

Responding to breach of restraining order

Delay in response to a reported breach of a restraining order, raising issues about:

- *Dealing with incidents remaining unallocated for significant periods of time.*
- *Downgrading the risk to the victim.*
- *Training for officers acting up as sergeants.*
- *The process for allocating an arrest.*
- *Understanding the roles and responsibilities of individuals and teams involved in dealing with victims of domestic abuse.*

This case is relevant if you work in:

Call Handling



Public Protection



Overview of incident

Around 11.30am, Ms A reported her ex-partner Mr B for breaches of his restraining order. He had visited her property a few days previously and in the days that followed sent her messages on social media asking her to get back together with him. Mr B was not at Ms A's address when she made this report.

A marker had previously been placed on Ms A's address to say that she was considered at high risk of domestic abuse and that all calls should be treated as urgent. This marker was seen by a number of officers that day and the day after.

The call was graded as a 'priority response', meaning that officers should aim to attend as soon as possible within an hour.

A risk assessment was carried out by the local domestic abuse specialist team, and they identified warning markers for Mr B's violence and alcohol misuse. They also identified six domestic incidents between Ms A and Mr B, the most recent of which was a high risk incident, four months previously.

The most recent incident was initially graded by the force as posing a medium risk because Mr B was not at Ms A's address. The incident was later referred by an external agency to the multi-agency risk assessment conference (MARAC). Ms A's case was re-categorised as high risk at the MARAC and the increase in the level of risk was recorded on the force database. The force noted that Mr B's last known address was in London and that he had an order for protection

from harassment attached to him. The force assessed the risk as medium, based on Mr B not being present at Ms A's property.

The incident was accepted by Dispatcher C at around 12pm. No units were dispatched while Dispatcher C was on duty, and he did not record any actions. Dispatcher C finished his shift at around 4pm. Dispatcher C said that the reason he did not dispatch officers to the incident was due to a lack of resources. He explained that, although this incident was considered a 'priority response', officers often had to "prioritise the priorities" due to the high demand for resources for priority response incidents. Dispatch priority, therefore, was given to incidents where there was a risk or threat of harm to the victim if police did not attend promptly.

On this day, there were six emergency calls between approximately 12pm and 2pm. This meant that Dispatcher C was very busy during and after this time. This incident was not prioritised because, according to Ms A's report, Mr B had not been at the property for a few days.

Dispatcher C did not explain to his supervisor that he had not met the dispatch time. The log shows that his supervisor viewed the incident on a number of occasions between about 11.30am and 1.45pm. Dispatcher C said that he did not highlight all outstanding priority incidents with his supervisor because there were so many. Control Room Supervisor D later said that he would expect a dispatcher to make a note on the log explaining that no units were available. There was no requirement in local policy to do this, however.

Around 3.45pm, Dispatcher C handed over to Dispatcher E. Ms A's incident was not included in the handover because it was not considered a priority. Not all incidents were included in the handover because there were approximately 80 outstanding incidents and there would not have been time to provide a handover for each of these.

Dispatcher E opened the incident three times during her shift, at approximately 5.20pm, 7.30pm and 8.00pm. All three occasions were interrupted by a priority/emergency incident. Between the beginning and the end of her shift, at about 10pm, Dispatcher E accepted a total of 46 incidents, six of which required an emergency response and 14 required a priority response. Each incident allocated to Dispatcher E was considered to have a level of threat, harm or risk that was more urgent than Ms A's case.

At around 12.45am the following day, an entry was made on the log to say that the incident was not appropriate for allocation because it was late at night. At around 10.26am the same day, another entry was made on the log to say that there were no units available at that time.

At around 11.30am, PC F and PC G started to visit Ms A. They were unable to do this because they were called to another incident.

At around 2pm, PC F and PC G visited Ms A at her home address and PC F took a statement. In the statement, Ms A described Mr B's visit to her address and the Facebook messages she had from him. She also said that two of her friends were present when Mr B had visited. PC G went through Force A's domestic violence form with Ms A, which includes:

- a summary of the incident
- a domestic abuse, talking and honour based violence (DASH) risk assessment
- an overall assessment of the potential risk to the victim

In the summary of the incident, PC G only referred to the messages on social media, and didn't mention anything about Mr B visiting Ms A at her property.

