that those carrying out misconduct investigations may not be aware of other evidence which could be relevant to the investigations and potentially to

disciplinary proceedings. It is not clear whether those conducting investigations routinely consider related civil court orders. Only eight of the 33 force policies we reviewed specifically mentioned officers disclosing related civil court orders to PSDs, which implies this information is not always considered important within the context of PPDA.

### **Joining up criminal and misconduct investigations**

In most forces, units other than PSDs lead the criminal investigation and PSDs lead the misconduct investigation. In these forces the criminal investigation could be led by a specialist unit with expertise in domestic abuse/public protection or by officers working in general duties/neighbourhood teams. In other forces the PSD may lead both the criminal and conduct investigation concurrently, drawing on support from elsewhere in force as appropriate.

Ongoing PSD involvement during the investigation of both criminality and misconduct is one way to strengthen the quality and robustness of PPDA cases. As PSD staff are specialists in investigating police misconduct, they can provide useful support to investigators working on criminal investigations involving police suspects.

We found encouraging practice in our case file review when PSDs were more involved in the criminal investigation. The quality of both the criminal and conduct investigations were improved. Two of the 20 misconduct cases we reviewed involved PSDs leading the criminal and misconduct investigations concurrently from the outset (both cases were from the same force). This eliminated risks around ineffective information sharing and updates between teams; there were no delays in terms of recording conduct or serving notices; and the subject/suspect and victim were informed about both processes throughout. There was also strong documented rationale throughout around consideration of the different evidential thresholds.

In four other cases there was evidence of the PSD actively monitoring and communicating with the parallel criminal investigations, including suggesting lines of enquiry and highlighting where it believed the criminal investigation needed to be reopened.

There were also examples of cases where the PSD suggested and took responsibility for specialist lines of enquiry, such as investigating whether the subject/suspect had used work systems to access information about the allegations against them. As mentioned previously, where a matter is subject to an investigation under the Police Reform Act, unless in exceptional circumstances, no criminal proceedings can be initiated until the misconduct investigation has been completed.

### **Misconduct investigation delays**

We are aware from our wider work that delays in misconduct investigations (and subsequent disciplinary proceedings) are not unique to cases of PPDA. That being said, a significant number of the misconduct investigations in our case file review suffered from delays.

We have heard evidence from our police interviewees that delays are caused by resource constraints, officer welfare considerations and logistical reasons (i.e. delays in information being passed between forces in cases where the offence that is alleged to have taken place is different to where the suspect police workforce member works). Where explanations of delays were documented in the cases we reviewed, another reason cited was that the misconduct investigation needed to be put on hold as the matter was subject of a criminal investigation. This rationale was commonly not in line with Home Office and IOPC guidance.

Home Office [Statutory Guidance on Professional Standards, Performance and Integrity in Policing](#) clearly states that “the presumption is that action for misconduct should be taken prior to, or in parallel with, any criminal proceedings”.

[IOPC statutory guidance](#) further sets out that:

“There should be specific, identified prejudice and that prejudice should be significant. In order to determine whether such prejudice arises, it will be necessary to consider:

- the extent to which the matter raises issues that are the same as, or closely connected with, the issues in the ongoing criminal investigation or proceedings, and
- what particular prejudice (if any) would be caused to the ongoing criminal investigation or proceedings by the investigation or any other handling

If the power to suspend arises, the police force for which the subject of the allegation works or PCC in the case of a chief officer should consider whether it is appropriate to exercise that power, or whether measures can be put in place to reduce or remove the risk of prejudice. When deciding whether to exercise the power to suspend, the appropriate authority should consider whether, even if appropriate measures were taken, there would be significant prejudice to the criminal investigation or proceedings, which is not outweighed by the public interest in ensuring:

- the prompt consideration of the matter, and
- the prompt bringing of criminal or disciplinary proceedings against persons serving with the police, where these are warranted.”

Some of the police workforce members we interviewed said they automatically suspend a conduct investigation involving a parallel criminal investigation. This was reflected in some of the force policies we reviewed. Some policies appeared to imply that staff should wait until a criminal investigation has been concluded before progressing their conduct investigations. These policies are not in line with Home Office and IOPC statutory guidance and may be preventing the timely investigation and consideration of conduct matters.

# Criminal and misconduct outcomes

## Summary of our findings

We have collected more comprehensive data on criminal and misconduct outcomes for police perpetrated domestic abuse (PPDA) cases than has ever been collected before. However, weaknesses in police data recording and collection methods mean we cannot confidently estimate the prevalence of PPDA, or the number of misconduct outcomes associated with PPDA cases. We have established a PPDA charging rate for a sample of forces, but even this figure comes with considerable uncertainty.

We collected data on 149 reports of PPDA offences that allegedly occurred in 2018. The data came from 15 forces. 14 of the 149 cases resulted in a charge (9 percent). This figure is comparable to available statistics describing the percentage of all recorded domestic abuse offences that resulted in a charge, for 2018/19. This points towards recorded PPDA offence allegations having a similar charging rate to domestic abuse cases not involving police suspects, but data limitations mean that this is, at best, an indicative finding. It is concerning charging rates are so low.

The data we have indicates that few PPDA allegations result in any disciplinary proceedings or sanctions.

## What CWJ says

The Centre for Women's Justice (CWJ) presents Freedom of Information (FOI) data which appears to indicate very few PPDA allegations result in a prosecution. Only 19 of the 493 crime reports (recorded crime and reported incidents) in the dataset had an associated criminal conviction (3.9 percent).

CWJ acknowledged in its submission that the FOI data it was using was inconsistent and incomplete and could not be reliably compared with national domestic abuse figures. To compare with national statistics, it is necessary to calculate the percentage of recorded crime that results in a decision to charge. Neither recorded crime nor charges are reported in the FOI dataset CWJ was using. CWJ invited the super-complaint team to gather more data to provide useful comparisons.

CWJ was unable to provide an estimate of how many PPDA cases resulted in forces finding a case to answer for misconduct but it did analyse FOI data on the outcomes of professional standards department (PSD) involvement in PPDA cases. It was concerned that police workforce members seemed to be frequently dealt with via management

action/management advice<sup>23</sup> rather than what it considers to be a serious sanction (a warning or dismissal). The FOI data it had appeared to show that only 8 percent of PPDA cases resulted in what it considered to be a serious sanction.

## Our findings

### Poor data

It is not possible to reliably estimate the proportion of PPDA allegations that result in criminal and misconduct outcomes. It is not even possible to reliably estimate the number of PPDA allegations the police have been made aware of. This is because the associated records are not held centrally. The information is held by police forces in multiple local systems (crime and PSD databases). Extracting PPDA data from these systems involves manually searching both to identify relevant cases. The searches cannot be automated because there are no consistent markers used to identify PPDA cases. As such, you cannot be sure that you are comparing like-for-like data when it has been extracted locally by forces.

Police forces must follow national rules to flag domestic abuse cases in crime records, but they are not mandated to identify criminal records involving police suspects and, prior to March 2022, there were no rules to flag PSD records involving domestic abuse. Since March 2022, forces have been required to flag PSD records involving violence against women and girls (VAWG) with specific markers. The new VAWG markers will capture domestic abuse cases with female victims but won't help forces identify PSD records associated with PPDA involving male victims. This will help forces identify and monitor some PPDA cases, but it won't help them identify and monitor them all.

We conducted an extra force data request. We specifically asked forces to manually check both their criminal and PSD records to identify all PPDA offences from a single year (something that was not specified through previous FOI requests on this topic). We chose 2018 because this would ensure that the cases were likely to be closed. This meant we could potentially estimate the proportion of the cases that resulted in police suspects being charged, being found to have a case to answer for misconduct or gross misconduct, and the number who received a misconduct or disciplinary sanction. We specifically asked eight forces to supply us with PPDA data for 2018 but communicated to all forces to encourage them to do this data collection locally. As a result, 15 forces provided 2018 data to us. As at March 2018, the combined workforce of the 15 forces in our dataset was around 71,000 (roughly one third of the total England and Wales police workforce at the time). The 15 forces represent a good mix in terms of regional distribution, type of geography (urban/rural) and size.

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<sup>23</sup> Note: Management action and management advice were two distinct things under the pre-February 2020 system for handling police misconduct. Management action was not a formal disciplinary outcome whereas management advice was.

The extra 2018 data request therefore represents the most comprehensive data ever collected on reported PPDA offence allegations in England and Wales. However, the dataset is still not complete for several reasons:

- We cannot be sure the forces who returned data to us identified all the relevant PPDA cases. Some forces returned data on more cases compared to others. Four forces, representing just over a third of the applicable workforce, comprised over half the cases in the extra 2018 data request dataset. This could indicate these forces are better at detecting and recording PPDA offences or it could indicate they searched their records more thoroughly.
- Some forces were not able to complete the data request comprehensively. Sometimes this was because the records we asked for were not held on their systems (in cases where forces dealt with a criminal offence involving a police suspect who worked in another force). Other times it appears that the individual searching could not find all the appropriate information.
- There are not enough PSD records to confidently estimate the number of police complaints and conduct matters involving PPDA allegations that result in misconduct outcomes. We would have expected a sample of 15 forces to give us a big enough dataset, but it didn't because, as discussed earlier in this report, so many cases were not treated accurately as complaints or conduct matters by PSDs.

### Criminal justice outcomes

14 of the 149 suspects in the extra 2018 data request dataset were charged with a criminal offence (9 percent) and one suspect was given an out of court disposal (1 percent).

130 suspects in our dataset were not charged (87 percent). Charging information was not provided for four suspects (3 percent).

Available data indicates that a similar proportion of all domestic abuse cases resulted in a charge. 11 percent of all domestic abuse-related recorded crimes from a sample of 37 forces [published by the Office for National Statistics \(ONS\)](#) were closed with a charge/summons in the 2018/19 financial year.<sup>24</sup> It is very concerning that so few domestic abuse cases result in a charge.

The extra 2018 data request dataset is the best available evidence for the charge rate for reported allegations of PPDA offence allegations. Given the dataset limitations with the extra 2018 data request dataset, it does not provide a reliable estimate of the average charge rate across all forces. Similarly, there are limitations with national data for all domestic abuse cases. It is not possible, therefore, to make a reliable comparison between the charge rate for PPDA and other reported allegations of domestic abuse offences. We can conclude the available evidence points towards them being similar.

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<sup>24</sup> Note: Police recorded crime data is not designated as national statistics.

Ten forces included in the extra 2018 data request dataset reported that none of the recorded allegations of PPDA offences in their forces resulted in a charge. The 14 charges were reported by five forces. Nine of the 14 charges came from the same two forces. The table below summarises the principal offence associated with each suspect charged and the investigating department responsible for the case. There is not enough data to comment on which investigation model is more successful.

**Figure 6: Cases charged in the extra 2018 dataset by offence and investigating department**

Investigating department	Actual bodily harm	Common assault	Coercive, controlling behaviour	Harassment	Threats to kill	Total
Professional standards departments	1	3	1	0	0	5
Criminal investigation departments	1	2	0	0	0	3
Different force	0	1	0	0	1	2
Public protection unit	0	0	0	1	1	2
Neighbourhood team	0	1	0	0	0	1
Unknown	0	0	0	0	1	1
<b>Total</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>14</b>

**Source: 2018 data request dataset**

Information on the outcome assigned to cases not charged was not part of the data request. We therefore have no information on how the cases against the 130 suspects not charged were closed.

We do have information on how investigations in the criminal case file review were closed. 48 of the criminal cases in our sample were closed at the time we reviewed them.

- 29 were closed without charge owing to evidential difficulties in pursuing enquiries without the victim's continued support (recorded as 'outcome 16').<sup>25</sup>
- 12 were closed without charge owing to evidential difficulties in pursuing enquiries despite the victim's support for further action.
- Five were charged.
- Two were deemed to not be in the public interest to pursue further.

A similar proportion of cases were closed as outcome 16 – evidential difficulties where the victim no longer supports action in a national sample of closed domestic abuse cases. The ONS data for 37 forces reports that 54 percent of 2018/19 recorded domestic abuse cases were closed with outcome 16.<sup>26</sup>

### **Misconduct outcomes**

13 of the 47 police workforce members with a police complaint or conduct matter in relation to them in the extra 2018 data request dataset were found to have a case to answer for misconduct or gross misconduct (or equivalent). Ten of these cases involved police officers, four of whom were found to have a case to answer for misconduct and six a case to answer for gross misconduct. The remaining three cases involved adverse findings made about the conduct of police staff members.

The outcomes associated with these 13 cases were as follows:

- Four police officers were dealt with via management action.
- Seven police workforce members (six police officers and one police staff member) were referred to some form of disciplinary proceeding. Six of these police workforce members were then dismissed at these proceedings (or would have been dismissed had they not already left the force) and one received a final written warning.
- One police staff member resigned and no proceedings were initiated.
- One police staff member had missing data about the action taken as a result of the adverse finding.

Management action was also used for a further three officers who had no case to answer for misconduct or gross misconduct. There were also two police staff members who received 'words of advice' where there was no adverse finding.

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<sup>25</sup> This is known as outcome 16. [Annex C](#) describes the procedures the police use to record the reasons why they closed a case.

<sup>26</sup> [Domestic abuse and the criminal justice system](#) (table 3), Office for National Statistics, 25 November 2019.

Prior to the 2020 reforms to the police discipline system, management action<sup>27</sup> could be used at the end of any misconduct investigation (regardless of whether the person subject to the investigation was found to have a case to answer for misconduct). The Home Office described the purpose of management action as to:

"Deal with misconduct in a timely, proportionate and effective way that will command the confidence of staff, police officers, the police service and the public.

Identify any underlying causes or welfare considerations.

Improve conduct and to prevent a similar situation arising in the future."

Management action was not a formal disciplinary outcome. Instead, it formed part of the "normal managerial responsibilities of line managers".

Management action or words of advice were given in a small number of cases in the case file review. These were in cases that were not treated as a complaint or conduct matter and therefore a formal disciplinary outcome would not have been possible.

We concur with CWJ that management action would have rarely been appropriate in cases involving an allegation of PPDA. We do not have enough data to properly assess whether management action was overused in PPDA cases. Management action is no longer part of the police disciplinary system.

Since February 2020, breaches of the Standards of Professional Behaviour that do not warrant referral to police disciplinary proceedings are handled through a system known as 'reflective practice review process' (RPRP). In our view, as with management action, RPRP is not appropriate in cases involving an accusation of domestic abuse.

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<sup>27</sup> Management action should not be confused with 'management advice', which was a formal disciplinary outcome under the old system.

