



Super-complaint by Centre for Women's Justice

Failure to address police perpetrated domestic abuse

9 March 2020

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Executive Summary

Introduction

Centre for Women's Justice and the Bureau of Investigative Journalism have received numerous reports from women which raise serious concerns about the way policing systems operate where police officers are accused of domestic abuse. At the heart of the concerns is lack of integrity, of officers manipulating the system and acting in bad faith in a variety of ways. Without doubt there are cases that are dealt with properly, but we conclude that there is such a risk of policing systems being abused, that this should be reflected in special arrangements for such cases.

A distinctive aspect of these cases is that the partners of such men feel doubly powerless. They experience the powerlessness that most domestic abuse victims experience, but in addition their abuser is part of the system intended to protect them. As a result, they feel a deep lack of confidence in the criminal justice system. Their unique position justifies new procedures to ensure that women in this position have greater protections, better outcomes, and that justice is seen to be done.

Reports by domestic abuse professionals also raise concerns about officers believed to be perpetrators of abuse continuing to work in public protection roles which involve dealing with vulnerable victims of domestic and sexual abuse. Systems which let down the wives and partners of officers also have a potential impact on other members of the public.

With this super-complaint a confidential annex contains:

- 19 case summaries of individual women's experiences
- 6 accounts from domestic abuse professionals

The 19 cases span 15 police forces across the country, including forces in the south and north, urban and rural forces. None of the women in the case summaries know one another, apart from two pairs of women where both women suffered abuse by the same man. We have been contacted by a further 27 women wanting to share their experiences who report similar problems. We have identified many common themes in the women's accounts.

Section A – common themes

This super-complaint report provides illustrations from numerous case summaries of a number of common patterns:

1. Difficulties in initial reporting
2. Failures in investigation
3. Improper manipulation of police processes

4. Improper responses to complaints / concerns
5. Accused officers' personal links with others in the force
6. Accused officers using their police knowledge, status and powers
7. Improper decisions on criminal charges
8. Incorrect approach to misconduct investigations and decisions
9. Abused women arrested
10. Employment difficulties for women who are police officers
11. Workplace victimisation of women who are police officers

Section B – other evidence in support of super-complaint

1. Data obtained through Freedom of Information Act

FOI requests have been made by the Bureau of Investigative Journalism to all police forces in England and Wales on numbers of reports of police perpetrated domestic abuse and their outcomes. Responses where criminal outcomes were given show a conviction rate of 3.9%, which is two-thirds of that for the general population. Responses where misconduct outcomes were given show that only 7.5% of cases were referred to the Independent Office of Police Conduct (IOPC). Of the total concluded cases, in 76.3% there was a finding of no case to answer or no sanction, and some sanction was applied in 16.8% of cases. The data obtained was limited for a variety of reasons and more accurate data should be obtained and analysed.

2. International context

Materials from across the English-speaking world, particularly the US, Canada, New Zealand and Australia show that there has been significant attention given to the issue of police perpetrated domestic abuse amongst academics, domestic abuse practitioners and journalists. In Canada civilian-led criminal investigation agencies carry out investigations into police perpetrated abuse and in some provinces such cases are investigated by a separate police agency. There is extensive academic literature, mostly produced in the US, including research on prevalence and causes, as well as reports on barriers faced by victims similar to those identified in this super-complaint. The International Association of Chiefs of Police has drawn up a Model Policy on domestic violence by police officers and a related Concepts and Issues paper which adopt a robust approach to the issue.

3. Legal duties

Reports of police perpetrated domestic abuse can raise a range of duties under the Human Rights Act, engaging Article 3 (inhuman and degrading treatment) and/or Article 8 (respect for private and family life) of the European Convention on Human Rights (ECHR). These include a duty to carry out an adequate and effective investigation, a duty to protect a person known to be at risk and a duty on the state to carry out an independent investigation into state failings.

Where direct or indirect discrimination on the grounds of sex is established there may also be a breach of Article 14 ECHR and/or of the Equality Act. The UK has also signed the Istanbul Convention, the Council of Europe Convention on preventing and combating violence against women and domestic violence, which requires effective action in response to domestic abuse.

4. “Locker-room culture”

The concerns raised in this super-complaint should be seen in the context of a broader culture of ‘institutionalised sexism’ within the police service that condones and trivialises violence against women. Examples, with evidence, are provided of this: research on levels of sexual harassment reported by police employees, concerning levels of abuse of power by police officers for sexual gain, high numbers of reports of sexual assault by police officers where officers have faced no sanction, and the scandal of undercover police officers having deceitful sexual relationships.

Section C – proposals for systemic change

1. Procedural changes proposed by CWJ

a. Bespoke reporting channel

The hurdles faced by women who are the partners of police officers are unique. They are intimately connected to those they are reporting. They have often been bullied by partners who stressed that their word will be believed over those of the victim, and women in this position fear the response they will receive from the officers they report to. We propose a separate bespoke reporting route for such women which is more likely to secure the confidence of victims at the earliest stage, engage them positively in the process and enable them to raise concerns or queries to someone independent of the force concerned. We propose that this initial reporting route should be to the Independent Office of Police Conduct.

b. External Investigating force

The central conclusion from the evidence presented in this super-complaint is that in police perpetrated domestic abuse cases there is a real risk of lack of integrity and manipulation of police processes. We consider that the only way to address this is to create a physical separation between the investigation and the parties. In our view an investigation by

an external neighbouring police force should be the norm. Work and social links between the suspect and those involved in all aspects of an investigation and decision-making can be avoided. Having the investigation conducted by an external force addresses not only concerns about integrity but also privacy and victim confidence.

c. External disciplinary procedures and IOPC oversight

We propose that an external force which carries out a criminal investigation should also go on to consider misconduct issues. This would improve confidence and transparency, and possibly also the decision-making itself.