PC G assessed the risk as medium, explaining that there was no immediate risk of Mr B visiting Ms A's property because he lived in London. PC G provided a copy of Force A's domestic violence form and the full statement to Domestic Abuse Liaison Officer (DALO) H for review. PC G did not know that DALO H would not read the statement as part of this review.

Force A also uses a threat, harm or risk tag which can be attached to a crime file. The tag is used to identify if there might be any threat, harm or risk to the victim, the community or the force. This process was used to identify the risk of contact between a victim and a suspect. Domestic abuse, or breaches of restraining orders would fall within this category.

If an arrest should be made on a case with a threat, harm or risk tag, the responsibility of the arrest was passed from shift-to-shift to ensure the suspect was arrested as soon as possible. In this case, the assessment was made by the officer who originally opened the crime file, not the attending officers, and no threat, harm or risk was identified. Force A had no policy on how to carry out these assessments.

When PC F and PC G returned to the station, an arrest pack was created and allocated to the neighbourhood crime team to progress. Mr B was marked as wanted on the Police National Computer (PNC).

The domestic violence form was submitted to Acting Police Sergeant (A/PS) I, who approved the medium risk assessment stating that the only contact had been via Facebook. This account was based on the form PC G filled out, which did not include Ms A's account that Mr B had visited her property. PC G said that he did not believe this information would have increased the risk from medium to high.

The following day, A/PS J, a supervisor in the neighbourhood crime team, accepted the crime file and the arrest pack, but did not allocate this to an officer until approximately one week later. A/PS J said that she was unable to allocate the crime file during this time because:

- her shift pattern prevented this
- shifts were busier than usual over the next few days
- she then had four rest days following her shifts

A review of staffing levels in the days after A/PS J received the crime file confirmed that there were no officers to whom she could have allocated the crime file.

Three days after A/PS J accepted the crime file, DALO H reviewed the risk assessment for Ms A and accepted the risk as medium. He stated, as part of his rationale, that there had been no direct contact between Ms A and Mr B. Mr B's visit to Ms A's property was on the System for Tasking and Operational Resource Management (STORM) record and the domestic violence form filled out by PC G at the scene.

DALO H said that he did not judge the account by Ms A implied direct contact with Mr B. He said that it is only direct contact if an attempt is made to enter the address. An audit of the STORM record showed that DALO H did not check it electronically. He explained that he would sometimes read a printed version if there was one available. The STORM log shows that PC G printed a copy of the record a few days, previously. DALO H was confident that the assessment of medium risk was correct and took into account all the relevant information.

Because the MARAC had flagged Ms A's earlier case as high risk this case could not be treated as anything lower than high risk, without the approval of a sergeant. This is stated in the local force policy. DALO H did not get approval from a supervisor to grade this case as medium risk because he did not think this rule applied to MARAC referrals. He said that the policy was

unclear. One part of the local force policy says that supervisors should be made aware of MARAC decisions. Another part of the policy says that the domestic abuse team in Force A will make the final decision on risk assessments. It was established that by 'final risk assessment' the policy is referring to assessments in Force A. The policy is not referring to the conflicts between those assessments and that of other agencies.

The decision to grade this case as medium rather than high risk may have affected the arrest and investigation process because high risk investigations are dealt with by a specialist team, and not the neighbourhood crime team. It is also true that high risk cases are prioritised under local force policy. DALO H did not know of the distinction between how medium and high risk cases are dealt with.

About one week after accepting the crime file, A/PS J allocated it to PC K. Neither A/PS J nor PC K noticed that Mr B's address was in a different city and therefore his arrest should have been dealt with by Force B. Both said the road name was familiar to them as a road name in their jurisdiction. PC K followed the process for carrying out an arrest in Force A by putting the arrest sheet in an arrest tray for an officer to pick up.

Five days after allocating the crime file to PC K, officers had not been assigned by A/PS J to carry out arrests. A/PS J then went on annual leave. Almost three weeks after PC K was allocated the crime file, there were no records of attempts to arrest.

PC K later said that during this period he had been feeling stressed at work. He stated that he had been allocated four investigations which would normally be handled by the criminal investigations department (CID) and required a great deal of work. PC K raised these difficulties with A/PS J, who responded by taking PC K off other duties for two days to allow him to catch up.