# Victim care and safety

## Summary of our findings

The unique risks of having a police workforce member as a perpetrator are not consistently taken into account in terms of victim care, which is leaving police perpetrated domestic abuse (PPDA) victims at risk of harm. In particular, we found evidence of too much willingness to accept a PPDA victim's preference not to take further action, close cases early and not arrest the suspect, nor pursue other forms of positive action to protect the victim. Policing needs to do more to pre-empt and address risks victims might face, in connection with having a police perpetrator.

The failure to always treat PPDA allegations as formal complaints and conduct matters is leading to some victims being inadequately informed of progress in subsequent misconduct proceedings (if they happen at all). It also means these victims are not being afforded other associated rights with being a formal complainant to a misconduct allegation (such as the ability to request an independent review of the outcome of their complaint). Police victims do not have an automatic right to request an independent review.

We have heard that a poor police response to allegations of PPDA can cause further trauma for victims. Some victims have told us this includes how forces have responded to complaints and concerns they have raised about the police response.

We concur with the Centre for Women's Justice (CWJ) that, to date, police victims of PPDA have often not been treated properly as victims. They are neither always afforded standards of victim care expected for all domestic abuse victims, nor are their vulnerabilities connected with having a police perpetrator being consistently recognised and addressed. We are aware of some forces making efforts to understand and improve this issue by introducing new internal force domestic abuse policies, guidance and initiatives that are more focused on PPDA.

It needs to be easier for police victims to report domestic abuse, without feeling it will impact negatively on their credibility or career. There are some leaders in forces already pursuing this agenda.

We are not convinced that victim or public safety is always given adequate consideration when forces are deciding whether to restrict duties or suspend officers accused of PPDA. Guidance could be more detailed in this area to support effective decision making.

We are concerned that current guidance on vetting doesn't go far enough to ensure that police workforce members accused of PPDA have their vetting reviewed. The thematic inspection on vetting which is being conducted by HMICFRS is considering how forces address allegations against their staff.

## What CWJ says

The CWJ super-complaint theme ‘improper response to complaints and concerns’ raises the issues of victim care, describing, for example, reports by victims being disregarded, their attempts to raise complaints about the policing responses being subverted, and a failure to provide safeguarding or other protections to victims.

CWJ case study evidence includes a police victim being told by a chief inspector that she would be “running this crusade on your own” if she pursued a complaint about the quality of a PPDA investigation. Another case study includes a victim being told by officers investigating the victim’s rape allegation that they were making themselves appear as a “vengeful” spouse, by notifying the force of breaches of family court orders.

CWJ has also described failures to keep PPDA victims informed of the progress of investigations and victims being left confused about police processes.

CWJ raises specific concerns about the treatment of police victims. It says police victims are not being treated primarily as a victim of domestic abuse. The victim testimonies CWJ presents describe very poor practice. They include instances where police workforce members showed a lack of respect for the distinction between work and home life. Another example involved a victim being expected to complete their own domestic abuse risk assessment form.

CWJ is also concerned that victims and the public are not being protected properly following a report of PPDA. It presents evidence indicating police workforce members accused of PPDA frequently stay in roles working with vulnerable people. It says all police workforce members accused of PPDA should have their vetting assessed and their duties restricted to prevent them working with vulnerable victims. CWJ says restrictions should apply during investigations and beyond, regardless of the outcome. It says enhanced Disclosure and Barring Service checks would prevent civilians from working with vulnerable people if relevant allegations involving them were on police records.

## Our findings

### **Victim care and welfare**

Our criminal case file review included an assessment of whether there was an acceptable level of victim care. We considered that there had been an appropriate level of care given to the victim in 45 out of 56 cases and there were 11 cases where standards of victim care were unsatisfactory. This included evidence that the investigating officer had not conducted a needs assessment for the victim (eight out of 56 cases).

Examples from the criminal case file review are given below, particularly focusing on how the unique risks associated with police perpetrators are not always taken into account:

- In one case, positive action should have been taken to arrest a police perpetrator. The victim initially disclosed the perpetrator had violently attacked them. The perpetrator was taken to a friend's house and the responding officer attempted to close the case straight away. A supervisor rejected this and set out an action plan before the case could be closed. It was closed within a week as the victim did not want further action to be taken.
- In another case, a victim had called 999 to report that they had been violently attacked by their police partner. The perpetrator was taken for a voluntary interview. The victim voiced concerns that the response would not be impartial and said the perpetrator had previously threatened them that they could have their children taken away. The victim declined to make a statement and confirmed in writing to say they wanted no further action to be taken. The case was closed after a follow-up visit, where the victim gave clear indications that they were experiencing domestic abuse in the form of coercive and controlling behaviours on the part of the perpetrator. This should have prompted the recording of a new and separate crime, but it didn't, and no further action was taken.
- In one case, a request by a case reviewer in force that previous reports of potential coercive and controlling behaviour should be followed up as part of the investigation appears to have been inappropriately rejected and the case was closed.
- A victim reported that their ex-partner (a police officer) had been harassing them. They were clear from the outset they only wanted the harassment to stop and no further police action to be taken. They disclosed a pattern of concerning previous and ongoing behaviour which should have triggered a review of the perpetrator's suitability to remain in a sensitive public-facing role and a further re-evaluation of the perpetrator's vetting level. Instead, the case was closed within days and the perpetrator only received words of advice from their line manager.

In these cases, there appears to have been a lack of attempts to engage and support victims who did not support police action, nor any attempts to secure an evidence-led prosecution. This is despite evidence that victims were at risk of harm. No account seems to have been taken of the fears the victims may have had concerning their relationship to a police perpetrator and how this could be acting as a barrier to them supporting an investigation.

The misconduct case file review found that in ten cases the PSD held some responsibility for domestic abuse risk assessment and safeguarding, after the criminal case concluded and the misconduct case remained open. Issues of concern with risk assessment and safeguarding were identified in eight of these cases. In the majority of cases, the issue was that no risk assessments or safeguarding actions in relation to the victim were

completed by the PSD. In one case, this was despite the fact that the victim reported further stalking allegations against the subject. In another, the PSD did not revisit an earlier ‘standard-level’ risk assessment, despite reports the subject was breaching a court order.

### **Keeping victims informed**

All victims of crime have rights under the *Code of Practice for Victims of Crime in England and Wales* (hereafter ‘the Code’). The Code sets out a series of victim rights and entitlements. Domestic abuse victims have “enhanced rights” under the Code. The Code is a statutory document published under provisions in the Domestic Violence, Crime and Victims Act 2004. The police are expected to ensure the rights and entitlements of victims set out in the Code are upheld.<sup>28</sup>

The Code was revised in April 2021 but the rights and entitlements in the revised version are like those set out in the previous version published in October 2015. We will reference the 2015 version throughout this section because this was the version available during most of the PPDA investigations we looked at.

The Code provides victims with a “right to understand and to be understood”. Under the Code, the police must communicate with the victim in simple and accessible language. They should consider “appropriate measures” that “take account of any relevant personal characteristics which may affect a victim’s ability to understand and be understood”.<sup>29</sup>

The Code lists several specific pieces of information the police must communicate to victims. Sometimes the Code goes as far as to prescribe how the police should communicate this information. The police must provide victims with the following:

- a written acknowledgement that they have reported a crime (unless it is unsafe to provide a written acknowledgement);
- a clear explanation of what to expect every time they are contacted in relation to the crime;
- written information about what to expect from the criminal justice system;
- information about how they will receive updates about their case following a discussion with the police;
- an explanation, within five working days, of a decision not to investigate a crime;
- information about a suspect’s arrest, interview under caution, release without charge, release on police bail and police bail conditions being cancelled. This information must be provided to victims within five working days of the event taking place;

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<sup>28</sup> [Chapter 1 of the Domestic Violence, Crime and Victims Act 2004](#).

<sup>29</sup> [Code of Practice for Victims of Crime](#), Ministry of Justice, October 2015, p85. Note: The 2021 version of the Victims’ Code also provides this right.

- an explanation of a decision to conclude an investigation without charging anyone and explanation of why. Domestic abuse victims are also entitled to be informed if investigations closed without charge are reopened. The police must consider their views if the case is reviewed. Domestic abuse victims can decide they don't want this information passed to them; and
- to be informed of a decision to prosecute/not prosecute/give an out of court disposal to a suspect.

As described in the '[Investigating PPDA](#)' chapter above, our case file reviews found evidence victims were generally well engaged with by those initially responding to allegations and carrying out investigations. This is a separate matter to meeting obligations to provide victims with specific information and case updates, as set out in the Code and described above.

Our criminal case file review of 56 cases found evidence that obligations under the Code were met in all but one relevant cases (36 out of 37 relevant cases). However, the victims we have heard from do not feel they were appropriately kept informed during the investigation. Only 11 percent (10 out of 104) of the respondents to our victim survey agreed that the police kept them informed of developments in the criminal investigation into their abuse. Poor communication and a lack of transparency with victims about the progress of their case was also described by many of the participants in our victim focus group. For example, one participant described communication that was so poor they had not been given a crime reference number.

### **Keeping victims informed of misconduct investigations and proceedings**

Poor communication appears to be a particular problem in relation to PPDA misconduct investigations. College of Policing Authorised Professional Practice (APP) on [specific management considerations when dealing with police perpetrators](#) says victims should be kept informed of internal misconduct proceedings. Under the Police Reform Act 2002, forces are required to keep complainants and interested persons informed of the progress of complaints, recordable conduct matters and death or serious injury matters.<sup>30</sup>

80 percent of the respondents to the victim survey strongly disagreed that the police kept them informed about progress in misconduct investigations and disciplinary proceedings involving their abuser. Many of the victims who provided testimonies to CWJ also describe not being informed about the progress of the misconduct investigations concerning their abuse.

The failure to always treat PPDA allegations as formal police complaints means some victims are not being treated as formal complainants under the Police Reform Act 2002. If victims were treated as formal complainants, they would have certain rights under the

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<sup>30</sup> Sections 20 and 21 of the Police Reform Act 2002; Regulation 33 of the Police (Complaints and Misconduct) Regulations 2020.

relevant legislation. This includes rights to be kept informed of the progress of the investigation, to request an independent review of the outcome of their complaint, and to be kept informed about and attend any misconduct proceedings that follow.

A police officer or member of police staff cannot make a police complaint if at the time of the alleged conduct they were under the direction and control of the same chief officer as the person whose conduct is in question. This does not mean that they cannot raise concerns or that those concerns should not be investigated as a conduct matter. It also does not mean that they should not be kept informed of the progress of that investigation. Under the Police Reform Act 2002, a person may be treated as an 'interested person' during a conduct investigation if the police force considers that they have an interest in the handling of the conduct matter that is sufficient to make it appropriate for information to be provided. Clearly in an investigation into alleged PPDA, the victim has such an interest.

Where a victim is treated as an interested person, they have similar rights to a complainant to be kept informed of the progress of the investigation, and to be kept informed about and attend any misconduct proceedings that follow.

The main difference is that an interested person does not have the same right to request an independent review of the outcome of the investigation.

Under the Police (Conduct) Regulations there are no provisions that give victims the right to be treated as an interested person. However, it is our view that PPDA matters should be investigated under the Police Reform Act 2002, which does enable forces to treat police victims as interested persons. We are concerned that forces rarely appear to treat police victims as interested persons. Several of our police victim interviewees and focus group participants described being told by their PSDs that they had no right to complain about their abuser and therefore no right to any information about conduct matters involving them (including information about whether a conduct matter connected to their abuse was recorded). This left them feeling they had no way to raise concerns.

### **Victims raising concerns about the investigation**

We have heard evidence that concerns raised by victims about the police response to their PPDA reports have not always been responded to appropriately.

As described previously, many PPDA reports should be recorded as formal police complaints under the Police Reform Act 2002. Individuals who have made a complaint have the right to an independent review of the way their complaint has been handled if they are not happy with the outcome of their complaint. The review is carried out independently by either the local policing body (the Office of the Police and Crime Commissioner/Office of the Combined Authority Mayor/Police Authority) or the IOPC. The failure to consistently record PPDA allegations as police complaints means non-police victims are frequently not being afforded their right to an independent review of the way their complaint was dealt with.

Forces are not only failing to consistently treat victims as complainants when they make their initial report to the police. We have some evidence that they are also sometimes failing to treat victims as formal complainants when they raise concerns about the investigation. Participants in our victim focus group described trying to raise concerns about the police response to PPDA allegations which were not treated appropriately as police complaints. This points towards forces failing to consistently explain to non-police victims their right to have their complaints recorded and what recording the complaint under the Police Reform Act 2002 would mean for them.

We understand from our own investigation and from CWJ's case studies that there are extra reasons why victims may need to seek support from the force, to follow up complaints and concerns. This includes in relation to the quality of the investigation, but also in relation to how perpetrators might have misused their police knowledge, status and powers to discredit or harm the victim. As described in the CWJ victim testimonies and by some participants in our victim focus group, these victims may also legitimately want to raise concerns about the police force's action against them. This includes the force response to counter criminal allegations against the victim, potentially overzealous arrests of the victim, and concerns that police colleagues of the perpetrator have been out to cause trouble for the victim.

Victims who attended our focus group described poor police practice when they have raised concerns, including:

- a force giving a victim access to an 'internal review' of their case on the understanding that they would not then raise a formal complaint with the IOPC;
- a victim receiving a written response from the force to their complaint, which started by saying that the force was not in fact obliged to respond and indicating they were going above expectations by even corresponding with the victim;
- a victim contacting the force about a complaint made some months previously, finding themselves talking to the original person who had been dismissive of their concerns before. The person then suggested that if the victim wished to complain, they should wait another nine months until they had retired, when someone else might be more receptive; and
- a victim described contacting the IOPC directly with concerns about how their PPDA case had been handled and then finding, because of this, the force dealing with their complaint would no longer communicate with them.

These examples are completely contrary to how forces should be responding to victims expressing dissatisfaction with the police. In PPDA cases, where trust and confidence in the police is a particular problem, poor interactions like this are likely to exacerbate victim anxieties that the police will not be impartial and will 'protect their own'.

We heard from some participants in our victim focus group that the police response to their case and to their complaints and concerns can feel like another form of abuse. A non-police victim told us that their experience of the force response to their case had left them feeling threatened, just by seeing a police car drive by in the street.

One participant in the victim focus group said they would have liked a senior leader to sit down with them at the end of their case, talk through issues and explain mistakes. The victim said this could have helped reassure them that their concerns had been taken seriously and it would have given them some closure. It provides an example of how more force support for a PPDA victim could have helped raise trust and confidence in the police response.

### **Treating police victims as victims**

While it would not be appropriate for police victims to receive a better level of treatment than non-police victims, we are concerned that they are not being treated in the way that all victims of domestic abuse should be. We are also concerned specific vulnerabilities connected with having a police perpetrator are generally not being adequately recognised and addressed. While we are aware that many forces are making changes which they hope will address this issue, we currently share CWJ's concern that victim care for police victims has not been consistently good.