We are particularly concerned about the conclusion that because conduct took place in an officer's private life there is no potential for misconduct. In one of the cases cited the Professional Standards Department stated that the officer had discredited himself but not discredited the police service. In our view any off-duty conduct by a police officer that involves violence, abusive behaviour or misleading judicial systems such as the family court, discredits the police service and undermines public confidence in policing.

We therefore propose that there should be external oversight of all misconduct decisions involving police perpetrated domestic abuse by the IOPC, given the inherent difficulties around these cases. This would also foster consistency between forces.

d. Updating victims about misconduct procedures

In some case, it appears that when a decision is made not to charge an accused officer with criminal offences and the case is automatically considered for misconduct issues, the victim is not treated as having the formal status of a complainant in the misconduct matter. She then does not receive updates or is not informed of the outcome of the procedure. We propose that in such situations the victim should be treated as a complainant in a formal complaint would be and be given updates and outcomes.

e. Restricting roles of officers facing allegations to prevent working with victims of domestic and sexual abuse

We propose that in all cases the policing role of the accused officer be assessed and restricted so as to prevent such officers working with vulnerable victims of domestic and sexual abuse. We propose that this should apply during an investigation and regardless of the outcome. The duty to protect future victims should be the primary consideration so the outcome of an investigation should not be decisive, given the high standard of proof in criminal cases, and an apparent reluctance to find against officers in misconduct processes.

2. Adequacy of existing police policies and procedures

The College of Policing has published guidance on reports of police perpetrated domestic abuse within the personnel management section of its Authorised Professional Practice on domestic abuse. Many police forces have their own local policies and procedures. Both national and local force guidance fail to adequately address the issues identified in this super-complaint. A fundamental gap in the majority of policies and procedures is that they do not identify or tackle the risk of lack of integrity and bad faith in these cases.

a. College of Policing Guidance

The key principle stressed is that police perpetrated cases should be dealt with just like any other domestic abuse case. Whilst this approach is valuable as far as it goes, it ignores and does nothing to address the unique difficulties that victims in such cases face. Where special arrangements are required, they are targeted only at privacy issues and difficulties faced by suspect officers, and do not extend to problems around integrity.

b. Local force guidance

Similar concerns apply to local force policies and procedures. Most stress that the accused should not be treated differently to any other perpetrator. Where there are additional precautions these are limited mostly to practical arrangements in three areas: which police station the suspect is taken to; the investigator being of higher rank and unconnected to the suspect; access to records.

Our key concern is that, whilst recognising the need for separation between the suspect and the investigation, such measures are insufficient to create a real barrier around the investigation to meet the dangers of impropriety described in this super-complaint. We are concerned that in practice it is not possible to prevent the kinds of problems described in our case summaries without removing the investigation entirely from the force where the parties work. Furthermore, these policies do not deliver a robust message that proactive steps and zero tolerance are required, and that covering up for or improperly assisting a colleague who is a suspect in a domestic abuse case is a very serious matter, which is the clear message given in the IACP Model Policy.

3. Learning and training

We invite HMICFRS to consider whether College of Policing and police forces address the issues raised in this super-complaint within their mainstream training, their training for domestic abuse specialists and for Professional Standards Departments. Where this is lacking it should be introduced so that the issue is visible and clearly being addressed. This should include

awareness raising, cover issues of integrity and clear procedures and guidelines.

4. Leadership on ethical dimension

Not only is there a need for a change in procedures, but also for leadership on the ethical and cultural dimension. A proactive approach needs to be taken by those in leadership positions in the police service, publicly recognising the problems around police perpetrated domestic abuse and pledging to set standards and root out improper behaviour. There has been an overt attempt to do this around sexual harassment and abuse of position for sexual gain, and a similar approach needs to be taken.

5. Data collection and monitoring

Many forces keep records of police perpetrated domestic abuse cases, but outcomes are recorded in inconsistent ways. We propose that standardised monitoring of these cases is essential in order to understand the volume of reports, how the issue is being dealt with in terms of procedures and outcomes, and to monitor any system change.

6. Oversight bodies

Policing oversight bodies do not appear to have done significant work on police perpetrated domestic abuse, which is only briefly touched upon in one HMIC domestic abuse inspection. It should be made a focus for future thematic work and inspections, with a role for the IOPC in individual cases as well as systemic work.

Conclusions

This super-complaint seeks systemic changes to address the fundamental problems inherent in many cases involving police perpetrated domestic abuse. A set of proposals have been put forward throughout this report to address the problems identified both at a procedural and cultural level. The proposals are listed within the conclusions section of the report.

Introduction

Centre for Women's Justice and the Bureau of Investigative Journalism have received numerous reports from women which raise serious concerns about the way policing systems operate where police officers are accused of domestic abuse, and related offences such as rape within a relationship and stalking following the end of a relationship. At the heart of the concerns is a risk of lack of integrity, of officers (both suspects¹ and their colleagues) manipulating the system and acting in bad faith in a variety of ways. Without doubt there are cases that are dealt with properly, but 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.

A distinctive aspect of police perpetrated domestic abuse is that the partners of such men feel doubly powerless. They experience the powerlessness that most domestic abuse victims suffer, often finding themselves in an emotionally vulnerable state, but in addition their abuser is part of the system intended to protect them. As a result, they feel a deep lack of confidence in the criminal justice system. Their unique position justifies special arrangements to ensure that this group of women have greater protections, better outcomes, and that justice is seen to be done.

There needs to be recognition of the potential for lack of integrity in the response to such offences by police officers, so that victim experience and public confidence is improved. The current systems, both national guidance and local force guidance, mostly fail to identify potential difficulties in the processes surrounding such cases². We shall propose several system changes to address the problems identified in this super-complaint.

