

Police perpetrated domestic abuse: Report on the Centre for Women's Justice super-complaint ("the Report")

Response from Simon Foster, West Midlands Police and Crime Commissioner

The Report sets out the investigation findings from Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services, the College of Policing and the Independent Office for Police Conduct on the Centre for Women's Justice super-complaint regarding police perpetrated domestic abuse.

There is one recommendation which relates to Police and Crime Commissioners.

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.**

As the Police and Crime Commissioner for the West Midlands, I support and welcome the recommendations which have been outlined in the Report on the Centre for Women's Justice super-complaint. This super-complaint has raised a number of alarming issues within policing which must be addressed as part of the overall tackling domestic abuse agenda. All victims of domestic abuse, regardless of whether their abuser is a serving police officer or connected to the police in any way, are entitled to be treated with respect and dignity and provided with a fair and timely response from both statutory and non-statutory services. These principles are set out in the Victims Code and are to be enshrined as legal rights in the event the Victims Bill becomes law. It is appropriate that Police Perpetrated Domestic Abuse (PPDA) receives increased levels of scrutiny. I thank the Centre for Women's Justice for bringing this issue to light.

The report comes at a time when trust and confidence in policing; particularly in relation to Violence against Women and Girls (VAWG) is at an all-time low and it is therefore vital that the recommendations within this report are understood and implemented across all Forces. We must view PPDA through a VAWG lens as the Centre for Women's Justice have detailed. It is important that Forces both respond robustly to all of these cases and equally are seen to do so.

What makes PPDA all the more abhorrent is that the abusers in these cases are those who work as part of the system intended to protect and serve victims. Victims of PPDA will undoubtedly face additional barriers not only to reporting, but also to seeking help particularly if both victim and abuser work for the same Force. The violation of the position of trust in many cases compounds the abuse and risk of harm for those affected. Forces must consider how they can best respond to cases of PPDA to ensure the effective and efficient safeguarding of

all victims, which might include cross-Force collaboration in cases where both parties work in the same area.

A distinctive aspect of these crimes is that the victims in these cases undoubtedly feel powerless. They experience the same powerlessness that most domestic abuse victims experience, but in addition as mentioned above, their abuser is part of the system intended to protect them. As a result, they feel a profound lack of confidence in the criminal justice system. This also raises concerns about officers believed to be perpetrators of abuse continuing to work in Position of Trust roles which involve dealing with vulnerable victims of domestic and sexual abuse.

It is crucial to understand the needs of victims if we are to have bespoke support and reporting mechanisms in place. Bespoke measures could ensure increased confidence in reporting, improved safeguarding and a fair investigation of the allegations. Some measures that can be included and I will be exploring with WMP are:

- locking of records to the alleged abuser
- investigation of the crime by a different Force
- ability for the victim to access support out of area if necessary
- elevated safeguarding and risk management including closed panel MARAC hearings if needed

In 2019 WMP collaborated with my commissioned sexual violence services on a Sexual Harassment project which involved the development of a training package for WMP, a bespoke pathway for victims of sexual assault and abuse who are employees of WMP, a notification hotline for reports of police perpetrated sexual assault and abuse, including sexual harassment and improvements to the WMP internal sexual harassment workplace policy. All of this work was done in partnership with specialist sexual violence services as they have knowledge and understanding of the difficulties that victims face. The focus on bespoke pathways is important as it is a further measure which enables breaking the barriers to reporting as detailed earlier in the report. This is something I will be looking to replicate for PPDA.

If left unchecked PPDA has the potential to escalate. Officers responsible for this type of behaviour will be left to act with impunity, if not held to account for their actions. It is for this reason I agree with the recommendation that cases of PPDA must be dealt with as misconduct matters.

The super complaint mentioned that often Forces failed to accurately treat PPDA allegations as police complaints and conduct matters and 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. My responsibility to oversee the Force, including their conduct and compliance with their policies, has recently led me to direct my office to complete a dip sample of complaints. I aim to hold the Force to account by using my Strategic Police and Crime Board as a mechanism to review progress against the super-complaint's recommendations and other related VAWG misconduct areas such as Operation Santos as directed through the Angolini Enquiry into the murder of Sarah Everard and the need for a clear understanding of how this was able to happen and the lessons identified so that policing and partners can improve their responses to Police Perpetrated VAWG based harms.

The motivation of decision makers in cases of PPDA was called into question by the super complaint. Some decision makers were found to be applying undue weight to allegations occurring off duty and there was an over-reliance on the outcome of the criminal investigation

when deciding to open a misconduct investigation. This is simply not good enough. I will work with WMP to investigate the relationship between reports of PPDA and misconduct because a misconduct hearing is an opportunity to safeguard victims as well as to offer justice to a victim who has been courageous enough to report PPDA. It is critical that victims receive a service whereby they feel supported and taken seriously, regardless of who the perpetrator is, but we must also ensure that the victim/survivor has a voice within the investigation process. For example, communication preferences and the ability to change OIC, if they do not feel comfortable or able to continue supporting the investigation due to personnel on the case. The Victims Code must also be upheld in these cases and this is something we can ensure locally through the Force Victims Code Champions meeting and the related governance mechanisms for this.

In addition, within my Police and Crime Plan Measures, I am requiring WMP to improve their use of other remedies, such as civil and criminal protection orders for victims of VAWG and to support safeguarding and the ability to follow a survivor led criminal justice outcome.

Tackling domestic abuse is a top priority within my Police and Crime Plan 2021-2025. In my plan I say "I will ensure West Midlands Police prioritise combatting domestic abuse and take a robust approach towards perpetrators, so that they are held to account". PPDA is no different. To assist me in amplifying the voice of all victims I have appointed the first Victims Commissioner for the West Midlands, whose role is to work with me to ensure the needs of victims are heard and understood and services are continuously improved, and that innovation and best practice in service delivery continues to shape my response. I also know the importance of hearing from local survivors and those with lived experience to shape the direction of improvements in this area, which is why the Victim's Commissioner and her links with the commissioned support services are critical to ensuring that the voices of those affected resonate throughout the work moving forward.

Steps I intend to take in relation to the issues raised in this report include:

- Through my Victims Commission – to seek the views of my expert advisory body to make an assessment as to the nature and scale of PPDA in my region. Consider it and what the additional support needs of this cohort of DA victims are and consider if a more bespoke measure is required.
- Through the Domestic Abuse Regional Board, I will bring forward the current process as offered by PSD, so that there is transparency in how WMP are dealing with PPDA and enable a multi-agency strategic conversation on the matter and identify any areas for improvement.
- Examine whether PPDA cases are being considered under professional misconduct/gross misconduct and if not, why not.
- Through the establishment of the West Midlands Ending Male Violence Against Women and Girls (EMVAWG) Alliance, to be Chaired by my Victim's Commissioner and partnering with senior strategic partners across the region, to achieve broader progress for ending male violence against women and girls.

Simon Foster

West Midlands Police and Crime Commissioner