Our criminal case file review identified some very positive examples of police workforce members supporting colleagues experiencing PPDA. However, good practice is not consistent. It is extremely concerning that only one of the 45 police respondents to our victim survey said the police treated them primarily as a victim. There was mention in our police officer focus groups that there may be an assumption that, because the victim is an officer or member of police staff themselves, they will have knowledge of the processes and rigours of the investigation. For this reason, it was noted, there can be a view that they don't need matters explained to them and that they do not require the same level of support.

"If you're a victim of a police perpetrator outside the organisation, then probably it's very similar to another victim. I think, sometimes, in our own force, police victims, whether of a police perpetrator or not, have not had the same level of service."

#### **Police officer focus group attendee**

We have also heard examples, in our interviews and through police victims who participated in the victim focus group, of what appears to be a lack of empathy, consideration and understanding in the internal police response. This has typically been described as deriving from thoughtlessness, but it can also be perceived by victims as undue favouritism towards the perpetrator when they work in the same force. One of the police victims we have heard from said that they thought senior leaders in force would

show concern for their welfare, after they suffered a serious assault by a police perpetrator. Instead, they heard nothing from any senior leaders and the victim attributed this to bias towards the perpetrator.

In the police victim focus group, some participants described how devastated they had felt by being let down by their force or the police service more generally. They described experiencing “victim-blaming” language and feeling they were not being believed by colleagues.

Police victims who report colleagues for PPDA can fear and experience a range of repercussions at work. Our evidence in relation to this is described in a separate section below. National guidance (APP) and most force policies do not reference these risks for PPDA victims, beyond referring to protecting case confidentiality. Victim testimony supplied by CWJ, and gathered through our fieldwork, indicates that forces have often not been proactive at supporting and protecting PPDA victims from repercussions at work.

We have heard both in interviews and in our police officer focus groups that there can be a perception of disparity between the support offered to a police officer PPDA suspect by the staff association the suspect belongs to and the support offered to a victim by their staff association. Some of the focus group attendees told us that police officer perpetrators invariably had strong support from their staff association (particularly in relation to the provision of legal advice), whereas this support was not always so apparent for victims.

Our policy review found that many forces are updating their own internal domestic abuse policies and that there is a lot of potentially encouraging practice in relation to supporting police victims of PPDA. This includes examples of appointing bespoke independent domestic violence advisors for the force and developing guidance for all members of staff around how to respond to a colleague disclosing domestic abuse.

In our interviews with leaders in forces, we have been told that some are actively pushing for a cultural shift that makes it easier for police victims to come forward and report domestic abuse. This has included a leader publicly speaking about their own experiences of being abused and proactively tackling the misperception that being a domestic abuse victim is at odds with being a credible police workforce member.

While it is too early to say for sure, initiatives to increase awareness and understanding of domestic abuse among the police workforce may bring positive benefits to how police domestic abuse victims are responded to in force. This includes, for example, ‘domestic abuse matters’ training, as described in the '[Training](#)' sub-section in the ‘Background and context’ section above.

## **Suspending or restricting the duties of officers under investigation for PPDA**

Legislation allows the police force to suspend a police officer or special constable in certain circumstances.<sup>31</sup> It may suspend an officer who is subject of investigation only if temporary redeployment to alternative duties or an alternative location is not appropriate, and it appears that either:

- the effective investigation of the case may be prejudiced unless the officer concerned is suspended; or
- having regard to the nature of the allegation and any other relevant considerations, the public interest requires that the officer should be suspended.

Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing provides very little extra information on restrictions of duties. The guidance is largely focused on the purpose for suspending officers and reviewing the decision to suspend. No extra information is provided on when and how it might be appropriate to restrict an officer's duties.

The domestic abuse APP on specific management considerations when dealing with police perpetrators does not provide guidance on this either. It says forces should have their "own policies on suspension or movement of the staff involved" in PPDA reports.

Only 18 out of the 33 force policies we reviewed mentioned decision making on suspending and restricting the duties of suspected domestic abusers. Often these policies simply reflected the guidance already provided by the Home Office.

Decisions around suspending or restricting an officer's duties in the misconduct cases we reviewed did not always appear to consider the safety of the victim, including their safety and welfare at work where the victim was a police workforce member. The review includes examples of:

- suspension and restriction not being considered, despite there being an indication that there were risks of potential prejudice to the criminal investigation, risks to members of the public or risks to the victim's safety at work;
- a subject being redeployed to another role but there being no rationale to explain how this prevented prejudice or protected the public interest;
- the decision to lift suspension placing too much focus on a decision to take no further action in the criminal case, and not considering the remaining risk of prejudice to the conduct investigation or public interest; and

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<sup>31</sup> Note: Conduct regulations apply to police officers only. There is no standard regulation of the suspension/restriction of members of police staff. Police forces have local policies and procedures regarding the suspension/restriction of police staff.

- restrictions to a suspect's/subject's duties being lifted as a result of a breakdown in communication between the criminal investigation and the force's PSD, leaving an officer working in an unrestricted role, which involved contact with vulnerable victims of domestic abuse, while the officer himself was under criminal investigation for a serious domestic assault which resulted in a charge.

This misconduct case file evidence reflects some of the victim testimonies submitted by CWJ. Testimony evidence presented by CWJ included an example of an officer who reported her partner for domestic abuse while she was on maternity leave. Just before returning to force, she found no arrangements had been made to avoid her working in the same building as her alleged abuser. We are concerned that victim safety does not appear to always be adequately considered when forces are making decisions to suspend or restrict the duties of PPDA suspects.

Forces have welfare duties in relation to all of their police workforce members. These duties remain in place, even when a workforce member is suspected of a crime. In cases where both the suspect and victim work in the same force, force welfare duties towards both parties must be served without prejudging the outcome.

Some police workforce members we spoke to implied that the welfare of PPDA suspects was a key consideration when their forces made decisions to suspend or restrict the duties of PPDA suspects.

"The added complication is that you've got an element of welfare for that officer, because they are part of your organisation ... because we've got a dual role. We're not only investigating the criminal offences, but then we've got the flipside of making sure that person is okay."

#### **Police office focus group attendee**

Multiple police interviewees also told us officers in specialist accredited roles (such as firearms) were less likely to be suspended or placed on restricted duties due to staff shortages. However, we have also heard from police workforce members who say that staffing constraints never influence suspension/restricting duties decisions. One case in the criminal case file review did involve an officer remaining in a firearms role while under investigation for domestic abuse. We asked the force to look again at the vetting of this individual. Given the sensitive nature of firearms roles, it would be very concerning if some forces choose not to restrict officers for resourcing reasons.

We question whether current guidance is sufficient to support effective decisions about when and how to restrict the duties of those under investigation.

### **Re-vetting those accused of PPDA**

All police workforce members are vetted to ensure they are suitable to access police premises and information. Chief constables must follow the [Vetting Code of Practice](#), which is supported by [APP on vetting](#).

Prospective police workforce members are vetted before they take up their post. Their vetting is then regularly reviewed. As a minimum, police workforce members are re-vetted every ten years, but many will be re-vetted at more regular intervals.

The [APP on vetting](#) says vetting teams should have a “comprehensive aftercare regime” which assesses the ability of all those they have vetted “to maintain their security clearance”. It sets out an expectation that police workforce members will inform vetting teams of relevant changes in their personal circumstances, throughout the lifetime of vetting clearance. They should inform vetting teams of any problems or issues that arise that may impact on their vetting clearance. This may include (but is not limited to) if they are subject of, or a person of interest in, a criminal investigation, given a police caution, or if any criminal proceedings are brought against them or any relevant civil proceedings. Those who have remained in force following a disciplinary proceeding should also have their vetting automatically reviewed.

The [APP on vetting](#) provides a non-exhaustive list of the civil orders police workforce members are expected to declare. It includes the following civil orders: anti-social behaviour order (i.e. civil injunction, criminal behaviour order, etc); any order under the Sexual Offences Act 2003; or any harassment order. Some domestic abuse-related civil orders such as Domestic Violence Protection Notices, Domestic Violence Protection Orders and non-molestation orders are not specifically included in the list.

The [APP on vetting](#) says vetting teams should consider information about police workforce members who were accused but never convicted of a crime on a case-by-case basis. Vetting teams should consider the number, severity, credibility and age of the allegations and why they weren't progressed.

We have not assessed how vetting teams consider PPDA allegations as part of our super-complaint investigation. However, the current HMICFRS thematic inspection on vetting is considering how forces address allegations against their staff. Learning from this inspection will help inform updates to the College of Policing vetting APP. Work to update the vetting APP is already under way and the revised version will include specific reference to domestic abuse-related civil orders.

## Restricting duties of officers following an investigation

Chief constables can restrict the duties of officers outside of the misconduct process.

This is known as placing officers on 'management restricted duties'. Management restricted duties is a type of limited duty that can be used with officers who do not warrant referral to criminal or misconduct proceedings but whom chief constables have lost confidence in continuing in their current role. To put an officer on management restricted duties there must also be either:

- a "verifiable confidential or source sensitive information or intelligence" that has come to their attention which brings into question their suitability to continue in their current post; or
- "serious concerns" which require management action to protect "individuals and the organisation".

Home Office guidance on the management of police officers on limited duties is focused on those on limited duties for fitness or medical reasons. Management restricted duties are specifically excluded from the scope of the guidance. Home Office Statutory Guidance on Professional Standards, Performance and Integrity in Policing makes no mention of management restricted duties.

Most forces have local policies on the use of management restricted duties known as 'service confidence policies'. Some of these policies state that chiefs can consider placing officers who are issued written warnings or final written warnings at disciplinary proceedings on management restricted duties where appropriate. Other policies exclude officers who have been through misconduct proceedings.

# Employment repercussions for police victims

## Summary of our findings

We concur with the Centre for Women's Justice (CWJ) that police victims of police perpetrated domestic abuse (PPDA), when they work in the same force as their perpetrator, are in a uniquely difficult position. We have been told that gossiping in force and perceived failings around case confidentiality can cause problems for police PPDA victims and that can deter reporting. There is a risk that police domestic abuse victims who work in the same force as their alleged abuser may experience ostracising and bullying by colleagues. We do not know how often this type of behaviour may occur, but we understand from victim testimony that it can have a profound effect on the wellbeing of the victim.

We recognise that coming forward as a police domestic abuse victim and making allegations against a work colleague is an extremely brave and difficult thing for many vulnerable victims to do. We have heard about victims experiencing repercussions in the workplace and feeling that their career prospects have been harmed. These are problems that are typically hard to evidence (for example, employment opportunities blocked) and we are not sufficiently assured that forces routinely properly consider this aspect in their support for police victims of PPDA.

We have heard from a small number of people that officers investigating PPDA (criminal or misconduct investigations) or supporting a PPDA victim in force can also feel at risk of (and experience) employment repercussions.

## What CWJ says

CWJ raises a number of concerns regarding potential employment repercussions for domestic abuse victims who work in the same force as their perpetrator. These concerns vary in their severity, but all serve as additional potential barriers to police victims reporting PPDA and supporting investigations.

The CWJ submission describes various ways in which a police victim's career could be harmed by having the police investigate their case. This includes allies of the perpetrator blocking career opportunities or making working life difficult (for example, micromanaging and bullying). CWJ is concerned victims can become the subject of gossiping and that their welfare may not be properly considered in the police response. It describes victims being made or feeling compelled to move role or force rather than the perpetrator moving.

CWJ raises concerns that police perpetrators or their sympathisers may engineer counter criminal and misconduct allegations against the victim. It has presented case study evidence, which it suggests demonstrates that some forces have pursued misconduct allegations against PPDA victims, with a greater level of determination than shown in their response to the suspects.

## Our findings

### Privacy, confidentiality and gossiping

Our investigation reveals that concerns about gossiping and lack of confidentiality appear to be a strong barrier to reporting for police victims. This concern is frequently described in open text question responses in force domestic abuse surveys. While not about PPDA specifically, the comments reveal a common concern that colleagues will not respect the privacy of police domestic abuse victims.

Some participants in our police focus groups confirmed such gossiping happened and attributed the problem to the extremely close bonds that are formed between police workforce members working closely together. They also spoke of it being impossible to stop officers from speaking to each other, especially when the report originates with a 999 call. Some of the participants in the police focus groups also said that you couldn't stop the perpetrator telling people.

"I think that unfortunately, the very close nature of the police family means that it feels too likely that if you were to report an issue, word would spread. Too many people enjoy gossiping and I would feel it highly unlikely that my privacy would be protected."

#### Force domestic abuse staff survey respondent

"In the police, it's like a family at the end of the day, everyone finds out your business. No matter how much you try and keep something secret, everyone seems to find out about what's going on."

#### Police officer focus group participant

"Working for the same organisation, a lot of people know a lot of people, and you can try and maintain that confidentiality as absolute best you possibly can, but you can't help actually, for example, the police perpetrator telling their colleagues."

#### Police officer focus group participant

Force domestic abuse staff survey results reveal a view among some workforce members that case information may not be kept confidential. A police victim we spoke with thought case investigators had been inappropriately talking about their case.

"Some managers gossip and tell your private business to other colleagues as they are managers too so they think it's ok."

#### **Force domestic abuse staff survey respondent**

"... supervisors consistently breach confidentiality and are totally inappropriate when handling personal information. On more than one occasion I've overheard conversations about members of staff in communal areas that have no policing purpose and are entirely for gossip. This is info about staff involved in investigations and also information passed to supervisors in personal one-to-ones."

#### **Force domestic abuse staff survey respondent**

"I was also made aware that [the investigators] were speaking about the way I had 'allowed' myself to be treated by X as a matter of amusement and fun to officers not involved in the investigation. To know that the innermost details of my complaint were being used in a manner to amuse people that I would have to come into contact with on a regular basis through my work was truly awful."

#### **Police victim interviewee**

Gossiping, particularly about information which has only come to attention through the course of police business or heard at work, is unprofessional, unethical and could be harmful. It is not something that should be accepted as inevitable in cases of PPDA. Forces should seek to address it to ensure that confidentiality is maintained. Such behaviour is not in keeping with the Code of Ethics for the police service. A refresh of the Code of Ethics is under way, led by the College of Policing. The revised version will make it clearer that obligations of confidentiality apply to information about colleagues, as well as the public.

#### **Ostracising and bullying**

CWJ has raised concerns about police victims of PPDA being abused by colleagues on social media and being left isolated when on duty. We have uncovered a limited number of further examples where PPDA victims felt they were bullied or ostracised by colleagues. For example, one police victim we spoke with thought that a colleague had set out to undermine the victim's credibility as a leader, as a form of retaliation on behalf of the perpetrator. Several of the participants in our police officer focus group also talked about the risk of being ostracised and being personally aware of PPDA victims who had felt they needed to move force.