With this super-complaint we are submitting Annex 1 containing:

- 19 case summaries of individual women's experiences
- 6 accounts from domestic abuse professionals

These examples demonstrate the systemic problems highlighted in the super-complaint. Annex 1 is shared with HMICFRS on a confidential basis, however we include short excerpts in this report to draw together the common themes and to provide illustrations of the women's experiences.

¹ This report uses the terms 'victim' and 'suspect' as these are the terms in use within the criminal justice system, however we recognise that the terms 'survivor' and 'perpetrator' are more commonly used within the women's sector

² With a notable exception in the tri-force guidance of Hertfordshire, Cambridgeshire and Bedfordshire Police, addressed at page 43 below

The 19 cases span 15 police forces across the country, including forces in the south and north, urban and rural forces. The forces are Merseyside, Metropolitan Police, Hampshire, Hertfordshire, Northumbria, Sussex, Gwent, Wiltshire, Cambridgeshire, Devon & Cornwall, Leicestershire, West Midlands, Greater Manchester Police, Surrey, and Police Scotland³. We have been contacted by a further 27 women wishing to share their experiences for this super-complaint but have had to limit the number of case summaries due to limited resources. The domestic abuse professionals come from two organisations working nationally and four providing local services. Two frontline domestic abuse organisations do not wish to be identified to HMICFRS, as they work closely with their local forces. This demonstrates the level of sensitivity around this issue, and the difficulties envisaged by women's services if they are seen to be challenging the police.

None of the women in the case summaries have any knowledge of one another, apart from two pairs of women who both had relationships with the same man, both suffered abuse by these men, and made contact with one another after the relationships had ended. Approximately half of the women are civilians and the other half are themselves police officers, Special Constables or police staff (11 out of 19). As is clear from the full accounts within Annex 1, the women describe the full gamut of abusive behaviour seen in any range of domestic abuse cases: verbal abuse, coercive and controlling behaviour, violent physical abuse of the women themselves and their children, sexual assault and rape within relationships, and harassment and stalking after relationships have ended.

We have identified many common themes in the women's accounts, which are set out in detail below. What stands out as a common feature is the potential for improper manipulation and abuse of systems in the suspect's favour. This appears to reflect a culture of loyalty and protection towards accused officers. Underlying this may be a belief that an officers' career should not suffer as a result of these kinds of reports (only two of the case summaries mention this but it has also been reported to us elsewhere). This defensive approach leaves victims feeling helpless, isolated and in some cases vulnerable to victimisation and arrest. The women's fuller accounts describe the devastating impact upon them, and sometimes upon their careers when they also work for the same police force.

Evidence submitted by local domestic abuse professionals includes reports by two organisations who are aware of officers believed to be perpetrators of domestic abuse who are working in public protection work dealing with vulnerable victims of domestic and sexual abuse. This underlines the importance of having robust systems in place to deal with reports of abuse by police officers. If these are not addressed, such officers' roles may include policing of similar offences. This is wholly inappropriate in terms of the duties owed by the force to future victims.

Finally, this super-complaint relates to both police officers and civilian employees of police forces, and where there is reference generally to police officers this is intended to cover all staff. We note that civilian employees often work closely with

³ Police Scotland is not subject to the super-complaints process, but is included as the case illustrates a pattern with other cases

officers and are very much a part of policing systems. One of our case summaries involves civilian employees and provides a powerful illustration of how a decision to charge with a criminal offence can be subverted through the intervention of senior police officers. When it comes to disciplinary action, we note that civilian employees are not subject to the police Standards of Professional Behaviour, which cover some off-duty conduct. However, civilians can be disciplined for off-duty behaviour where this renders the employee unsuitable for their role, given the nature of their work,⁴ for example if they deal with victims of abuse (such as call handlers) or where this causes reputational damage to the employer.⁵ We note that the Model Policy of the International Association of Chiefs of Police applies to sworn officers and civilian employees equally (see page 32 below).

A note on eligibility of this super-complaint is included at the end of this report.

Section A - Common themes

We now consider eleven common themes which emerge from the accounts of the women we have summarised, many of which are inter-connected. Brief examples are given for each theme as illustrations to provide a flavour of the kinds of experiences described by the women who have contacted us. There are multiple extracts from most of the cases, some with several incidents under the same theme, though not all the available examples have been included. HMICFRS is asked to consider in detail the much fuller accounts in Annex 1. That Annex also contains another version of this report with the extracts numbered to correlate with the case numbering in the Annex, to help link the extracts to the full case summaries.

1. Difficulties in initial reporting

Many of the women, especially the civilians, describe intimidation by their partners to deter them from reporting. Typically, their partners claim that their role as a police officer means that they would be believed and she would be disbelieved, and stress that they would be protected by the system they work in. The women describe how they took these claims seriously, which undermined their confidence even more at a time when they were already vulnerable and living in a controlling environment. A well-known pattern in domestic abuse is the ‘Jekyll and Hyde’ abuser,⁶ who presents a charming image to the outside world, and this adds to the victim’s fear that she will not be believed.

- One woman describes how her partner threatened to get her thrown into prison if she reported him. He would also record her speaking and play act playing the recording to the police

⁴ Eg *Abiaefo v Enfield Community Care NHS Trust* EAT 152/96 and *Pay v Lancashire Probation Service* (2004) ICR 187, principle established in *Singh v London County Bus Services Ltd* [1976] IRLR 176.