She said that she allocated him jobs she thought he could cope with. She said that she did not think this case would be difficult for PC K because there were no other enquiries to carry out. She noted that she did not want to stop allocating PC K cases because she was concerned other officers might resent PC K if she did this.

Supervisors at Force A are also required to set in place a case action plan as part of a seven-day review of cases that involve domestic abuse. In this case, A/PS J noted that no case action plan was needed and later stated that this was because there were no further investigative actions other than to arrest Mr B. She stated that she would now put "suspect to be arrested". At the time she had no training for the role of a supervisor.

Additionally, PC K should have updated the crime file every four days with the arrest attempts made. He made no entries on the crime file for approximately three weeks.

A/PS J completed the mandatory seven day review, and later said that she did not know of the requirement to review the crime file every seven days, or of the requirement for investigating officers to update the crime file every four days.

A/PS J handed over her workload to A/PS L before going on annual leave. A/PS L confirmed that there was no training for the role of acting sergeant, and that he was shown how to use the systems, but not how to carry out reviews.

A/PS L said that he did not know that PC K was having difficulties. He also said that he would not have had the time to go through everyone's crime file reports because he was too busy. A review of his team's workload concluded that it was likely A/PS L was supervising between 180-

240 crime files during the period he was acting sergeant. He also said that he did not know that PC K had an outstanding arrest and that PC K did not tell him about any outstanding arrests.

PC K said that for the three weeks that he had ownership of this case, he was on shift for a total of nine days because he was in court and working on an unplanned operation. At approximately 4.30am, on one of these days towards the end of that three week period, PC K read the STORM log and sent Ms A an SMS email. The message told Ms A that the case was ongoing and that she would be updated as it progressed. PC K was unable to recall if this prompted him to see if there had been attempts to arrest.

Three weeks after the case was allocated to PC K, Ms A reported further breaches of Mr B's restraining order. This prompted A/PS J and PC K to realise that Mr B's address was in a different city, in the jurisdiction of Force B. At around 8.30pm that day, Force B was notified of this. At around 11pm, Mr B was arrested by officers from Force B.

Type of investigation

IPCC independent investigation.

Findings and recommendations

Local recommendations

Finding 1

1. Evidence suggested that there were a large number of incidents not being attended to in the required timeframe and many remaining unallocated for significant periods of time.

Local recommendation 1

2. The force should consider a review of resourcing in the force control room (FCR) to include:
 - The current number of unallocated incidents.
 - The ability of staff in the FCR to comply with incident timeframes for allocation of resources.
 - The expectations of the force when an incident remains unallocated outside the timeframe for dispatch.

Finding 2

3. DALO H's failure to request authorisation to downgrade the risk to the victim stemmed from a misunderstanding of Force A's MARAC policy.

Local recommendation 2

4. The force should consider the need to raise awareness in the domestic abuse specialist team (DAST) of its expectations for cases which have been raised to high risk by the multi-agency risk assessment conference (MARAC). This should include a review of the local force MARAC policy.

Finding 3

5. When completing the DASH risk assessment, PC G 's reliance on Ms A's perception that Mr B would not turn up again suggests that PC G would benefit from further training in the assessment of risk.

Local recommendation 3

6. The force should review the training provided on domestic abuse. This should specifically consider:
 - The adequacy of the DASH training for response officers.
 - If the requirements of procedure B1702 domestic abuse investigations are adequately covered in officer training.

Finding 4

7. The lack of training for officers 'acting up' as sergeants meant that A/PS I and A/PS L had insufficient knowledge of the crime file review process.

Local recommendation 4

8. The force should consider the need for officers expected to 'act up' as sergeants to have training (formal or informal) for this role.

Finding 5

9. Evidence suggested that Force A's practice of creating an arrest pack for allocation to another team did not fulfil the force's positive obligation under the *Human Rights Act 1998* to exercise a power of arrest at the earliest opportunity. The evidence suggested that this practice did not encourage officers to take responsibility for their own arrests and keep up to date with arrest attempts. Contacting another force to make an arrest would have taken very little time and could reasonably have been done by the attending officers.