Bullying can have greater consequences in policing than in some other professions. Maintaining the goodwill of colleagues is arguably particularly important, in a profession where there is an increased reliance on colleagues to provide immediate support in dangerous and hazardous circumstances. There is also less opportunity to move organisation than in many other occupations. Raising complaints against colleagues also carries the risk of counter allegations which can cause further anxiety to victims of PPDA.

### Career prospects harmed

Our interview and focus group fieldwork has drawn out evidence that police PPDA victims can have their career prospects harmed. Around half of the participants in our police officer focus group were personally aware of relevant cases.

“... when they’re within an organisation, there is a potential stigma [from being a victim reporting PPDA] being honest.”

#### Police officer focus group participant

“The [victim] got removed from their position after they gave a statement ... but the high-ranking officer [perpetrator] remained in [their] position.”

#### Police officer focus group participant

During our investigation, we heard from one individual who had been involved with several cases of PPDA in different forces. They said that in each of the cases, the victims had experienced some form of serious employment difficulty as a result of their PPDA experiences being reported to the police. The interviewee said that they had all either transferred force, left policing entirely, been investigated themselves, or been removed from their role.

We have found similar evidence in our survey of victims who contacted CWJ. Due to the sample of respondents being from those who contacted CWJ, it is likely the findings overrepresent negative experiences of police responses to PPDA. Even taking this into account, we think the figures are striking. The survey found that, out of the 45 police respondents (all of whom had worked in the same force as their police perpetrator):

- 22 moved job roles and/or moved to a different area within their force; and
- four moved to another police force.

We asked the same respondents to this survey to indicate whether having the abuse reported to the police had, overall, positively or negatively impacted on their feelings about working in their force (including if they had since left). We asked this in relation to a number of matters and there was an option to indicate “no overall change in feelings”. An overall negative impact was listed by almost all respondents, against all themes we asked about.

**Figure 7: Police victims' attitudes towards working in the police following their PPDA report**

<b>How did your overall feelings change about working in your force, as a result of the PPDA being reported to the police?</b>	<b>Overall, this positively changed</b>	<b>Overall, this negatively changed</b>	<b>Overall, this did not change</b>
Your own personal confidence to do your police work	0	39	6
How supported you feel in force, by peers/team members	1	34	10
How supported you feel in force by more senior colleagues	1	40	4
How well respected you feel, on a professional level, in force	1	39	5
How well you feel your privacy is respected in force	0	36	9
Your sense that you will be protected from bullying in force	0	39	6
Your sense that you will be protected from victimisation in force	0	40	5
Your sense that the force is somewhere you can have a fulfilling career	0	39	6
Your sense that the force is a fair place to work	0	44	1

We have heard from police victims who felt their promotion prospects had been diminished by having the police deal with their PPDA report.

One of our police interviewees said, for example:

“I do feel it has affected my promotion prospects. I have talked to my Federation representative. I really don't want to make a complaint as I don't want to be seen as a complainer and pushed to one side.”

**Police victim interviewee**

Another said:

"I used to be a real go-getter. Great charge and great detection rate. My reputation has changed to being a basket case."

#### **Police victim interviewee**

This type of concern would be hard to prove (for example, promotion opportunities blocked unfairly). It is, however, a real concern that some victims have and we are of the view that forces should do more to address the concerns. It is not currently mentioned in existing College of Policing Authorised Professional Practice (APP) or referred to in the 33 existing force policies that we have seen.

We have also heard that managers can inadvertently exacerbate the negative employment repercussions for PPDA victims. Our interviews have uncovered several examples of a confidential senior/chief officer level meeting being held to discuss police victim safeguarding and wellbeing (including potentially moving the victim to a less challenging role), without the victim being present and without their knowledge the meeting was taking place.

Our interviews indicate that the risk of repercussions at work, in relation to PPDA cases, can extend beyond the victim to those who are involved in the response to allegations. We spoke with two former officers (from different forces) who had both resigned from policing, after they had robustly critiqued the way PPDA cases they were involved with were being handled in force. They felt they had lost the support of senior colleagues and that their career prospects had been irreparably harmed.

#### **Misconduct investigation into the victim**

There are unique risks of repercussions for police victims from any counter allegations by their perpetrator. Whereas counter criminal allegations can occur in all domestic abuse cases, for victims not working in the police an employer would not usually be involved and the circumstances of any ongoing investigation would remain private. For a police victim, force professional standards department (PSD) teams may also look into the allegation.

It was not feasible as part of the super-complaint investigation to look into the criminal and disciplinary records of police PPDA victims, and to then further investigate whether any criminal or misconduct investigation into the victim appeared to have been justified and proportionate. This limits the strength of our findings in relation to misconduct investigations of PPDA victims. We are mindful that there may be cases where circumstances warrant an assessment of the victim's conduct. In some cases, the fact that an allegation has been made against a PPDA victim does not mean that the allegation is malicious or has been made in response to a prior report of PPDA.

There were 26 cases in our 2018 data gathered from forces where both the suspect and victim were employed by the responding force. There were two examples in this sample of 26 cases where police PPDA victims became subject of some form of misconduct or discipline process (not arising from a public complaint), after the PPDA had been reported.

This data is far too limited, on its own, to draw any meaningful conclusions. Results from the victim survey provide further insight. Over one third of police respondents alleged that they were the subject of a misconduct investigation, directly as a result of reporting the domestic abuse (16 out of 45).

The impression from our limited fieldwork evidence on this issue, combined with CWJ case study testimonies, is that there is some risk for PPDA police victims of counter allegations of misconduct by their abuser (or their abuser's allies in force). Forces must consider and respond to all allegations of misconduct, including where these might be counter allegations. Where there is evidence that an allegation has been made maliciously, this itself should be considered as a conduct matter (see the '[Corruption and collusion](#)' section below).

We have heard in some interviews with police workforce members that there can be a perception that PPDA victims, when they become subject to counter misconduct allegations, can be at a heightened risk of misconduct sanctions compared to the PPDA suspect. This is because the PPDA victim may face counter allegations that do not amount to a criminal offence. Some interviewees have told us that PSDs will investigate these whereas, in the interviewees' view, they might not investigate the original PPDA allegation against the suspect, if the criminal investigation does not lead to a criminal charge or prosecution.

One police interviewee with experience of PPDA cases (but not as a victim) told us that:

"There is a saying in policing, if you are going to stand up and be counted and flag the force is doing something wrong, you have to be 'pure'. There is a fear that the force will find out any misdemeanours. That is my experience of the police service. Victims can also be so worried that the perpetrator will get a complaint in against you."

#### **Police interviewee**

Another police interviewee (also not a PPDA victim) said that:

"While PSD won't look at the perpetrator if the criminal case is dropped, they may investigate [allegations against] the victim if they had not been looked at ... and then there'll be no consideration of the circumstances. They'll show no empathy because they act with 'no fear or favour'."

#### **Police interviewee**

# Corruption and collusion

## Summary of our findings

An abuse of power or position with a view to compromising a police investigation is a serious breach of the [Standards of Professional Behaviour](#) and may amount to a criminal offence. Most police officers we spoke with were confident that existing safeguards and deterrents would deter and root out corruption and collusion. We have found no substantiated examples of corruption and collusion influencing the outcomes of PPDA cases. We acknowledge that our investigation had limited potential to uncover corruption and collusion. We have found that the risk of corruption and collusion can be a very strong concern for PPDA victims. We have found examples where victims think it occurred or may have occurred. We do not believe forces are giving victims enough reassurance that the risk is being managed.

We know some PPDA victims have been the subject of arrests following the report of their abuse. Given the limitations of our super-complaint investigation, we have not investigated individual cases. We have therefore been unable to assess whether these arrests were appropriate, inappropriate or malicious.

Our evidence indicates PPDA records are typically restricted to prevent them from being inappropriately accessed. However, we have heard concerning evidence that this is not always the case. Some police workforce members suggested to us that crime records are not restricted but instead kept deliberately brief to safeguard against the negative consequences of them being inappropriately accessed. Minimising the written record associated with a criminal investigation to protect case confidentiality is unacceptable. Existing Authorised Professional Practice (APP) guidance clearly states records should be appropriately restricted. Forces should ensure this is how they protect case confidentiality in PPDA cases.

Connections between colleagues in forces do have the potential to undermine the response to PPDA. We do not believe all forces are taking this risk seriously enough. Force policies do not always provide strong enough guidance to prevent those knowing the suspect or victim from working on a PPDA case. Declarations of conflicts of interest appear to be frequently missing and we have heard of examples of cases that were being investigated by officers who knew the suspect. We are concerned that, as a result, this is creating a risk that police workforce members could allow their own feelings of awkwardness or bias towards the suspects or victims to impact their response to PPDA allegations. Even where there is no such adverse impact, the suspect or victim may perceive that there is such a risk and this could negatively impact on the investigation and their engagement with it.

## What CWJ says

The Centre for Women's Justice (CWJ) is concerned that poor investigative outcomes and negative victim experiences are partly the result of corruption and collusion in police forces. CWJ argues two types of corruption and collusion could be occurring:

- Police perpetrators and their immediate associates could be deliberately using their powers to abuse, manipulate and criminalise victims.
- People in police forces could be manipulating police processes to protect suspects.

CWJ presents several victim testimonies in which PPDA victims were arrested. It says the police response in these cases “appears unusually overzealous” and, in some cases, is likely to be the result of police perpetrators securing “the co-operation of other officers”. CWJ is therefore concerned that police perpetrators and their associates could be deliberately abusing their power of arrest to criminalise their victims. CWJ cites examples where other police powers, including the power to stop and search, appear to have been abused in a similar way.

CWJ is also concerned that police perpetrators are accessing police records for personal gain and using their position of trust to unduly influence other public bodies (such as social services and the courts).

CWJ says “dishonest manipulation” could be occurring “behind the scenes” in police forces to “protect officers who are reported for abuse”. It presents victim testimonies in which survivors were aware those involved in handling their case knew their perpetrator. CWJ contends that the “criss-cross of personal connections” in police forces “can always taint an investigation”.

## Our findings

### Evidence of corruption and collusion

Any abuse of position by a police workforce member would amount to serious corruption. An abuse of position is any attempt by a person serving with the police, whether on or off duty, to inappropriately or illegitimately take advantage of:

- their position as a person serving with the police;
- the authority their position as a person serving with the police affords them; or
- any powers conferred on them by virtue of their position as a person serving with the police.<sup>32</sup>

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<sup>32</sup> [Statutory guidance on the police complaints system](#), IOPC, February 2020, p 55, para 9.17.

College of Policing [\*Guidance on outcomes in police misconduct proceedings\*](#) gives clear advice that decision makers should:

“... consider cases where an officer has exercised their police powers in bad faith, for personal gain or at the behest of a friend or relative ... [as] very serious misconduct.” (paragraph 4.28)

The guidance lists “malicious motives” and “compromising a police investigation” among the factors which “support a more serious outcome”.

The police workforce members we spoke to in interviews and through our police focus group generally thought that collusion and corruption was unlikely to happen because being caught would carry serious consequences.

“I think really, unless they’re particularly brave or they think they’re going to pull it off, they’d be quite brave to try it on, because they’ll probably be in just as much trouble for trying to use their influence as they would be for the original act anyway. I’m not aware of anyone who’s tried.”

#### **Police officer focus group attendee**

We have not found any substantiated examples of corruption and collusion concerning the police response to PPDA cases during the course of our investigation. We recognise that our investigation had limited potential to find this. We did find a few examples where victims have raised concerns that such practice could have occurred:

- One victim in the criminal case files we reviewed reported they were concerned that their vehicle had been searched by the police, thinking this was possibly based on spurious information from a police workforce member.
- One victim in the criminal case files we reviewed was concerned that the police suspect may have manipulated safeguarding protocols between police and partner agencies to bolster their parental access rights to the detriment of the victim.
- 12 of the 20 misconduct case files we reviewed included evidence that the victim or another witness had said that the police suspect had tried to stop the victim from reporting the abuse to the police. Some of these examples appeared to involve the suspect directly drawing on their role in policing to undermine victim confidence to report.

In one of the misconduct case files we reviewed, the suspect disclosed information during a misconduct interview which related to an allegation against them by another victim (who was a police officer). Interviewers were concerned that the suspect may have been told this information via their line manager.

In addition to the above examples, three interviewees we spoke to questioned whether specific poor investigatory practice they witnessed was the result of a deliberate attempt by police workforce members to undermine investigations into PPDA allegations. The concerns of one of these interviewees was the subject of a separate IOPC investigation. The IOPC found no evidence to suggest that any officer or member of police staff had inappropriately interfered in the decision-making processes, or that decisions were made based on personal relationships.

### **PPDA victims being maliciously arrested**

We know some victims were arrested after they had reported PPDA. As part of the extra 2018 force data request, we asked forces if anyone who lives in their force area had been arrested after coming to police attention as a potential victim of PPDA. Forces were able to find relevant arrest records for 11 victims. They confirmed that 86 victims had not been arrested following a PPDA report. Information wasn't provided for the remaining 52 victims in the dataset. It appears that for 12 of these victims the information was missing because the victim did not live in the reporting force area.

We recognise that some of the victims in CWJ's testimonies allege they were arrested maliciously. This feeling is also reflected in our victim survey where 15 percent<sup>33</sup> of the respondents believe they were arrested because they reported PPDA.

It is not possible to assess from the dataset alone whether the arrests of the 11 victims were justified and proportionate.

### **Restricting records**

Forces can restrict access to criminal or misconduct records in the interests of confidentiality or the integrity of the investigation. The APP on [specific management considerations when dealing with police perpetrators of domestic abuse](#) already advises that "appropriate safeguards about access to records are necessary to ensure the integrity and effectiveness of [PPDA] investigation[s]".

We have heard evidence that indicates files are often restricted. Most of the officers in the focus group said PPDA records were restricted in their forces and in most of the criminal case files we reviewed (48 out of 56) criminal records were appropriately restricted.

However, our evidence indicates records are not always restricted appropriately. One of the attendees at our police officer focus group described how PPDA crime records were not restricted for safeguarding reasons.<sup>34</sup> They said that the records should be accessible so that those responding to any future allegations would be able to see the case history. Several of our police interviewees also described this practice. They told us that instead

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<sup>33</sup> Out of a sample of 104.

<sup>34</sup> This officer said a parallel and more detailed record was kept on a restricted PSD database.

minimal detail was added to PPDA crime records to protect the privacy of suspects and victims.

Minimising the written record for safeguarding or confidentiality reasons is unacceptable. Records need to have appropriate restrictions rather than be kept brief. Insufficient incident and case records can harm risk assessment and also pose a problem for future review, auditing and vetting activity.