⁵ Eg *Leach v Office of Communications* (2012) ICR 1269

⁶ For example, Lundy Bancroft “Why Does He Do That” (2002), Sandra Horley “Power and Control: Why Charming Men Can Make Dangerous Lovers” (2002)

- One woman describes her ex-partner telling her “I’m a police officer, no-one’s going to believe you”
- One woman states that her ex-partner would intimidate her using police jargon, make her doubt herself and say that no one would take her seriously. He threatened that if she reported him this would have dire consequences on his career progression
- One woman reports her ex-partner saying “who’s going to believe you, there are lots of us”. She tried to talk to him about issues and he would record her and say “I’ll use that in court against you”. She felt that he would know how to act in court and make her look stupid. She felt intimidated, that if she reported police officers would say “one of our officers wouldn’t do that” and not believe her because she stayed with him for years
- A woman describes how one of the officers who attended after a call to the police tried to deter her from reporting. After she called the police several officers came to her home. She told them that her partner pulled her to the floor by her neck. An officer told her that because she had poured water on her partner from a bottle during same incident she had also committed an assault

A further common feature which reflects their lack of confidence is that several of the women did not report through formal channels, and were, initially at least, unwilling to support a criminal investigation:

- One woman who was also a police officer confided in a colleague who reported without her knowledge, so she agreed to give a statement
- One woman initially reported informally to two colleagues of her husband. After giving an initial account she felt unable to go through the criminal process
- One woman reported physical abuse and rape only because she believed this would support a report of rape by her ex-partner’s ex-wife, and did not want to pursue a prosecution on her own behalf
- A woman who was also a police officer disclosed to a colleague without intending to report, but the colleague reported anonymously and she was then pressured to give an account and to speak to Professional Standards

2. Failures in investigation

Many of the women report investigative failings of varying degrees. Some describe giving accounts of offending by their partners which are never followed up, including accounts by children, which raise concerns that reports of serious crimes are buried where the victim does not actively pursue policing action. Others involve a failure to obtain evidence in the course of an investigation into an officer, sometimes when the victim has stressed the importance of particular evidence.

- A woman police officer had a relationship with a much older officer, who was physically abusive. After separation he stalked her and she reported the stalking and the previous abuse. She was told that he had been given a verbal harassment warning. After this he continued to email her and leave notes in her locker despite the warning. She reported this to Professional Standards and supplied copies of messages, emails, cards and letters. She heard nothing at the time though later discovered he was given management advice. No criminal process took place. It was only two years later when he was suspended after a second young officer who had been in a relationship with him reported abuse, that the matter was re-opened. Eventually in disciplinary proceedings five years later she discovered that complaints had been made against him by at least six female officers
- A woman describes how the police investigator failed to take a statement from her, failed to contact a witness whose details she supplied, failed to obtain a critical telephone recording until after the case was closed and a DCI required that this be obtained, and failed to interview her ex-husband for over a year about the allegations, until the investigation was re-opened following the involvement of a DCI
- A woman reported fresh harassment by her ex-husband at her new address whilst her original report against her ex-husband was under investigation. She obtained and supplied documentary evidence, consisting of financial documents. This was never investigated and the six-month deadline for a harassment charge passed
- Comments indicating an inappropriate approach to the investigation were made by police investigators to a woman police officer who had reported her ex-husband. She was asked if she would be happy to have her daughter interviewed and have her responsible for her father losing his job. She was also told that the offence “is not like any other report in the office as you are both police officers and both professionals”
- One woman provided police with her phone with secretly recorded conversations between her and the suspect about a rape. Officers returned the phone saying they could not download the recordings. She downloaded them and provided them on a disc, which was not collected for so long that she made a complaint, heard nothing and contacted her MP. She was later told that the CPS had advised there was insufficient evidence. The

Professional Standards Department in a neighbouring force then dealt with the misconduct matter. An officer from that department told her that the original seals had not been opened, and the recordings not listened to

- One woman describes how an officer came to her home to take an account of the woman's report of rape by her ex-partner. Whilst the officer was there the woman's 18-year-old daughter from an earlier relationship disclosed sexual misconduct by the same man towards her when she was 12. No statement was ever taken from the daughter
- A woman contacted the police and described physical abuse and rape by her ex-partner in order to support a report of rape made by her ex-partner's ex-wife. She also described the perpetrator stalking his ex-wife in a police car whilst she was with him in the vehicle when she was working as a Special Constable. No-one got back to take a statement after this initial report
- One woman describes how her young son reported serious physical abuse by her ex-husband upon him in a video-recorded interview with the police and social services. No action was taken against the police officer father and she was not aware of her son's account until several years later when she was finally allowed to view the video in a police station
- A woman reported repeat abusive texts and emails from her husband after separation which were making her feel harassed, intimidated and frightened, as well as repeat breaches of family court orders and undertakings by him, however police failed to take action on this as an offence of harassment
- A woman describes an investigation which went ahead without her support, but police did not contact witnesses she had mentioned, including her line manager who she had told about the abuse and who had encouraged her to do the Freedom Programme
- A woman police officer reports that officers in a specialist sexual offences unit told her "you know how it works, it's your word against his". They also didn't contact witnesses who had seen her with bruises
- A woman reports that officers did not contact potential witnesses she named, but did contact her mental health team to ask about her mental capacity. She also overheard an officer who interviewed her speaking to a colleague about checking for evidence of whether she was intoxicated
- A woman describes how police did not contact a witness who was a neighbour, whose details she passed on, until the witness went in to police station himself
- A woman provided her phone to the investigation and was told that her ex-partner had provided his voluntarily and it was then returned to him. When officers came back to her with queries about items on her phone it became

apparent that some relevant messages had not been downloaded from his phone.

3. Improper manipulation of police processes

A number of women give accounts that strongly suggest dishonest manipulation behind the scenes to protect officers who have been reported for abuse. This includes missing records, which the women can only infer is deliberate.

