



Metropolitan Police Authority

Domestic Violence Board – 6 February 2007

PROGRESS REPORT TO THE DOMESTIC VIOLENCE BOARD

Report by Tower Hamlets Borough on behalf of the Commissioner

Summary

This progress report seeks to address the outstanding issues and actions given to the borough to progress at the meeting of the MPA Domestic Violence Board held on the 19 September 2006. The report details any progress made as well as the planned work to be undertaken by the BOCU to address these outstanding issues. The report also seeks to request further assistance from TP Crime Directorate or the MPA Domestic Violence Board to progress actions where the BOCU feels this is needed.

A. EXTERNAL INDEPENDENT SCRUTINY OF DECISIONS REGARDING THE CAUTION PROCESS

1. The guide for cautions is set out in Standard Operating Procedures published in December 2004 and is applicable throughout the Metropolitan Police Service. The term 'sanctioned detection' applies to both charges and cautions (as well as other areas not used in DV cases such as PND's, TIC's). There is no requirement for a caution to be externally ratified and both are equal in terms of applying them as a disposal option. It is accepted that the caution process for Domestic Violence cases was to be managed by the Crown Prosecution Service in accordance with the Service Level Agreement (SLA) but this SLA is currently suspended and therefore does not apply.
2. Police Cautions were implemented by the Home Office as a disposal option for those cases where the offender admitted his/her guilt in a reliable format and the case was one where this method of disposal was suitable. Current Metropolitan Police Service policy published in December 2004 details the factors required. Tower Hamlets operate a positive charge policy in respect of Domestic Violence but recognises that there will be a number of cases where a Caution would be a suitable closure to a case. Cases involving repeat victim and/or offender or perpetrators with a violent history would not be suitable.

3. Before a caution can be administered the following criteria must be met
 - a) there is sufficiency of evidence and a realistic prospect of conviction, but it is not in the public interest to prosecute, b) the offender must make a clear and reliable admission of the offence and c) the offender (and an appropriate adult when the offender is considered vulnerable e.g. juvenile/ mentally disordered) must give "informed consent" to the course of action, i.e. they must know the consequences of agreeing to a caution after the procedure has been explained to them.

4. Formal Cautions are recorded on the Police National Computer and may be cited in future criminal proceedings and taken into consideration in future case disposal decisions. Cautions are not available for youths or prolific or persistent adult offenders and are not applied in cases where a history of domestic violence exists.

5. A caution can only be authorised by an Inspector or above (or Acting Inspector properly authorised by a senior officer). In many cases this will be the Duty Officer responsible for the station at that time, the Detective Inspector in charge of that unit or an alternative Inspector if neither are available. The inspector is the independent review officer who assesses the evidence and applies the criteria set out in paragraph 3 above. Based on the facts the inspector may refuse to caution the offender, refer it to the CPS for charge decision or direct no further action.

6. The Violent Crime Directorate provide details at the CSU Managers meetings of the proportion of charges against overall sanctioned detections for each Borough. For Tower Hamlets this currently stands at 40.8%. Another monitor is percentage of DV offences resulting in a charge, which currently stands at 18.3 for every 100 offences reported, the remainder of the sanctioned detections being cautions (data shown represents April to December 2006)

7. A small number of cases where caution is an outcome have been as a result of Crown Prosecution Advice where officers have sought a charging decision and a caution has been the outcome. There is some variation to this depending on whether local CPS Duty Prosecutors are involved or the Telephone Direct service out of hours. There is no system for collating the numbers of cautions authorised by CPS and/or Police or who made the decision. It is recognised that the CPS have an important part to play in this but there are insufficient lawyers with DV leads to ensure that all cases receive the same level of scrutiny.

8. Tower Hamlets is committed to a positive arrest and charge policy and will seek to charge perpetrators of domestic violence wherever possible. The DV arrest and sanctioned detection rates best demonstrates the result of these policies. Tower Hamlets adheres to the cautioning process. It is current legislation, MPS policy and a legitimate disposal option for offenders to whom the guidelines apply.

B. INFORMATION ON DOMESTIC VIOLENCE WORK INVOLVING SPECIFIC COMMUNITIES WITHIN TOWER HAMLETS, IN PARTICULAR THE DISABLED COMMUNITY

9. The original report submitted to the MPA contained our approach in this area in paragraphs 84 and 85 where we made it clear that we continue to work towards eradicating unlawful discrimination and promote opportunity and community relations. *The services we provide are for all but are offered and supplied according to the individual needs of the victim.* We have built working practices based on providing assistance to different communities regardless of sex, colour, race, sexual orientation or belief. Domestic violence affects all communities and anyone who is affected should be confident that they will be able to access the support and advice they require and that Police will treat their case seriously. We are continually looking to improve and/or update our services.
10. We have been proactive in our approach in this area and in addition to being involved in the Safety Planning Panel, Domestic Violence Forum and Victim Support Scheme advocacy service we have also approached local communities and taken part in domestic violence awareness programs. These include a presentation at the East London Mosque, involvement in a Forced Marriage seminar at Tower Hamlets College and as attendees of the Vulnerable Adults Steering Group and the Vulnerable Adults Policy Group of the Royal London Hospital.
11. Since the last Board meeting the CSU held a training day attended by all investigators and a number of outside speakers including representatives of a local disability group (MAPSquad). Two members of the group who had themselves been victims of domestic violence agreed to give a talk on their experiences of dealing with DV one of whom had reported the incidents to Police the other who had not. This provided a valuable insight for CSU officers and we have committed to involving the disability group in DV issues with regular contact with the partnership Detective Sergeant. This has been with the full co-operation of Social Services.