### **Improperly accessing records**

Improper access or manipulation of police records would breach the [Standards of Professional Behaviour](#). College of Policing [Guidance on outcomes in police misconduct proceedings](#) says “accessing police information without a legitimate policing purpose is an abuse of an officer’s position and may merit dismissal in serious cases”. Improperly accessing police records can also constitute a criminal offence under the Computer Misuse Act 1990, Data Protection Act 2018, section 26 of the Criminal Justice and Courts Act 2015 or as misconduct in a public office.<sup>35</sup>

Forces are expected to have “IT monitoring software that operates across all its IT systems” and compliance is monitored through regular force inspections.<sup>36</sup> Police workforce members leave a digital footprint when they access a police computer system, making inappropriate access of police files easy to detect. Police workforce members have been dismissed for unlawful access/disclosure of information. In 2020/21, 16 police officers, 40 police staff and three special constables were dismissed for unlawful access/disclosure of information.<sup>37</sup>

We were not made aware of any, nor did we identify specific examples of, police perpetrators or their associates accessing records associated with their case.

### **Relationships in forces potentially undermining an impartial response**

Police focus group attendees and interviewees told us that friendships and relationships in police forces are close knit.

Participants in our police officer focus group said checks were in place to prevent people who know suspects from being involved in investigations, but our review of force policies does not convince us this is always the case. 20 of the 33 force policies we reviewed had provisions about the personnel involved in investigating PPDA to prevent conflicts of interest but just 11 had policies relating to officers deployed to call-outs. Some of these policies only went as far as to say that officers involved in PPDA cases should satisfy

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<sup>35</sup> [Police: Guidance on the Handling of Allegations of Criminal Offences against the Police](#), Crown Prosecution Service, 16 August 2018.

<sup>36</sup> [PEEL Assessment Framework 2021/22](#), Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services, 21 April 2021, para 11.6.

<sup>37</sup> [Police dismissals \(Home Office forces\): Numbers of Barred list between 1 April 2020 – 31 March 2021](#), College of Policing, 7 March 2022.

themselves that they can act impartially (rather than insisting they are not known to those involved in the allegations). 20 policies mentioned using a different police station to the one the perpetrator worked at or lived near to when arresting and detaining suspects. In many of these policies a different police station was described as preferable, not to protect the integrity of the investigation but to shield the accused from embarrassment. As such, we are not persuaded all forces are alive to the risk of conflicts of interest in these cases, or the appearance of conflict to the victim and the public.

Only two of the 20 misconduct case files we reviewed included evidence that any investigating officer or decision maker made a formal declaration regarding conflicts of interest. Without such declarations we cannot know whether those involved in dealing with PPDA allegations knew those suspected. Under the [Police \(Conduct\) Regulations 2020](#), investigators cannot be appointed if they are an “interested party” or have worked directly or indirectly under the management of the officer under investigation. Recorded conflicts of interest are therefore important to ensure this statutory responsibility has been upheld.

We have heard examples, through our interviews, of PPDA investigations that were investigated by someone who knew the suspect.

“I had a staff member a couple of years ago who was being stalked by a partner in [the] police. I had to intervene at quite a high level as I could see that investigation was not being dealt with the way it should. The risk was being suppressed – because it was being investigated by someone who knew him. I think there was some unconscious bias there in the decision making. My perception is that if the suspect had not been a police officer he would have been arrested for stalking. I think it was more unconscious than deliberately trying to help the perp out.”

#### **Police interviewee**

There was some evidence of personal links between case investigators and the suspect in five of the 56 criminal cases we reviewed. For example, in one case a victim raised a concern that the case was being investigated by officers who worked in the same station as the suspect. The force responded to this by appointing a different investigator. In another, less positive example, a senior officer noted it would be hard to identify an investigator in force that did not know either party. No steps were taken to move the investigation to another force.

Any evidence that PPDA investigations are influenced by personal connections in forces is concerning. It means we cannot rule out the possibility that some PPDA allegations are poorly investigated as a result of bias towards the alleged perpetrator.

Two of our interviewees thought bias towards the perpetrator could be influencing the police response.

"I think what there may be – more a 'soft' corruption. More feeling difficult, not really feeling confident dealing with a police officer. Maybe there is something about feeling some kind of affinity or empathy with a perpetrator ... It's very awkward to deal with a colleague, particularly for domestic abuse ... If it's shoplifting it's quite easy to assimilate and deal with it. Domestic abuse is more complicated and it goes back to how policing is dealing with domestic abuse more generally. It's more personal."

**Police interviewee**

"No. I don't recognise [that corruption exists] and haven't seen a proactive approach to influence a case. But I do think [there is an] ... internally generated conception by anyone outside the PSD that if the offence is allegedly committed by a cop – I can't deal with it because there is a department that deals with police officers."

**Police interviewee**

## Our conclusion

The Centre for Women's Justice (CWJ) acknowledged in its super-complaint submission that "without doubt there are PPDA cases that are dealt with properly". We concur. Our investigation has found cases that have been dealt with well. However, our findings also align with CWJ's concerns; police perpetrated domestic abuse (PPDA) cases attract extra risks and responsibilities that are not being consistently and effectively responded to and managed. We conclude that the police response to PPDA is a feature of policing that is significantly harming the interests of the public.

CWJ says that at the heart of the concerns is:

"… a risk of lack of integrity, of officers (both suspects and their colleagues) manipulating the system and acting in bad faith in a variety of ways … the concern is that there is such a risk of policing systems being abused, that this should be reflected in special arrangements for such cases."

We found that the forces where we conducted case file reviews are not always doing enough to ensure all PPDA cases are properly and impartially investigated. Similarly, these forces were found to not be doing enough to reassure victims that the police response will be impartial and that there are robust safeguards against corruption, collusion and abuse of police powers.

We have found that there are a variety of other risks, beyond corruption, collusion and abuse of police powers, that forces need to take into account in cases of PPDA, as well as additional responsibilities. Police failure to consistently manage all the extra risks and responsibilities associated with PPDA cases is creating and exacerbating poor outcomes for victims and the public.

### **Police response to the risks and responsibilities involved in PPDA cases**

We found evidence that forces are not consistently:

- adequately managing the extra risks associated with having domestic abuse perpetrators working in police roles by investigating allegations appropriately and suspending or restricting the duties of officers where necessary to protect victims and the public;
- gaining the victim's trust and confidence by successfully demonstrating and ensuring that their response will be impartial; and
- adequately supporting police victims and mitigating the risk of repercussions at work.

## **The risks associated with police perpetrators of domestic abuse are not always being managed**

We found allegations of police perpetrators using their police knowledge and status to deter the victim from reporting, as well as to discredit and cause harm to the victim once a report had been made.

We have not found substantiated examples of police perpetrators misusing specific police powers against victims. For example, we have not been able to assess whether police perpetrators or their allies have inappropriately arrested victims of PPDA. We know some PPDA victims have been arrested at some point following the report of their abuse.

Investigating individual allegations of police misconduct was not within the scope of our investigation.

We found that allegations of domestic abuse involving police suspects are not always appropriately treated as police complaints or conduct matters and investigated as an allegation of police misconduct. When PPDA is not treated as a complaint or conduct matter and investigated accordingly, forces cannot suspend the accused or put them forward for disciplinary proceedings.

## **Impartiality is not always being ensured or demonstrated**

Full and thorough investigations need to be, and be seen to be, impartial to have the confidence of victims and suspects. It is also important so that investigations reach appropriate findings without bias or the risk of inappropriate influencing of decision making. Our investigation found that impartiality can be undermined in various ways:

- Police interviewees have told us that those responding to and investigating these cases can feel uncomfortable or awkward about intruding on the private lives of policing colleagues.
- We have found evidence in case file reviews and force policies that risks to impartiality are often not robustly managed.
- We have found evidence of prior personal connections between the suspect and/or the victim and those involved in the police response and investigation.
- We have heard that there can be a belief among those working in policing that colleagues are trustworthy and unlikely to abuse or lie.
- We have heard that some in policing believe that it can be in both the victim's and the suspect's interest to minimise the police involvement in the allegation.

Sometimes more than one of these factors could undermine the impartiality of the police response.

Connections between colleagues in forces do have the potential to undermine the response to PPDA. We do not believe all forces are taking this risk seriously enough. Force policies do not all provide strong enough guidance to prevent those with prior close

connections to the suspect or victim from working on a PPDA case. Declarations of conflicts of interest appear to be frequently missing and we have heard of examples of cases that were being investigated by officers who knew the suspect.

We have found no substantiated examples of improper manipulation of police processes in favour of police suspects or to the detriment of victims. We have found a few examples of victims raising concerns that it could have occurred, fitting with similar testimonies provided by CWJ. These examples mostly concern allegations that the suspect used their role in policing to deter the victim from reporting. Additionally, our case file review (56 cases) found two examples where the victim had raised concerns that the suspect may have misused their role in policing to cause them harm. It is not clear how these allegations were responded to and whether they were investigated.

Most police officers we spoke with were confident that existing safeguards and deterrents would deter and root out corruption and collusion. However, we acknowledge that our investigation had limited potential to uncover this type of behaviour. We have found that the risk of corruption and collusion can be a very strong concern for PPDA victims.

### **Police victims are not always being adequately supported**

Police victims of PPDA are at risk of repercussions at work, particularly when their home force is responsible for responding to and investigating their case. To date, there has been limited reference to these extra risks in force policies. Personal accounts from police victims, and others working in policing, indicate that they are not consistently well managed.

We have evidence that victims can become the subject of gossiping, bullying and ostracising by colleagues. They can feel their future career prospects in force have been irreparably harmed. We have evidence that the situation at work can be so bad that victims move role, force or even leave policing. We have heard that police victims are not always treated properly as victims by their force. We have also heard that staff associations can be perceived as providing more support for the police suspects than the police victims in these cases.

Police victims face a difficult situation whereby their colleagues may feel compelled to report suspected abuse on their behalf, against their wishes and without their consent. They may also face extra pressure from police colleagues to support an investigation, in the public interest.

The suspect or their allies in force can make counter misconduct and criminal allegations against police victims. We have found evidence that this risk can deter police victims from reporting. There can also be a perception that the police victim, if facing counter misconduct allegations, may be at a greater risk of a misconduct sanction than the suspect – if a criminal investigation of the original PPDA allegation has not led to a prosecution or other criminal justice sanction.

## Poor outcomes for PPDA victims and the public

### PPDA victims are often unwilling to report their abuse and support police action

Domestic abuse victims of police perpetrators face a range of extra barriers to reporting. As discussed above, police perpetrators may use their police status and knowledge to intimidate the victim and make them distrust the police response. Police victims can be concerned about a range of repercussions at work. All of these concerns are valid, and they need to be more consistently recognised and taken into account in the police response to PPDA.

Our evidence indicates that when victims do report PPDA offences to the police, through the usual channels open to the public, they typically receive an appropriate initial response. Our investigation did not collect evidence on how initial reports of domestic incidents that do not constitute an offence are responded to.

We have found that police victims will typically avoid reporting through the usual channels available to the public. Our case file review found that some crime reports made by colleagues of police victims, either with or without the victim's consent, are recorded and responded to appropriately. However, our evidence indicates that this is not always the case. There is currently too much ambiguity around how police colleagues should respond when they hear or suspect that a colleague is experiencing PPDA.

Forces must investigate allegations of domestic abuse offences against police workforce members. However, there are specific reasons why some PPDA victims may never want to report the abuse to the police, nor support a police investigation. This includes the impact on the perpetrator's career. Ensuring victims who do not report have access to support and safeguarding is important.

### Investigations are not always robust enough

Many of the PPDA investigations we looked at shared common weaknesses with other domestic abuse investigations. Force data suggests police domestic abuse suspects are not less likely to be charged than others. However, we do know that very few PPDA cases appear to lead to criminal sanctions. We cannot rule out that some police suspects avoided appropriate criminal sanctions because the particular challenges associated with PPDA cases were not properly recognised and responded to. For example, we found that those investigating PPDA allegations could show undue willingness to accept a victim's preference for no further police action, without robustly considering the option of an evidence-led prosecution. The extra reasons why victims in PPDA cases may not want further action and the extra reasons for pursuing action in the public interest do not seem to be routinely taken into proper account. The public might expect a greater determination by forces to robustly investigate these cases, to root out PPDA perpetrators from their workforce.

When they happen, misconduct investigations arising from allegations of PPDA also appear to typically suffer from common weaknesses. Poor or non-existent misconduct investigations are likely to have resulted in officers not receiving appropriate disciplinary sanctions.

We have found evidence that those carrying out misconduct investigations into PPDA allegations:

- placed too much emphasis on the alleged abuse occurring off duty when making decisions about officer conduct;
- over-relied on outcomes in criminal investigations to make decisions relating to the misconduct investigation;
- were not always aware of or had failed to consider relevant evidence that had been obtained as part of the criminal investigation; and
- inappropriately delayed their investigations.

The failure to achieve appropriate criminal and disciplinary sanctions in PPDA cases can create a profound and sometimes intractable loss of confidence in the police. We have heard from some victims who feel harmed and traumatised by the police response.

## **Factors contributing to the inadequate response to PPDA**

Our evidence suggests two main factors are contributing to police failure to adequately recognise and address the extra responsibilities present in PPDA cases:

- a failure to follow current guidance and regulations relevant to handling PPDA cases; and
- an insufficient understanding or consideration of risks associated with PPDA as well as the scale and nature of PPDA in force.

We do not know all the reasons why these factors are occurring, but we can point to some underlying problems which are likely to be contributing to current practice.

There is insufficient adherence to guidance that does exist, potentially partly caused by a lack of training about PPDA.

Weaknesses in police data recording and collection mean forces cannot always confidently identify PPDA cases in their records. This means they are not able to provide an accurate picture of the scale and nature of PPDA. It also makes it impossible for them to measure their performance in responding to PPDA. This undermines internal and external scrutiny of the police response at both a local and national level. For example, it has made it difficult for us to respond with certainty to CWJ's concerns that PPDA cases are less likely to result in criminal sanctions.

National and local guidance does not provide enough detail about the risks and challenges associated with PPDA. Guidance and policies are partly limited by a lack of evidence around what is effective practice in these cases. For example, there is not an evidence base on the best way to secure impartiality without undermining the quality of PPDA investigations.

Prejudicial attitudes, including sexist and misogynistic attitudes (whether held by individuals or shared by other workforce members) could influence the police response to PPDA. Other concerns connected with values and attitudes are relevant too, including a concern that loyalty to colleagues and the organisation can unduly influence decision making. Examining police culture and attitudes among workforce members was not within the scope for our super-complaint investigation, and so we have been unable to determine whether and how they influence the response to PPDA.

### **CWJ's main themes**

CWJ put forward examples of where poor or harmful practice in force handling of PPDA allegations appeared to be happening and grouped them into 11 themes. Our investigation has found that there is risk that the practice CWJ describes could occur. This supports our overall conclusion that insufficient measures are being taken to respond to responsibilities connected with these cases and safeguard against risks. This is harmful to trust and confidence in policing and creates opportunity for harmful practice, against the interests of victims and the public.