- A woman who has contacted CWJ was a local authority Community Safety Partnership lead on violence against women and chair of the MARAC. She had overall management responsibility for a team of advocates based with the local police domestic abuse team. Two women contacted the police to report domestic abuse by their ex-partners, and stalking in the case of one of them. Both accused men were Inspectors with the same force. The advocacy team assessed both cases as high risk and made referrals to MARAC. After the first woman reported there was an intervention from the Inspector of the police domestic abuse unit, requesting that the case not be referred to MARAC as the suspect was a police officer and they did not want details to get out to other agencies. After both cases had nevertheless been referred, the Inspector of the domestic abuse unit rang our informant and said that these were sensitive cases and don't need to go to MARAC. When our informant insisted that the cases met the threshold for MARAC the Inspector demanded that she "pull them" and had been told to request this by the Acting Chief Superintendent. The Acting Chief Superintendent herself called our informant a few days later and instructed her to withdraw the cases from MARAC, which our informant refused to do. The Assistant Chief Executive at the local authority then intervened to speak to the Borough Commander, who agreed that the cases should remain in the MARAC process. Even then, during the pre-MARAC preparation the Acting Chief Superintendent requested that there not be any reference at MARAC to the fact that the perpetrators were police officers, though this request was refused
- A woman discovered that her written statement to the police had been given to her husband, who was the suspect. No prosecution took place and the following year she was told that her statement was not filed in police systems and there was no record of it
- A woman made a report of violence and rape but did not feel able to proceed with a prosecution and was assured that her account would be kept on record in case she wished to pursue the matter at a future date. Many years later she was given inconsistent accounts by different public bodies on whether there was any record of her report, the final account being that there was no record of her reporting any incident
- A woman moved from one force area to another. She did not wish to support a criminal investigation by the first force, then a year later asked the second force to investigate ongoing abuse. She provided the second force with a lot of evidence in the form of messages and e-mails, and had conversations with

officers about her interview. She heard nothing for several months and could not get an answer from the second force. She contacted the first force and was told the case was closed by the second force. The second force informed her that the first force closed it. Neither force pursued an investigation

4. Improper responses to complaints / concerns

These types of accounts relate to inappropriate responses to domestic abuse-related reports, reports by women being disregarded, their attempts to raise complaints about the policing responses subverted, and a failure to provide safeguarding or other protections.

- A woman reports how during family court proceedings her ex-partner forced entry to the family home and took a lot of property including property belonging to her and her family. She rang 999 and was told someone would attend. Then the police rang back five minutes later and said they were “aware of the situation” and it was a “civil matter” and there would be no police attendance, she can only presume that they had spoken to him
- A woman made complaints about ongoing financial abuse by her ex-husband, which amounted to an offence of fraud. She complained to the IPCC, who passed it to the local force. She received a call from an officer asking if she would like her soon-to-be ex-husband to come round and discuss the issue with her
- A woman submitted a complaint about inadequate investigation of a report of domestic abuse. She was told the matter would be dealt with as a Victim’s Right of Review, which meant that only the evidence in support of a prosecution would be considered, and not failings by individual officers
- A woman who was a police officer raised concerns with Professional Standards about investigative failures. This only resulted in a call from the senior of the complained-about investigating officer, who made an excuse for his junior. Before this, she spoke to a Chief Inspector who told her that if she was thinking of making a formal complaint she would be “running this crusade on your own”
- A woman who was advised by her Independent Domestic Violence Advocate to report repeat breaches of family court orders and undertakings and harassment to the police was told by officers investigating her report of rape that this created the impression that she was a ‘vengeful wife’ and made her a pest to the police. Another officer who dealt with her report of theft by her husband told her that they should sit down together and sort it out
- A woman reports how after a decision not to charge her ex-partner with any offence she asked for a DV flag to be added on police systems in case she called 999 in future, but this was refused. She also asked for him to be moved to a police station further away from her home, which was also refused

- A woman who was a police officer reported domestic abuse and during her first report was not asked any risk assessment questions, and not offered support or safety planning
- A woman who was a police officer who reported rape and abuse in a relationship did not have a DASH risk assessment carried out
- A woman who was a police officer was stalked by her ex-partner whilst a police investigation was on-going. The only way she could end the stalking was to transfer her job to another part of the force area and to move house

5. Accused officers' personal links with others in the force

Time and again women describe how those involved in a case, including the suspect and officers investigating the abuse allegations, officers dealing with misconduct procedures, witnesses and others know one another through work and socially. Police culture is recognised to include a sense of 'family', with strong loyalty within a police force, where many people have known one another for many years in various roles. At the very least the criss-cross of personal connections undermines the trust of victims, including those who are themselves police officers. It is impossible to determine the existence and effect of informal contacts behind the scenes but the potential to undermine integrity means that personal connections can always taint an investigation. Many accounts also demonstrate how personal matters are not kept confidential and information and rumours spread easily within a force. Even if there is no evidence of contamination or improper conduct, victims describe their lack of trust when the investigation is conducted physically close to the suspect, such as at the same police station.

- A woman describes how she was put off after her first meeting with an officer, when the officer made comments which made it clear that she knew the suspect, referring to him in a familiar way, then insisted she didn't know him. The woman then decided not to make a formal statement after all
- A woman who was a police officer describes how the investigating officer told her he didn't know her ex-partner, then later that year she saw a photograph on social media of the local police football team, which included her ex-partner, the investigating officer and a sergeant she worked with who had made comments to her about the investigation, though he had no involvement in it
- A woman who was a police officer saw a social media post where her ex-partner was tagged in a social photograph with an officer who was working on the criminal investigation into him. She raised concerns with the DI in the case that this officer was socialising with the man she was supposed to be investigating but the officer was not taken off the case
- A woman police officer who was a victim in a criminal case was told by an officer working on the case that she had concerns about lack of confidentiality

because the suspect officer's new partner was working in the same office space as several potential witnesses