Local recommendation 5

10. The force should consider if current practice in the local policing team has the potential to cause investigative delay and this should include:
 - The process of crime file allocation, especially prior to a team taking scheduled rest days.
 - The use of the threat, harm and risk process and if this is fit for purpose.
 - The use of arrest trays and the process of allocating an arrest.

Finding 6

11. As there were no system alerts to flag domestic abuse crime files it would be unreasonable to expect A/PS L to know when the supervisor reviews were due on cases handed over from other supervisors.

Local recommendation 6

12. The force should consider if their internal systems could produce alerts to remind officers of the additional updates required in cases of domestic abuse with a suspect outstanding.

Finding 7

13. PC G's belief that DALO H would have access to all the information because he had provided him with a copy of the witness statement was flawed. The evidence suggests this stemmed from a lack of understanding of the expectations of a DALO.

Local recommendation 7

14. The force should consider a review of working relationships between teams dealing with victims of domestic abuse to include:
 - If there is sufficient awareness between teams of their roles and how these interact.
 - If there is sufficient communication between teams.

Response to the recommendations

Local recommendations

Local recommendation 1

1. Resourcing levels in the force control room have been reviewed by an external agency. A new process has been introduced for call handlers which encourages staff to consider threat, harm, risk, investigation, vulnerability and engagement (THRIVE) as part of a risk assessment.

Local recommendation 2

2. The force MARAC policy was rewritten in line with a change in procedures.

Local recommendation 3

3. All staff now receive a mandated three-day course on public protection. This course delivers training on all strands of vulnerability with a particular emphasis on domestic abuse. The local force policy on domestic abuse cases has been rewritten.

Local recommendation 4

4. Force A has published a new policy on acting up and temporary promotions, and compliance is mandatory.

Local recommendation 6

5. This was dealt with by the review of the force policy on domestic abuse cases.

Local recommendation 7

6. The safeguarding and investigation functions have been brought closer together in geographical locations. It is recommended that all staff have a strong understanding of

medium and high risk domestic abuse practices and procedures and additional measures have been put in place to help with this, such as a public protection course.

Outcomes for officers and staff

Dispatcher C

1. Dispatcher C, who was initially responsible for dispatching officers to the incident, was found to have no case to answer for failing to resource the incident within the allocated timeframe, due to the high level of demand during this time. He was also found to have no case to answer for failing to alert a supervisor that the incident had not been allocated for an hour. However, Dispatcher C was subject to management action.

DALO H

2. DALO H was responsible for reviewing the risk assessment, and failed to thoroughly check the System for Tasking and Operational Resource Management (STORM) record and include key information in his risk assessment rationale. He had a misconduct meeting where it was found that misconduct was not proven.

PC G

3. PC G was one of the officers who first visited Ms A, and filled out the domestic violence form with her. His failure to record all the relevant information in the domestic violence form summary was addressed with management action.

PC K

4. PC K was responsible for progressing the arrest pack and the investigation recommended that he may have a case to answer for gross misconduct for failure to follow up on the arrest of Mr B at any point during the three weeks he was allocated this case. However, it was later agreed that misconduct was more appropriate and PC K subsequently attended a misconduct meeting.

A/PS I

5. A/PS I was responsible for the supervising the case for its duration, and was the subject of management action for her lack of knowledge of the local force policy on domestic abuse investigations.

Questions to consider

Questions for policy makers and managers

1. How does your force ensure that officers deal with breaches of restraining orders at the earliest possible opportunities?
2. What steps does your force take to safeguard officer welfare and wellbeing during investigations?

3. Do you require dispatchers to notify their supervisor if no units have been deployed for a significant period of time?
4. Does your force expect dispatchers to document reasons why they have been unable to deploy resources?
5. How does your force expect officers to deal with conflicts in risk assessments by your force or other agencies?
6. How do you ensure that staff in acting sergeant roles have sufficient knowledge and skills to perform the role properly?
7. How does your force ensure that different individuals and teams involved in dealing with victims of domestic abuse understand each other's roles and responsibilities?
8. How does your force encourage officers to take responsibility for their own arrests and keep up-to-date with arrest attempts?

Questions for police officers and managers

9. Have you completed the College of Policing's e-learning package on stalking and harassment?