For eight of the themes raised by CWJ, we have evidence that harmful police practice is occurring to varying degrees:

- difficulties in initial reporting;
- failures in investigation;
- improper responses to complaints/concerns;
- accused officers' personal links with others in the force;
- accused officers using their police knowledge, status and powers;
- incorrect approach to misconduct investigations and decisions;
- employment difficulties for women who are police officers; and
- workplace victimisation of women who are police officers.

The remaining three themes raised by CWJ speak to its overarching concern about the potential for dishonest manipulation or actions in bad faith to undermine the police response to PPDA and harm victims:

- improper manipulation of police processes;
- improper decisions on criminal charges; and
- abused women arrested (inappropriately or overzealously).

We did not uncover substantiated examples of police practice aligned to these three themes occurring, beyond insufficient risk management. We recognise that our investigation had limited potential to uncover the kind of corruption and collusion and abuse of police powers alleged through these three themes. Such practice would constitute very serious wrongdoing that could amount to a criminal offence as well as misconduct.

# Recommendations and actions

## Responding to the problems

To build and maintain victim trust and confidence to report police perpetrated domestic abuse (PPDA) and support police action and ensure and demonstrate robust and impartial investigations, the police must:

- consistently meet existing requirements for how PPDA allegations should be dealt with;
- demonstrate to victims that they recognise the additional risks and concerns that can arise when the suspect is a police officer or member of police staff; and
- show they will take steps to manage these risks and concerns where necessary and better enable victims to report PPDA and provide adequate support once they do.

## Meeting existing requirements

Our investigation found that too many PPDA allegations were not treated appropriately as complaints and conduct matters and handled in line with the relevant statutory guidance and legislation. These are major shortcomings, undermining the oversight, scrutiny and quality of the police response to these cases. We believe addressing these shortcomings will significantly improve the force response to these cases.

Doing so should ensure that all forces:

- consider the need to suspend or restrict officers while an investigation is ongoing;
- refer officers to disciplinary proceedings as appropriate; and
- keep victims appropriately informed of the progress of investigations and subsequent disciplinary proceedings.

Treating allegations of PPDA appropriately as allegations of misconduct is also critical for enabling independent oversight and scrutiny of the case handling.

- Local policing bodies (police and crime commissioners (PCCs) and their equivalent) provide oversight and scrutiny of how all complaints and conduct matters are dealt with in their force.
- Certain complaints and conduct matters must be referred to the IOPC. The IOPC decides “whether there should be an investigation and, if so, what form the investigation should take. It can choose to conduct an independent investigation if appropriate”.

- Victims have a right to an independent review (conducted by either the local policing body or the IOPC) of the outcome of their complaint. This is not the case for police victims who work in the same force as the suspect. A police officer or member of police staff cannot make a police complaint if at the time of the alleged conduct they were under the direction and control of the same chief officer as the person whose conduct is in question.

We have also found some evidence of force practice that is not in line with existing Authorised Professional Practice (APP) guidance. The existing guidance already advises forces to:

- place appropriate safeguards on records associated with PPDA cases to “ensure the integrity and effectiveness of the investigation”;
- put in place procedures for senior officers to oversee PPDA investigations; and
- meet their responsibilities regarding the Victims’ Code for all victims of domestic abuse.

The following recommendations seek to improve existing practice and ensure existing requirements are met more consistently.

### Recommendation 1. To chief constables

- a. Chief constables should ensure that both live PPDA cases and those closed within the last 12 months (ending 30 June 2022) are audited. Appropriate action should be taken where they find cases were not treated appropriately as complaint and conduct matters and investigated accordingly.
- b. Chief constables should write, via the National Police Chiefs' Council (NPCC), to the College of Policing, the IOPC and HMICFRS within six months explaining how, following their case audit, their force has or will improve the response to PPDA allegations, including in relation to:
  - i. their handling of PPDA as a police complaint and conduct matter;
  - ii. their compliance with existing relevant APP guidance or their rationale for derogating from it;
  - iii. their monitoring of PPDA cases;
  - iv. ensuring impartial, joined-up criminal and conduct investigations conducted by people with the right knowledge and skills;
  - v. effective engagement and communications with victims;
  - vi. ensuring that appropriate decisions are being made regarding the deployment of officers under investigation for domestic abuse allegations; and
  - vii. other steps to embed the findings of this super-complaint into force working practices.
- c. The national framework for delivering better policing of violence against women and girls has already required forces to audit some live PPDA cases. We do not expect chiefs to audit the same cases twice. Chiefs should assure themselves that they have audited all live and recent PPDA cases, irrespective of the gender of the victim.

## Action 1. For the IOPC

The IOPC will carry out a targeted programme of oversight work in relation to police handling of PPDA. This will include:

- a. carrying out proactive reviews of local police handling of PPDA allegations and will include consideration of:
  - i. how forces identify, log and record PPDA matters
  - ii. whether complaints and recordable conduct matters are handled in line with relevant legislation and IOPC statutory guidance
  - iii. whether forces apply the referral criteria correctly
  - iv. whether there is evidence which supports a change to the mandatory referral criteria
  - v. how forces engage with victims and complainants
- b. issuing further guidance and support to police forces as appropriate to ensure that:
  - i. they recognise when allegations of PPDA must be recorded as complaints and conduct matters
  - ii. they understand how and when PPDA allegations meet the mandatory referral criteria
  - iii. they understand when off-duty conduct should be recorded as a complaint or conduct matter and that undue weight should not be given to the fact that conduct occurred off duty when making case to answer decisions
  - iv. they keep complainants informed and identify when a police victim should be kept informed as an interested person
- c. considering whether additional guidance or information is required for victims and complainants on their rights
- d. monitoring referral rates from police forces and local policing bodies and taking further oversight action as required where concerns are identified
- e. assessing how accessible it is for victims of PPDA to raise complaints and concerns with forces and local policing bodies

The IOPC will make PPDA a main focus of its wider thematic work on police handling of cases involving violence against women and girls (VAWG). It will use evidence from its investigations and reviews to make learning recommendations to improve policing practice in this area.

## **Securing impartial investigations**

Our investigation found different methods are being used in forces to try to ensure an impartial police investigation and raise victim trust and confidence. These methods predominantly involve extra oversight and scrutiny, as well as policies to ensure those who are involved with the investigation do not know either party (for example, through signing disclaimers or assigning the investigation to a unit away from where the suspect works).

CWJ has called for an external force to always lead the investigation (this means a different force to where the alleged perpetrator works). As well as better securing impartiality, CWJ suggests such a move would help protect police victims from repercussions at work, in cases where the suspect works in the same force.

Many victims we have spoken to agree that moving the investigation to another force would make them feel more assured of an impartial investigation. We have also heard from policing professionals who say it is not uncommon for external forces to be drawn into investigations for a variety of reasons. We do, however, understand that there are concerns among stakeholders about the consequence of applying a blanket policy requiring all PPDA allegations to be investigated by an external force. For example, there are concerns about securing evidence and ensuring swift and thorough investigations and safeguarding victims. To date, no evaluation of the merits or otherwise of having an external force investigate has been conducted.

### **Recommendation 2. To chief constables**

- a. Chief constables should make sure they have plans in place to ensure PPDA allegations are investigated (both in terms of the criminal investigation and misconduct response) by someone with no prior connection to any of those involved in the allegations. Rationales for investigation ownership decisions should be fully recorded.
- b. It may be appropriate to refer a case for external force investigation when:
  - i. there are concerns that truly independent investigators cannot be found in force. For example, in smaller forces or in cases involving a suspect who, due to seniority or length of service, is well known in force; or
  - ii. victim trust and confidence cannot be secured another way.
- c. Local plans should include procedures to mitigate any unintended consequences to the speed and quality of the investigation and/or victim engagement in the investigative process that may be caused by referring a case to an external force for investigation.
- d. Chief constables should keep local plans for external force investigations under review. The recommendations and actions designed to expand what we know about PPDA (see below) should inform the development of local policies regarding when and how PPDA allegations are investigated by an external force.

## **Supporting victims and helping them to report**

Our investigation has found that victims of PPDA face particular barriers to reporting and supporting a police investigation. More needs to be done to encourage and support these victims to report, including through confidential, third-party agencies. Those that choose not to report need to have access to safeguarding advice and support. More needs to be done to ensure those who do report are consistently supported and protected from repercussions.

There are national and local services available to victims of domestic abuse. Our recommendations focus on ensuring these meet the needs of PPDA victims, as well as ensuring any gaps in support are identified and addressed.

Our recommendations concerning support for PPDA victims should be read within the context that we expect police and crime commissioners (PCCs), chief constables and all police leaders to create a force culture whereby workforce members always respond appropriately to allegations of PPDA. All PPDA victims, including police victims, must feel enabled to report and appropriately supported and protected when they do.

## Recommendations

### 3. To Police and Crime Commissioners (PCCs), the Ministry of Justice (MoJ) and chief constables

PCCs, MoJ and chief constables should make sure their provision of domestic abuse support services and guidance is capable of meeting the specific needs of all non-police and police victims of PPDA. This should include the following:

- a. PCCs considering whether local services are capable of dealing with the specific risks and vulnerabilities of PPDA victims and supporting them when engaging with the police complaints and disciplinary system.
- b. MoJ ensuring its guidance for independent domestic violence advisors includes guidance on the specific risks and vulnerabilities of PPDA victims and the specific support and advice they may need in relation to both the criminal and misconduct aspects of the police response.
- c. Chief constables reviewing support available to police victims of PPDA, including that provided by the force, staff associations and other workforce support bodies, and taking any action needed to strengthen these provisions.
- d. Chief constables assuring themselves that case updates and information are shared with victims in an accessible way that encourages trust and confidence in the police response. Consideration should be given to appointing a nominated senior person(s) in force (or from an external force) to have oversight of PPDA cases, to ensure they are conducted in a victim-focused way and to act as a point of contact for PPDA victims.
- e. Chief constables ensuring they provide accessible information for all non-police and police victims on how they can report PPDA and access confidential support (including through external agencies, such as the Refuge 24-hour helpline). Chief constables should also ensure accessible information is provided on how allegations will be investigated in a way that ensures confidentiality and independence from the alleged perpetrator.

### 4. To the Home Office

The Home Office should consider whether it would be appropriate to make any changes to legislation to ensure that police victims of PPDA do not have weaker rights (for example, in relation to being kept informed of investigations and subsequent proceedings, and to seek an independent review of the outcome of an investigation) than non-police victims of PPDA. Consideration should be given to what implications any changes would have for the wider police complaints and disciplinary system.

## **Responding to the reasons why problems are occurring**

To help forces better understand and manage the risks associated with PPDA in the longer term, there is a need to:

- improve existing guidance and training relevant to PPDA; and
- expand what is known about PPDA and the best way to respond to it.

### **Improving existing guidance and training**

Some of the existing guidance documents relevant to PPDA are not detailed enough to support effective decision making in force. National guidance needs to be strengthened to help forces develop robust policies and guidance for responding to PPDA allegations, including in relation to:

- protecting the impartiality of the police response;
- conveying the seriousness of improper manipulation of police processes and attempts to use their police position to prevent reporting;
- protecting confidentiality;
- ensuring statutory guidance on the complaints and disciplinary system and guidance on vetting is followed; and
- protecting victims from repercussions from reporting.

There is also limited available training on the specific and unique challenges to handling PPDA allegations.

## Action 2. For the College of Policing

- a. The College of Policing will update the domestic abuse Authorised Professional Practice (APP) to better address the unique risks and challenges associated with PPDA. The APP will make it clear that a robust approach is required to PPDA criminal and misconduct investigations, commensurate with the heightened risks involved with police perpetrators and the extra anxieties victims may have about the impartiality of the response and potential repercussions from reporting.
- b. The College develops guidance in consultation with guidelines committees. It will follow this process when updating the domestic abuse APP in line with this action. More information on [how the College produces and maintains APP](#) can be found on the College website.
- c. The College is already conducting a review of its vetting guidelines, Code of Ethics and guidance on outcomes in misconduct proceedings as part of the [national framework for delivering better policing of violence against women and girls](#). We are incorporating the learning and findings from this super-complaint into this activity. This includes evidence relevant regardless of the victim's gender.
- d. The College of Policing will review its curricula and training products, with a view to including more reference and learning in relation to the specific risks and challenges associated with PPDA.

## Recommendation 5. To the Home Office

The Home Office should provide further guidance on the types of considerations to take into account when deciding to restrict an officer's duties (for example, move them to a new role or location) while there is an ongoing investigation into their conduct, with a view to ensuring that there is sufficient safeguarding of victims, members of the public and the integrity of any ongoing investigation.

### Expanding what we know about PPDA

The police are currently unable to describe the scale and nature of PPDA because they do not record and monitor PPDA cases in a consistent way. This is very concerning. There is also not enough evidence on effective approaches to PPDA to inform decisions about how to respond to PPDA allegations.

## Recommendation 6. To the Home Office

To improve the consistent recording and monitoring of PPDA cases, the Home Office should amend the Annual Data Requirement connected to misconduct cases and criminal investigations. Police forces should be required to report the number of misconduct cases and criminal investigations involving PPDA and the associated outcomes of these cases. These statistics should be published by the Home Office, so that they can support internal and external scrutiny of the police response to PPDA.

## Actions

### 3. For the IOPC

The IOPC will consider how it could report data on police complaints involving an allegation of PPDA as part of its annual statistical release.

### 4. For the College of Policing and the IOPC

The College of Policing and the IOPC will work together, in collaboration with the NPCC (and in consultation with third-sector domestic abuse-related organisations) to review different approaches to improving victim trust and confidence in the police response to PPDA allegations, particularly regarding impartiality and case confidentiality. The scope of this activity will be subject to available funding.

### 5. For the College of Policing and the IOPC

To help forces share learning and identify best practice, the College of Policing and the IOPC will run a learning lessons event with forces. This event should take place in 2023.

## Responding to recommendations

### Recommendation 7. To all those subject to recommendations

Advise the College of Policing, IOPC and HMICFRS within 56 days of the date of publication of this report whether they accept the recommendations made to them. Chief constables should direct their responses to the NPCC and PCCs should direct their responses to the Association of Police and Crime Commissioners (APCC). The NPCC and APPC will then share the collated responses with the College of Policing, IOPC and HMICFRS.

# Annexes

## Annex A: Sources of evidence

For each issue we investigated for this super-complaint, we aimed to draw on evidence from multiple sources that had been gathered through a variety of methods.

Triangulating our evidence in this way enabled us to come to stronger conclusions. We are clear throughout this report where our findings are indicative rather than conclusive.