- A woman police officer was told by her new partner, also a police officer, that he had heard that the criminal file was passed around between different lawyers at the local CPS due to conflicts arising out of personal connections with police witnesses in the case
- A woman who is a police officer reports that the investigator at Professional Standards dealing with her case was Facebook friends with the suspect and they had worked together in the past. She asked for this investigator to be replaced but this was refused
- A woman reports that she was interviewed at a police station near her home where she felt very uncomfortable because people working in the station knew the suspect, and she believed that the Inspector overseeing the case knew him
- A woman who was a police officer describes how the investigation was moved to another police station away from the station where both she and the suspect had been working. However this new station was close to the suspect's home and he had ex-colleagues and friends there. The Officer in the Case made a comment which made her feel that his sympathies lay with the suspect rather than with her. She had no way of knowing whether her ex-partner had informal discussions with people who are involved in or know about the case. She had requested that an external force investigate but this was refused
- A woman states that she didn't want to go to her local police station where her partner worked as officers all know each other. She was given the option of going to one 15 minutes away. She asked to go to a police station further away, which was refused. The suspect was later interviewed at the further police station, providing him with a degree of confidentiality
- A woman described how two officers came round to see her who were from the same station as her partner. When she asked to have a piece of evidence returned she had to go to that station to get it, which was very stressful
- A woman discovered that colleagues of her husband were asked to provide character references. Some claimed falsely that the suspect had shown them injuries in the past which he blamed on her and had said that she was mentally ill
- A woman who is a police officer reports that the unit dealing with domestic abuse was in same station that her ex-partner worked at. She was asked to attend that unit without knowing that an investigation had been opened. She was told that she must come to the station, and not offered the option of being seen at home

- A woman who reported an ex-partner who was a senior officer was herself dismissed from the force for a data breach, though there was no finding of dishonesty against her. One of the members of the disciplinary panel was a Superintendent who was a friend of her ex-partner and had worked with him for many years

6. Accused officers using their police knowledge, status and powers

A number of women describe problems arising from their ex-partners using their powers as a police officer to abuse or manipulate them. Two of these women were themselves police officers or Special Constables and so were familiar with policing work. Access to information and resources places police abusers in a unique position. An officer's role can also be used to influence other bodies, such as social services and the courts, relying on the fact that an officer's word will be treated as credible and as carrying more weight than the word of a civilian victim.

- A woman who is a police officer describes how she was stalked by her ex-partner after the end of the relationship. She moved house to escape but knows that he has access to numerous official records such as DVLA, credit card and local authority records that he could use to trace her
- A woman describes how after separating from her husband she began dating another man who suddenly found himself being stopped by police officers frequently whilst driving locally. Whilst dating a different man they were also stopped and he was breathalysed and questioned about where they had been, and then they were followed by the police vehicle. Both men had never been stopped by the police before
- A woman was stalked by her ex-husband who would drive past her house in police vehicles. A Special Constable who was with him in the car and also had a relationship with him reported that he did this deliberately
- A woman describes how her ex-husband reported her to social services for being an unfit mother. She denied this but they believed him over her and the child was placed on an at risk register
- A woman reports her ex-partner sending repeat emails to her personal and work emails despite requests to send them to her solicitor. He threatened her through family members that he would get full custody of children because he was a police officer and could prove she was struggling with mental health. He was aware of information about her Community Psychiatric Nurse which caused her to think he may have accessed her medical records

7. Improper decisions on criminal charges

A central concern for this super-complaint is that police abusers are being protected and not brought to justice as a result of their position as officers. Clearly it is not possible for the Centre for Women's Justice, when preparing this super-complaint, to assess the application of the Full Code Test to the cases within Annex 1, without having access to all the evidence in each case. The accounts in this report are purely anecdotal. However, there are several accounts which strongly suggest that charging decisions were dealt with improperly and/or subject to pressure to subvert the criminal process. Furthermore, it is important to see the bigger picture across the various common themes, because a range of indications of bad faith in many different contexts suggests that there may also be improper approaches to charging decisions behind the scenes. Not only should police officers face the same justice systems as other citizens, but domestic abuse offences by them are even more serious, in light of their role in upholding the law.

Many cases are closed by the police without referral to the CPS. Where cases are referred and the CPS decide to take no further action against the suspect, the way in which the investigation was conducted may affect the amount of evidence collected, the quality of the evidence available and how it is presented to the CPS, and impact on the ultimate decision.

Domestic abuse and sexual offences also rely to a great extent on an assessment of the credibility of the parties, making these offences particularly susceptible to bias against the victim where the accused is a police officer. Similarly, there is a concern that improper behaviour by an officer, such as breaches of family court orders, is disregarded when it comes to assessing the suspect's credibility.

- A woman who was a civilian police employee reported her ex-partner, also a civilian staff member. Whilst the case was with CPS she was informed by the Officer in the Case (OIC) that he would be charged. However, within a day or two she was told in a meeting with the OIC and her line manager that a senior officer had made the decision not to go ahead with the charge and wanted further investigation, due to the potential for bringing the force into disrepute. She was later told by a Deputy Chief Constable that this had been his decision. Three months later she was told that charges would not be brought. When she raised the original decision to charge she was told that an email had been sent in error
- One woman reported her partner and after an investigation was told that the CPS had advised there was insufficient evidence to charge. The Professional Standards Department in a neighbouring force then dealt with the misconduct matter. The neighbouring force re-opened the criminal case and told that her that in fact the CPS had not made a charging decision, they had given a positive indication and provided a list of further lines of enquiry and then the original police force had closed the case with No Further Action