12. There are many other areas of work being conducted by our partners and led by the London Borough of Tower Hamlets Domestic Violence team (LBTH DV) including the 'Barika Project' and 'Warrior Women'. Both projects received awards from the Mayor's office in 2006. The LBTH DV team provide a number of services and work closely with Police as well as other statutory and voluntary partners. Police cannot tackle this alone and the projects by the LBTH team have provided significant benefits to the community.

Proportion of DV cases that are family orientated and the rationale behind this and why they are often difficult to prosecute.

13. The following data relates to the period April to December 2006 (first three quarters of 2006/2007 financial year). It has been produced by Performance Directorate Bureau in response to questions raised at the MPA DV Board on cases involving members of the extended family. It covers only Tower Hamlets Borough and has not been compared against other Boroughs or the MPS as a whole. The data covers a total number of DV cases at 2110 and is available in graph form broken down into months with the number of offences and the percentage of those (against the total figure for that month) in each victim category. There are 50 different victim categories against which these are measured. Some victim categories are so small as to record negligible amounts and these are mentioned later on. For ease of reference categories of a similar nature have been grouped together as shown. Where percentage points are 0.5 or higher they are rounded up and below this rounded down. Numbers in brackets show the actual number of offences.

- Husband (427), Boyfriend (290) and Common Law Husband (33) account for 38% of the total numbers recorded.
- Wife (37), Girlfriend (34) and Common Law Wife (9) account for 4% of the total numbers recorded
- Ex-husband (80), ex-boyfriend (375) and ex-common law husband (19) account for 22% of the total numbers recorded.
- Ex-wife (7), ex-girlfriend (69) and ex-common law wife (7) account for 4% of the total numbers recorded.
- Brother (148), stepbrother (5), half brother (4) and brother-in-law (35) account for 9% of the total recorded.
- Sister (17), stepsister (1) and sister-in-law (6) account for 1% of the total recorded.

- Father (120), grandfather (1), stepfather (9) and father-in-law (3) account for 6% of the total recorded.
- Mother (26) and mother-in-law (6) account for 2% of the total recorded.
- Son (119), grandson (4), son-in-law (5) and stepson (6) account for 6% of the total recorded.
- Daughter (12), granddaughter (1), daughter-in-law (2) and step-daughter (1) account for 1% of the total recorded

14. Other family members such as uncles, cousins, nephew's and niece's account for 1% of the total recorded. As expected there are significantly higher levels of male suspects as opposed to female and Father, Son's and Brother's feature highly. There are also some DV cases recorded where the relationship is not within the ACPO DV definition and these will be examined but as the numbers are negligible they will not adversely affect the numbers shown. In addition same sex relationships count only 8 offences but this could be due in part to the flagging of such crimes, which only began in December and no cases were recorded prior to then.

15. These results show that in a quarter of all DV cases recorded the offender was a member of the victim's family other than one in an intimate relationship and therefore these cases contribute a significant amount of crime to overall figures. It is difficult to assess the reasons for this without further work being carried out.

16. In relation to these cases there are particular difficulties when dealing with offenders as they rarely support prosecutions. This lack of support coupled with the often 'minor' level of incident results in a low number of charging decisions even when the offender has admitted his or her actions. The CPS are reluctant to summons witnesses particularly in these cases where for example a sister could be forced to give evidence against her brother and vice versa. Cases are not generally pursued unless support has been provided or there is significant corroborative evidence (photographs of injuries, witnesses, 999 tapes etc) AND the case is one where the injury is deemed serious (i.e. higher level ABH or GBH).

Progress on Tower Hamlets' offer to contribute to Strand 6 (Domestic Homicide Reviews) of Project Umbra

17. As detailed in the original report Strand 6 has now been created and Detective Inspector Kevin Baldwin is a member of the working group. The first meeting has been scheduled for 14 February 2007 with bi-monthly meetings thereafter. The chair is Detective Chief Inspector Gerry Campbell from the TP CSU Service Delivery Team.

Succession Planning around domestic violence work within the BOCU.

18. The next staff moves are due to take place in April 2006. These are due in part to the requirement to move trainee Detective Constables (of which the CSU have 6) as part of their development program and Police Constables where a need has been identified to expose them to different aspects of Police work and ensure they become effective investigators in all areas.

19. These moves will be considered against the need to ensure continuity within the CSU and minimised where possible. In terms of leadership there are no plans to move either the Detective Inspector or the Partnership Detective Sergeant who lead on the vast majority of the areas covered within this and the previous report.

20. It is an aspiration of Tower Hamlets that all officers posted to the CSU will spend a minimum of 12 months there. They will also be sent on the weeklong CSU course at the Crime Academy at Hendon Police College. This is not always possible due to staff movement, whether by competing demands, officers applying to other departments, promotion or successful application onto the Detective training program and there are therefore numerous staff changes over the course of a year. Every effort is made to ensure consistency and retention of skills and experience and where new staff are employed that they are equipped with the necessary skills.

21. Future succession planning is dependent on the demands of policing Tower Hamlets Borough and there being no changes to the structure of the CID and/or CSU on Tower Hamlets Borough. Given that postings are for a year it is difficult to predict with any certainty where the priorities will lie in terms of staffing and resources. What can be confirmed is that the Borough SMT continues to support the work of the CSU in Domestic Violence, Race/Hate Crime and Crime motivated by Homophobia.

Report author: DI Kevin Baldwin

Background Papers

Report submitted to MPA DV Panel dated 17 July 2006.