The investigation has been the most thorough national review of the police response to cases of police perpetrated domestic abuse (PPDA) ever undertaken. All forces have been engaged in our investigation, to varying degrees. We have only conducted case file reviews and gathered more detailed data from a proportion of forces.

Our interviews, focus groups and surveys have provided us with valuable insight into the views and experiences of individuals. We did not employ robust sampling strategies for our qualitative fieldwork. For example, in gaining insight from PPDA victims, we engaged with individuals who had already expressed an interest in supporting the investigation. This was a necessity as identifying and contacting other victims would have posed insurmountable practical, ethical and data protection difficulties. We are conscious that the sample of victims that we have engaged with are more likely to have had poor rather than positive experiences of the police response to their case. They do, however, represent a significant number of victims and their testimonies have been crucial in informing the understanding of the investigation team.

### CWJ evidence submitted with the super-complaint

For their super-complaint submission, the Centre for Women's Justice (CWJ) produced 19 case study write-ups. They are personal testimonies from 18 victims of PPDA (11 of whom were also police officers or police staff) and one statement from a solicitor concerning the police response to their client (who wasn't a police force employee). In all but one of the 18 victim testimonies, domestic abuse had been reported to the police and the cases span 15 forces. While some of the testimonies go back a number of years, almost all of them include reference to recent police responses to PPDA (since 2015).

To protect the anonymity and confidentiality of contributors, CWJ only summarised high-level content from the case studies in its submission. We were able to review the full confidential case study write-ups as part of our investigation.

The cases covered a wide range of domestic abuse including violent physical abuse, sexual assault, rape, harassment and stalking. There were also cases with other types of behaviour that, on their own, may not constitute an offence, but as a pattern of behaviour could amount to the offence of 'coercive, controlling behaviour' (CCB).

Retelling harrowing experiences can be re-traumatising. We greatly appreciate the victims sharing their accounts with CWJ and for providing the super-complaint with an invaluable source of evidence.

The case studies provided important insight into experiences of PPDA victims and raised a range of potential failures in the police response which we were able to then explore through other aspects of our fieldwork.

We relied solely on the written content of the CWJ case studies and did not look into the individual cases any further. We did not investigate the specific circumstances of the case studies or allegations about any specific individual. This would have been outside the scope of a super-complaint investigation. However, victims were informed of their rights to make an individual complaint or raise concerns under separate processes for handling police complaints and conduct matters. Some had already done this.

As well as the case studies of individual women's experiences, we were also given access to six confidential statements by domestic professionals working in third sector bodies. These statements describe involvement with PPDA cases and where weaknesses and failings in the police response have been apparent.

We also reviewed additional evidence supplied by CWJ comprising:

- Freedom of Information (FOI) data, gathered from 30 forces, on the number of PPDA allegations against police officers and staff between 1 April 2015 and 31 March 2018 and, for a subset of those forces, misconduct and criminal justice outcomes;
- research studies on PPDA; and
- international approaches to PPDA.

## **Victim survey**

As well as the victims who contributed case study testimonies to CWJ's super-complaint, around 140 further women contacted CWJ during the course of the investigation. In our experience to date, this is an unusually high number of victims to come forward in response to a super-complaint. CWJ, on our behalf, sent an online survey to them, gathering high-level data on experiences of the police response to their cases. Only those who had directly experienced PPDA and had at least one experience of PPDA being reported to a force in England or Wales were eligible to complete the survey. We received a total of 104 responses. This has been a valuable source of evidence for our super-complaint investigation and we are grateful to the women who participated.

Since the survey was only sent to women who had contacted CWJ about the super-complaint, the sample of respondents is not representative of all victim-survivors of PPDA that have had English or Welsh police force involvement in their case. It is likely that the sample of respondents is skewed towards those who have been most dissatisfied with the police response, as it is victims who have contacted CWJ. The findings, however,

provide a helpful source of extra insight into the range of concerns that PPDA victims can have.

While this survey only went to female victim-survivors, we explored experiences of male victim-survivors in our interview activity.

## **Force domestic abuse staff surveys**

As part of our investigation, we were also given access to force domestic abuse staff survey findings in five forces. The purpose of the surveys was to support force understanding of domestic abuse experiences within the workforce and how the organisational response could be improved. These surveys had all been carried out within the last four years. These surveys were open to any workforce members to complete, irrespective of whether they had experienced or perpetrated domestic abuse themselves. The purpose of the surveys was to support force understanding of domestic abuse experiences within the workforce and how the organisational response could be improved. They provide insight into experiences and views around reporting domestic abuse as a serving workforce member, but their value to our investigation was limited by the fact there were usually no specific questions in relation to having a police perpetrator. Only one of the surveys had a representative sample of workforce members.

The most recent staff survey that we saw results for is also the first that we are aware of that has been robustly designed and analysed by academics. It also has the highest force response rate of 25 percent.

## **Case file review**

There were two strands to the case file review aspect of our fieldwork: a criminal case file review undertaken by HMICFRS, and a misconduct case file review undertaken by the IOPC. These reviews provided our most objective source of evidence for the super-complaint investigation. They were an opportunity to gain a direct insight into how cases had been handled in force. We had control of which forces and which cases to review. Eight forces were selected to participate in case file review based on their profile.

Our aim for the super-complaint investigation was to gather sufficient evidence to assess whether the issues of concern to CWJ were occurring and causing harm to the public. We selected sufficient cases for the case file review to achieve this aim.

The criminal case file review involved reviewing case records pertaining to the initial police response to notifications of domestic abuse and the resulting criminal investigation. Seven cases for each of the participating forces were included in this review (56 cases in total). The cases were chosen at random by HMICFRS, from a composite list of all suitable cases where PPDA was a factor of the investigation. None of the forces were able to exert any influence over the cases selected for our audit. The cases were selected in order to achieve a broad range of offence type, a mix of victims who worked in policing

and those who did not, and to include ongoing, live cases and cases which had concluded. The gender of the perpetrator and the victim was not factored into the case selection.

The criminal case file review assessed the written records for PPDA cases, which included recordings of calls made to police control rooms, incident logs detailing police action when initially responding to calls, crime reports detailing police investigations, and risk assessments in relation to any vulnerable people identified by the police. For a subset of cases, we also conducted a further assessment of linked police misconduct records.

The review was based on the evidence available to us. No interviews with responding officers or victims were held, for example. The review could draw conclusive evidence about some issues, such as whether appropriate rationales had been recorded for case decisions. In other respects, the review could provide an indication as to the quality and appropriateness of the police response, such as in relation to victim engagement.

The second strand of the case file review involved the IOPC assessing the handling of allegations of misconduct or gross misconduct arising from reports of PPDA. 20 of the selected 56 cases were included in the misconduct case file review, selected to cover all forces in the sample and have a range of case types.

HMICFRS and the IOPC conducted debriefs with the forces concerned following the case file reviews and highlighted where areas of concern had been identified. For example, we asked a force to check whether it had reviewed an individual's suitability for specialist roles.

**Figure 8: Recorded offence type in 56 criminal case file review sample**

Offence	Number of cases
Common assault/actual bodily harm	29
Harassment	11
Coercive and controlling behaviour	6
Stalking/stalking and harassment	5
Rape	1
Grievous bodily harm with intent	1
Section 20 wounding	1
Section 5 POA	1
Witness intimidation	1

**Figure 9: Sex of the victim and suspects in our criminal case file review**

	Men	Women
<b>Victims</b>	17	39
<b>Suspects</b>	40	16

**Figure 10: Police workforce role of the victim and suspects in our criminal case file review**

	Police officers	Police staff	Civilians
<b>Victims</b>	12	2	42
<b>Suspects</b>	47 (including 3 special constables)	9 (including 1 police community support officer)	N/A

## Interviews

Confidential telephone or online interviews were held with individuals who had knowledge and experience of PPDA. This included PPDA victims (four interviews), former and serving police practitioners who had supported PPDA victims or had been involved in PPDA investigations (13 interviews), and representatives from third sector domestic abuse organisations (six interviews). Questions were tailored based on the experience of the interviewee, but they typically focused on whether the interviewees recognised the issues raised in the super-complaint submission.

## Focus groups

### Police officer focus group

Focus groups with police officers were held. Participating forces were asked to nominate individuals with relevant experience of either conducting criminal investigations into allegations of PPDA or had been involved in the handling or investigation of conduct issues arising from allegations of PPDA. Participants were asked about their experiences of the response to PPDA in their force and whether they recognised the issues raised in the CWJ super-complaint submission.

There were two focus groups held: one with four officers at police constable rank and the other with four officers at police sergeant rank.

A number of measures were taken to encourage candour, including using an independent organisation to conduct the focus groups; explaining the sessions were being held under the 'Chatham House rule'. This meant that participants were told they were free to talk, outside of the sessions, about what they heard and discussed, but they should not link any comments with any individuals. We also asked participants to not share any identifiable information about individuals during the sessions.

We found that participants were willing to speak critically, for example, about aspects of police culture, which gives greater confidence in the value of the focus group findings. The extent to which the focus groups provided a safe setting for participants to raise any serious concerns about their force response to PPDA is unknown. Data produced in a focus group arises from discussions between participants. Participants may be influenced by their perceptions of what other participants would consider acceptable and socially desirable to say in the sessions. This was another reason for conducting individual interviews as well.

Our one-to-one interviews provided an opportunity for individuals to speak in a more confidential setting. We deliberately interviewed a number of recently retired/resigned workforce members, who we thought might feel more comfortable to speak openly.

### **Victim focus group**

We held a focus group with 15 victims who had contacted CWJ to support the super-complaint submission. Both police and non-police victims participated. The primary focus was on exploring views on how to secure greater trust among victims that the police response to PPDA allegations would be impartial.

### **Policy review**

All 43 territorial police forces in England and Wales were asked to provide copies or extracts of force policies and guidance concerning PPDA. 33 forces sent us relevant documents/extracts, and 10 didn't have specific policies or guidance relevant to PPDA.

We analysed the 33 responses to consider how well reflected national Authorised Professional Practice (APP) is in current force policies; how comprehensive policies are; and to identify any areas of divergence between forces in terms of PPDA policy and guidance.

A limitation to our analysis is that policy features that were absent in the reviewed PPDA documents may have been addressed in other force policy documents, which we did not review.

### **Literature review**

As part of our investigation, we wanted to explore the nature of published research on the topic of PPDA. We searched for relevant studies (published in the English language); reviewed the research articles submitted by CWJ with its super-complaint; and sought advice from a UK-based academic with a research interest in PPDA, and followed up references in articles. Our literature search was not comprehensive, but it has enabled us to acquire an insight into the nature of research studies that have been published on PPDA over the last two decades, as described in the '[National PPDA policy, guidance and training](#)' section above.

## Force data

### Data provided by CWJ

CWJ provided us with data the Bureau of Investigative Journalism had obtained via an FOI request to all forces. It recognised that the data was inconsistent and incomplete. Its data was on the number of reports of domestic abuse incidents and offences involving police officers and staff as suspects, for three years from 1 April 2015. 30 forces had supplied this data and some had also provided misconduct and conviction outcome data. CWJ recommended that the super-complaint investigation gather data that enabled an analysis of charging rates.

### The extra 2018 data request

The dataset includes information on 149 police workforce members suspected of domestic abuse in the calendar year 2018, and their alleged victims. 15 different forces supplied information in response to the data request. Five of these forces were asked to supply the data while the other ten voluntarily responded to our data request. This means the dataset is largely self-selecting, with forces who are perhaps more engaged in this issue responding and others not. Forces were asked to search criminal and conduct records to provide information on all police workforce members accused of domestic abuse-related criminal offences in the calendar year 2018. The data request was designed to provide a comprehensive dataset. However, we cannot be sure the data is complete. Just over half (53 percent) of the cases in the dataset came from just four forces. These forces appear overrepresented in the dataset given that they account for just over a third (34 percent) of the applicable workforce.

The 15 forces represent a good mix in terms of regional distribution, type of geography (urban/rural) and size.

104 suspects in the dataset are men (70 percent) and 28 are women (19 percent). No information on sex is available for 17 suspects (11 percent) because one force did not report information on suspect sex in its data return.

27 of the suspects in the dataset were a workforce member of another police force to that which reported the data (18 percent). The remaining 122 were a workforce member of the reporting force (82 percent).

Most suspects in the dataset were police officers (106 suspects; 71 percent of the dataset).

**Figure 11: Police workforce role of dataset suspects**

<b>Suspects</b>	<b>Women</b>	<b>Men</b>	<b>Unknown</b>	<b>Total</b>
Police officer	16	77	13	<b>106</b>
Police staff	11	19	3	<b>33</b>
Special constable	1	7	1	<b>9</b>
Contractor	0	1	0	<b>1</b>
<b>Total</b>	<b>28</b>	<b>104</b>	<b>17</b>	<b>149</b>

99 of the alleged victims are women (66 percent) and 33 are male (22 percent). No information on the sex of the alleged victim is available for 17 suspects because one force did not report information on victim sex in its data return.

35 of the dataset suspects' alleged victims were police workforce members themselves (24 percent). 26 of these alleged victims were working in the same force as the suspect and nine were working in another force.

**Figure 12: Police workforce stats of dataset suspects' alleged victims**

<b>Alleged victims</b>	<b>Women</b>	<b>Men</b>	<b>Unknown</b>	<b>Total</b>
Civilian	69	25	14	<b>108</b>
Police workforce member (reporting force)	20	5	1	<b>26</b>
Police workforce member (reporting force)	6	1	2	<b>9</b>
Unknown	4	2	0	<b>6</b>
<b>Total</b>	<b>99</b>	<b>33</b>	<b>17</b>	<b>149</b>

The principal offence<sup>38</sup> most frequently connected with the suspects in the dataset was common assault. Common assault was the principal alleged offence for a third of the suspects in the dataset (37 percent). The principal offence for two thirds of the suspects in the dataset was one of three offences: common assault, harassment or actual bodily harm (ABH). Offences such as rape, coercive and controlling behaviour (CCB) and grievous bodily harm (GBH) were less common.

<sup>38</sup> The 'principal offence' is the most serious offence linked to the suspect.

**Figure 13: Principal offence linked to dataset suspects**

Principal offence	Number	Percentage
Common assault	55	37%
Harassment	25	17%
Actual bodily harm (and intentional ABH)	20	13%
Other	12	8%
Coercive and controlling behaviour	8	5%
Rape	7	5%
Threats to kill	6	4%
Grievous bodily harm (and intentional GBH)	4	3%
Stalking	4	3%
Malicious communications	4	3%
Harassment (fear of violence)	2	1%
Stalking (fear of violence)	1	1%
Unknown	1	1%
<b>Total</b>	<b>149</b>	<b>100%</b>

## Annex B: Innovations in force practice

The super-complaint submitted by the Centre for Women's Justice (CWJ) has led to a lot of activity in forces, to update their police perpetrated domestic abuse (PPDA) relevant policies and guidance and introduce new approaches. We have summarised some of the examples we have become aware of below. This is by no means an exhaustive list. These initiatives are not evaluated and their effectiveness or otherwise is not currently known. Some forces have delayed introducing new approaches until the super-complaint investigation has been concluded.