- A woman reported her ex-husband for a false anonymous report of child neglect against her and lying in both documents and evidence in the family court about the anonymous report. An initial police investigation did not consider either a malicious communications offence or a perjury offence, but only considered harassment, and the investigation was closed with no charges brought. The reviewing DI later stated that this decision was made by him on the basis of only a verbal discussion with the investigating officer about a charge of harassment, and he was unaware of documents relating to the other charges. A re-opened investigation concluded with a decision to take no further action on perjury without any decision on malicious communications
- A woman reported coercive control and financial abuse, however her ex-husband was not charged despite bank documents showing clearly what had happened
- A woman reported numerous assaults, coercive and controlling behaviour and rape. At a fact-finding hearing in the family court the judge found that her ex-husband had assaulted her on numerous occasions and it emerged that he had lied and breached court orders made by the family court. The criminal case had been closed and despite clear evidence emerging in the family court the police failed to review the criminal case
- A woman who reported rapes by her husband was told by police that the likelihood of a charge was remote due to time lapse, although she had done an ABE interview three months after the events and her family solicitor and a family member confirmed receiving near contemporaneous accounts. The case was NFA'd by police without referral to CPS. She had also previously reported harassment by him in texts and emails and numerous breaches of family court orders and undertakings

8. Incorrect approach to misconduct investigations and decisions

Following a decision on criminal charges, the evidence in every domestic abuse case should be considered by the force Professional Standards Department, in order to assess whether there is a case to answer for misconduct.

Misconduct is a breach of the police Standards of Professional Behaviour, one of which is "Conduct – I will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine public confidence in policing". Therefore off-duty behaviour which discredits the police force or undermines public confidence should be considered as potential misconduct. However, in many of our case summaries women report that they heard nothing about any misconduct issue after a criminal case was closed, suggesting that disciplinary issues were not considered, or that they were not treated as a person entitled to information on the misconduct issue. One female officer was told by the Professional Standards Department that they had no duty to inform her of the outcome of a disciplinary matter because she did not have the status of a complainant. In other cases, women

were told that internal disciplinary matters would be considered but then heard nothing more.

In some cases women were told that in relation to 'internal' (ie disciplinary) matters, the issue would be dealt with informally though the officer being 'spoken to', or the officer received management advice, despite the allegations being very serious, suggesting that the matter was being brushed under the carpet.

In several other cases misconduct issues were given detailed consideration, but outcomes indicate a reluctance to bring disciplinary charges. We are particularly concerned about the conclusion that because conduct took place in an officer's private life there is no potential for misconduct, which is the reasoning in two decisions. In one of these the Professional Standards Department accepted that the allegations were true but stated that whilst the officer had discredited himself, he not discredited the police service. In a third case, misconduct decisions were said to require a higher standard than the civil standard, almost akin to the criminal standard. This is despite the fact that the Home Office guidance on police officer misconduct procedures states that the civil standard is a single unvarying standard without a sliding scale. It does state that the more serious the allegation the more persuasive the evidence should be. However, that must apply to the way the evidence is assessed when it is heard by a Tribunal, and should not affect the decision on whether misconduct charges are to be brought, when on the face of it the civil standard is met.

- A woman describes that her ex-husband was charged with rape and a trial date was set in the Crown Court, but the case was dropped by the CPS. After this she never heard anything about any misconduct investigation
- A woman states that she reported rape, but did not want to support a prosecution. She was told that the force would deal with it internally and superiors would have a "quiet word" with him. She was not told anything about a misconduct investigation or decision
- A woman reported her ex-husband for a false anonymous report of child neglect against her and lying in both documents and evidence in the family court about the anonymous report. The DI dealing with the criminal investigation acknowledged that there were honesty and integrity issues however after an inadequate criminal investigation was closed there was no misconduct investigation
- A woman describes how there was a decision not to bring charges for domestic abuse, but she was never told about any misconduct matter
- A woman whose ex-husband was not charged with fraud following her report of financial abuse was told the matter would be looked at internally but never heard anything more
- A woman reports that her ex-partner hit their young son during supervised child contact. Statements were taken by the police but after a criminal

investigation was closed she never heard anything about any misconduct matter

- A female police officer reported domestic abuse by her ex-partner but no charges were brought. Following the end of the criminal case the force Professional Standards Department considered misconduct issues. When she contacted them she was told that their investigation had ended but they had no duty to inform her of the outcome because she did not have the status of complainant
- A woman reports how her ex-partner breached bail conditions by leaving numerous voicemail messages. No-one came to collect the messages for over two weeks. She was told that breach of bail is not a disciplinary issue, although they had recordings. Nothing was said regarding misconduct issues about an assault involving pressure to her neck
- A woman whose husband was a senior officer reported harassment and multiple breaches of family court orders and undertakings by him after their separation. She never heard anything about any misconduct matter
- A woman was told by a Professional Standards Department that her allegations of physical assault, coercive control and rape could not be looked at as they would only consider whether her ex-husband had brought the whole police service into disrepute. The clear implication was that allegations such as hers could not amount to discreditable conduct
- A woman made a series of complaints which were considered by the Professional Standards Department. They found that there was a strong argument that her ex-husband had deliberately breached a civil court order in order to provoke a reaction from her, which he then reported to police as harassment without disclosing his breach of the order. She was arrested as a result. Professional Standards said that with his knowledge of police procedure he should have known that disclosure to police of his breach of the order might undermine him, that she was likely to be arrested and that her arrest would assist him in the legal dispute in the civil court. They also found that his sworn statement in the civil court was “factually incorrect”. However, they decided that all this behaviour might reflect poorly on him personally, but his actions were carried out in his capacity as a private individual in his own time and not on duty. Their conclusion was that these actions might discredit him, but they do not discredit the police service as a whole or undermine public confidence in policing and therefore they are not a police misconduct matter
- A woman reports that her ex-husband gave false information to a civil court as evidence in a legal dispute between them. He made an application for a non-molestation order against her which he supported with a false allegation that he had been burgled and she was seen outside on CCTV. She had never been contacted by the police about this allegation. Professional Standards found that he had reported the CCTV to two officers but their reasons for why

they had not progressed this were considered by Professional Standards to be “unconvincing”. Nevertheless, no disciplinary steps were taken against him

- A woman describes how the Professional Standards Department of an external force investigated her allegations, misconduct charges were brought and a hearing date arranged. She was told before the hearing that the file had gone to the police legal department who had then decided not to proceed as the threshold was not met. She was not told if this was a decision of the home force or the external force, but it was most likely to be the home force as that is the force responsible for bringing disciplinary charges
- A woman received the outcome of a misconduct matter finding that there was no case to answer. She was told that in relation to a complaint of stalking it was relevant that there was no criminal charge, and in relation to a complaint of rape a significantly higher standard than the civil standard was required. It was also said to be a factor that the alleged conduct arose entirely in a private relationship

9. Abused women arrested

Several women recounted how they themselves had been arrested in circumstances where the police response appears unusually over-zealous, or it appears that an ex-partner has been able to secure the co-operation of other officers.