### Reporting PPDA

Greater Manchester Police's (GMP) revised draft PPDA guidance provides a detailed list of barriers to reporting when the suspect is a workforce member. There is advice about extra considerations for call handlers. The risk of unconscious bias (favouring the perpetrator's account) for those responding to these cases is explained, along with tips on avoiding it. GMP intends to produce a leaflet which will be shared with all victims who report domestic abuse and with local domestic abuse service providers. It will include specific information on the force PPDA policy and misconduct process.

While not specific to PPDA cases, many force internal domestic abuse policies provide advice around how police victims can report domestic abuse, taking account of how these victims may be particularly concerned about privacy and about how colleagues may feel compelled to make a crime report on behalf of the victim and against their wishes.

Avon and Somerset Police, Sussex Police and Hampshire Constabulary have adopted a force pledge, which all workforce members should be aware of. Among other things, the force pledges make a clear commitment that information about a police victim's domestic abuse case will only be shared on a need-to-know basis. Alongside this, forces have produced accompanying guidance for managers and other colleagues on what to do if they receive a domestic abuse disclosure from a colleague or suspect a colleague is experiencing domestic abuse. Hampshire Constabulary has produced a 'wellbeing directory', which gives detailed information about internal and external sources of support for police victims of domestic abuse and providing victims with another route to seeking advice and support.

### Support for victims

The new draft policy for Sussex Police states that, in cases of PPDA, an independent domestic violence advisor (IDVA) will contact the victim to review and update the safeguarding plan and offer ongoing support.

Hampshire Constabulary has commissioned a bespoke IDVA service for police victims, following the lead of the Metropolitan Police Service (MPS) which has had such a service

since 2019. Having access to an IDVA means police victims can speak confidentially about their domestic abuse experience. There are, however, some circumstances in which confidentiality cannot be assured. The IDVA may have to refer or report a case if there are concerns regarding children, vulnerable adults or where there is a risk to the safety of force officers and staff. In these circumstances, the client will be informed why confidentiality cannot be maintained. In Hampshire, a force IDVA has been employed on a full-time basis and they work with police officers, staff and volunteers who are victims, as well as with external victims of PPDA. As well as supporting the victims, the IDVA provides training to force staff and is a visible presence across the organisation.

Sussex and Hampshire Police have created a new 'senior oversight officer' role, at the rank of chief inspector or above. In Hampshire, this means a senior oversight officer will be appointed as a point of contact for all victims of PPDA (both police and non-police victims). The senior oversight officer is a senior point of contact for the victim, who ensures that the investigation is conducted in a victim-focused way.

A culture shift is being encouraged in Avon and Somerset police to make personal experiences of domestic abuse an issue that is more readily talked about in force. Part of a force domestic campaign, initiated in December 2020, included the force promoting a [video of Chief Inspector Sharon Baker](#) discussing her own experiences of domestic abuse and encouraging others (both those who work in policing and those who do not) to report allegations to the police. Chief Inspector Baker was awarded the Police Federation Outstanding Contribution to Women in Policing Award in 2021, in recognition of her work in relation to domestic abuse.

## **Securing impartiality: in-force approaches**

In its new draft PPDA policy, GMP has set up 'buddy districts' so that officers in a different force area (still within the GMP force jurisdiction) to where the suspect works can be quickly called upon to respond to a PPDA allegation.

Surrey Police has introduced a policy where the entire criminal investigation must be dealt with by a different division from that of the individuals involved.

Humberside Police has recently created a new safeguarding governance unit, staffed by detectives and led by a detective chief inspector. The unit will undertake all criminal investigations for domestic abuse allegations where the victims or suspects work for Humberside Police.

## **Securing impartiality: external force approaches**

The Sussex Police new draft PPDA policy makes provision, in exceptional circumstances, for other forces to conduct the criminal investigation, where impartiality cannot be managed sufficiently.

The draft GMP policy says that a neighbouring force should conduct criminal investigations for PPDA cases involving police suspects at the rank of superintendent or above.

Avon and Somerset Police's new policy says consideration will be given to a neighbouring force helping to investigate PPDA allegations if it is not possible to appoint an internal investigator who does not know either party.

Hampshire Police has pledged that investigations will never be conducted by anyone who knows the victim or perpetrator, either professionally or personally.

Bedfordshire Police, Hertfordshire Constabulary and Cambridgeshire Constabulary have a tri-force arrangement. For cases which involve a suspect and victim employed by the same force, one of the other forces is required to carry out the criminal and misconduct investigation. In all domestic abuse cases involving police suspects, the professional standards department (PSD) can also recommend the case be investigated by a specialist resource or another force in the tri-force arrangement.

## **Misconduct investigations and PSD involvement in criminal investigations**

Thames Valley Police (TVP) has moved to a situation where PSDs lead all criminal investigations into PPDA. TVP has upskilled many of its PSD investigators with domestic abuse training to help them manage the diversified caseload.

MPS established a new domestic abuse and sexual offences unit in January 2022 to provide a specialised response to PPDA and sexual offence and misconduct allegations made against MPS police officers and staff. This unit now carries out all misconduct investigations concerning PPDA and sexual offence and misconduct allegations, where the conduct is assessed as amounting to gross misconduct (where dismissal would be justified). It also conducts the criminal investigation (where relevant) when the allegation concerns on-duty behaviour (when the police suspect was at work). Off-duty criminal allegations are conducted by the force/unit with geographic primacy, the same as investigations not involving police suspects.

Two forces (Hampshire Constabulary and the MPS) have, to date, participated in new training developed by SafeLives, aimed at developing awareness of the unique risks and challenges concerning PPDA cases for force PSD workforce members.

## **Case management, oversight and scrutiny**

The new draft policy for GMP stipulates that a sergeant should attend the scene when responding to reports of PPDA, along with a constable. The new draft Sussex Police policy also stipulates a sergeant or supervisor should attend.

Surrey Police has introduced a policy whereby a senior responsible officer (SRO) is always appointed to provide management oversight for the criminal investigation.

The SRO will be a detective chief inspector from a dedicated domestic abuse team or child abuse team.

Both Sussex and Hampshire forces have introduced an oversight and scrutiny panel for PPDA cases (alongside the new senior oversight officer role described above). The panel oversees the management of all domestic abuse investigations involving serving police officers and staff. The panel provides independent scrutiny of investigations and is not responsible for investigative decision making. In both cases the panels include representatives from local commissioned domestic abuse services and they are chaired by a senior force leader. The panels are designed to ensure cases are being managed appropriately, in line with force policies. They also have a role to understand and monitor the scale and scope of domestic abuse reports involving serving officers and staff in force. They identify, monitor and provide ongoing oversight and scrutiny of serving officers and staff who are suspected to be perpetrators of domestic abuse, particularly those subject to multiple allegations. The panel also aims to drive continuous improvement, by identifying potential learning from each case.

To identify potential domestic abuse allegations involving police officers and staff, Sussex Police has developed a data analytic tool for identifying domestic abuse cases involving force officers and staff.

# Annex C: Process for handling PPDA allegations

## Recording a crime/incident

No matter how an allegation of police perpetrated domestic abuse (PPDA) comes to the attention of the police, a decision as to how to record it should be taken.

The police must follow [Home Office counting rules for recorded crime](#) to determine whether and what crime to record. The police must flag notifiable crime relating to domestic abuse. The police use the following definition (included in the Home Office counting rules) to decide whether recorded crime should be flagged as domestic abuse:

“Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.”

Allegations that do not amount to a crime and cannot be recorded using the counting rules should be recorded as an incident using the [national standard for incident recording counting rules](#). ‘Domestic incidents’ should be recorded when an allegation does not “amount to a notifiable crime” or falls outside the above definition of domestic abuse.

## Treating PPDA as an allegation of police misconduct

The force’s [professional standards department \(PSD\) should be contacted immediately](#). Forces must make a decision whether the allegation should be treated as a complaint, conduct or recordable conduct matter in line with rules set out in legislation and guidance published by the Home Office and the IOPC. The definition of a complaint, conduct matter and recordable conduct matter is set out in the [‘Key definitions and abbreviations’ section of this report](#).

Forces must refer all matters that meet the [mandatory referral criteria](#) to the IOPC. The IOPC encourages forces to use their ability to refer complaints or recordable conduct matters that do not have to be referred, but where the gravity of the subject matter or exceptional circumstances justify referral.

## Deciding whether and how to investigate

Where a matter has been referred to the IOPC, the IOPC determines whether an investigation should take place and what form that investigation should take. Under current legislation, there are three forms of investigation:

- local investigation: an investigation carried out by the appropriate authority (the police force or local policing body);
- directed investigation: an investigation conducted by the appropriate authority (the police force or local policing body) under the direction and control of the IOPC. The IOPC directs the investigation in terms of its scope, investigative strategy and findings of the report; and
- independent investigation: an investigation carried out by the IOPC itself.

If a matter has not been referred to the IOPC or, following a referral, the IOPC decides that it does not need to be investigated, the appropriate authority (usually the force's PSD acting on its behalf) decides how to handle the matter.

Sometimes one investigation may cover both criminal and misconduct allegations. Sometimes, there may be two separate investigations that should be linked.

Complaints, conduct matters and recordable conduct matters which involve 'special conditions' may be fast-tracked to an accelerated misconduct hearing before the completion of an investigation of a complaint, conduct matter or recordable conduct matter. An accelerated misconduct hearing may take place where the appropriate authority considers that:

- there is sufficient evidence, in the form of written statements or other documents, to establish, on the balance of probabilities, that the conduct to which the investigation relates constitutes gross misconduct; or
- it is in the public interest for the person whose conduct it is to cease to be a member of a police force or be a special constable without delay.

## Deciding the outcome

### Criminal outcomes

At the conclusion of a criminal investigation a decision whether to charge is made. The decision to charge is based on the criminal standard of proof (beyond reasonable doubt).

Cases are charged when they pass the [Full Code Test](#). Certain cases that do not pass the Full Code Test may still be charged if they pass the [Threshold Test](#). Decisions to charge suspects in domestic abuse cases must be approved by the Crown Prosecution Service (CPS).

Domestic abuse cases that cannot be charged are rarely disposed of with a caution because [CPS guidance](#) says it will “rarely be appropriate” to deal with domestic abuse with any form of caution. However, offenders who admit guilt may be cautioned if it is not in the public interest to charge them. Otherwise, criminal cases that have been fully investigated but cannot be charged will be closed.

The police use the [Crime Outcomes framework](#) outlined in the Home Office counting rules to record how they have resolved criminal investigations. The current framework includes 22 available outcomes, including options relating to charge/summons, cautions where the suspect is held to be responsible, and various options connected to cases being closed without a person being held responsible. Outcomes 15 and 16 are most often used for domestic abuse cases and these describe cases not resolved because of evidential difficulties. Outcome 16 indicates evidential difficulties based on a decision by the victim to withdraw support for police action and outcome 15 indicates evidential difficulties despite a victim continuing to support police action.

### **Misconduct outcomes**

At the conclusion of an investigation into a complaint, conduct matter or recordable conduct matter, a decision about whether the officer has a ‘case to answer’ for misconduct or gross misconduct is made.

‘Case to answer’ decisions must be made on a case-by-case basis. The test for whether someone has a case to answer is whether there is sufficient evidence upon which a reasonable misconduct meeting or a reasonable disciplinary hearing panel could make a finding (on the balance of probabilities) of either misconduct or gross misconduct.

Forces and the IOPC must have regard to Home Office [Statutory Guidance on Professional Standards Performance and Integrity in Policing](#) and College of Policing [Guidance on outcomes in police misconduct proceedings](#) when making ‘case to answer’ decisions.

For Police Reform Act (2002) investigations, misconduct is still defined as a “breach of the [Standards of Professional Behaviour](#) that is so serious as to justify disciplinary action” and gross misconduct is defined as a “breach of the Standards of Professional Behaviour that is so serious as to justify dismissal”. Before February 2020, misconduct was defined as a breach of the Standards of Professional Behaviour.

Misconduct in the Police (Complaints and Conduct) Regulations is still defined as any breach of the Standards of Professional Behaviour. Gross misconduct is defined as a “breach of the Standards of Professional Behaviour that is so serious as to justify dismissal”. When deciding whether disciplinary proceedings should be brought, the definition from the Police (Conduct) Regulations applies.

If no case to answer is found, the force considers whether some other form of action is necessary and proceeds as appropriate.

## Formal proceedings

### Criminal proceedings

The CPS pursues prosecutions for charged cases at court. Assuming the defendant pleads 'not guilty', the court is asked to consider the evidence and use the criminal standard of proof to determine the defendant's guilt. Defendants who plead or are found guilty are sentenced in line with [sentencing guidelines for domestic abuse](#) published by the Sentencing Council.

### Police disciplinary proceedings

Where officers have a case to answer for misconduct or gross misconduct, the force or the IOPC will make a decision about whether the officer is referred to disciplinary proceedings.

Since December 2017, it has been possible to initiate disciplinary proceedings against officers who have retired or resigned.

Those conducting proceedings decide whether the conduct amounts to misconduct or gross misconduct or neither. This decision is based on the civil standard of proof.

Those conducting proceedings must have regard to the College of Policing [Guidance on outcomes in police misconduct proceedings](#). Where it is found that the case to answer for misconduct or gross misconduct is proven, a decision will then be made on any sanction.

Gross misconduct hearings and accelerated misconduct hearings are convened to consider cases where an officer is found to have a case to answer for gross misconduct. Misconduct hearings are chaired by an independent legally qualified chair. Accelerated misconduct hearings are chaired by the chief constable or an assistant commissioner (in the Metropolitan Police Service).

Misconduct meetings are convened to consider cases where an officer is found to have a case to answer for misconduct (unless they had a final warning in force, or have been reduced in rank within the previous two years, in which case they would be referred to a misconduct hearing). Misconduct meetings are conducted by an officer of at least one rank higher than the officer who has a case to answer.

Where the person conducting proceedings finds that the conduct of the officer concerned amounted to gross misconduct, the available sanctions are a final written warning, reduction in rank, and dismissal without notice. Where the person conducting proceedings finds that the conduct of the officer concerned amounted to misconduct, the available sanctions are a written warning, final written warning, reduction in rank (in certain circumstances) and dismissal without notice (in certain circumstances).

Officers who are dismissed are placed on the police barred list, which bars them from working in the police service.

Before February 2020, the sanctions available at misconduct meetings and misconduct hearings were different. For example, they included 'management advice' as an available sanction.

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