- A woman was being prosecuted and was on bail with conditions not to contact her ex-partner. Whilst she was on holiday abroad police officers repeatedly visited her parents’ home, where the children were staying, for “welfare visits”. She sent her ex-partner a text asking him to stop these visits. Back home she was arrested at 5.30am for breach of bail conditions for sending this text. This was a day before her trial and she was held overnight in a police station
- A woman who had reported her ex-partner to the police rang to find out what was happening with an investigation which appeared to have been stalled for several months. 20 minutes later she received an e-mail serving a harassment notice not to contact ex-partner. The next day she received another email accusing her of breaching the harassment notice and asking to attend for interview or she would be arrested. This was sent by an officer working at a police station where her ex-partner worked. A few days later she received an email cancelling the interview. When she enquired she was told there had been a mistake
- Over a year after separating a woman called her ex-partner’s new partner to give her some information. She made it clear that she was not trying to contact him. Three months after this she was asked to attend a police interview as a suspect about harassment, arising from this call. Over a year and a half after the call the criminal investigation is still ongoing. The force where her ex-partner works told her local force that a warrant had been obtained for her arrest but did not provide a copy of the warrant. She had agreed to be interviewed voluntarily at all times

- A woman was arrested more than eight times over three years due to allegations made by her partner, and on many occasions released without charge. During a child contact dispute police officers came to the place where she lived with her partner and allowed him to leave with their six-month-old daughter. Two days later a non-molestation order was served on her at 6am which he obtained by falsely claiming she had been violent towards him. She sent him a text message begging him to let her see the baby and a few days later was arrested at 7am for breach of the non-molestation order and cautioned. The following month she was charged with assault. She pleaded not guilty and the case depended on his word against hers. He gave evidence that he was a police officer and could not lie or he would lose his job, and the Magistrates convicted her. She did not have the mental strength to appeal.
- A woman was at a friend's house with her daughter after a party and had been drinking. Her husband ordered her to bring the child home and when she arrived back police officers were waiting, breathalysed her and arrested her. He took the daughter and did not let her see the child for several months until forced to by a court order

10. Employment difficulties for women who are police officers

In many cases the victim is herself a police officer, though frequently of a lower rank than the accused male officer. Several women report their own employment situation being adversely affected by the way in which the report was dealt with. A lack of confidentiality and the lack of a strict separation between her working role and her role as a victim of crime is also a recurring theme.

- A woman reports that during the police investigation her line of communication with the investigation team was through an Inspector who was her direct line manager. This was very stressful as every time she was called to a meeting she didn't know what it would be about. Her objections were ignored
- Another woman also received updates from her own sergeant, in highly personal matters
- A woman describes how her ex-partner was moved back to work on the same site as her after the investigation was finished. Her objections were ignored, arrangements to prevent contact between them did not work and she ended up on long-term sick leave
- A woman confided in a colleague about abuse she was suffering, who reported to the force without her knowledge but also told all of their team about physical violence and rape

- A woman reported her partner during her maternity leave. Two days before her return from to work no arrangements had been made to avoid her working in the same building as him. She had no choice but to take sick leave for some time whilst the situation was reviewed, whilst he remained in his role
- A woman received updates on the case sent to her work emails, including whilst she was on sick leave so could not access them. She had to open personal and distressing emails at work in front of colleagues. She also received information in about the case in police jargon and was expected to know how an ABE interview worked
- A female officer found that after the criminal investigation was closed the case could be accessed by other officers. Any officer assigning work to her or adding her as a witness to a case she was working on would see details of her as victim of rape
- A woman describes how arrangements for her to collect her property from her ex-partner's home address had to be made through his Sergeant and she had to collect some personal property from a desk in her own police station
- A woman describes how those who worked with her closely all knew about her report of abuse, whilst her senior officer told her not to tell anyone. Officers who did not know would send her to a police station where her ex-partner worked and she had to find excuses to avoid this. Her senior officer suggested she transfer her job elsewhere

11. Workplace victimisation of female police officers

In some cases where the women are police officers, the impact of reporting an ex-partner has gone beyond inadequate arrangements, to open hostility from other officers, bullying and victimisation.

- A woman disclosed abuse and rape and gave the names of a large number of officers and some civilians who could support her allegations. She became the subject of rumour and gossip and accused of being a liar by other officers both verbally and on social media. She reported social media posts to Professional Standards but no action was taken. She felt ostracised
- A woman describes how, after her initial report of abuse friends at work began to distance themselves from her. After she returned from sick leave bullying began: a wooden cross marked "in remembrance" was left in her tray, comments were made implying she was mad, three male officers drove with her to a forest in the early hours, suggested a cigarette break then drove away leaving her alone for 30-45 minutes. She was sexually harassed by another officer but when she told him to stop, her senior reprimanded her for upsetting him. The investigator who had dealt with the investigation into her ex-partner frequently checked up on cases she working on, and she became terrified of making any mistakes at work

- A woman describes how, after ending her relationship with a senior officer and reporting him for abuse and stalking, she applied to the firearms department after being encouraged to do so, but was refused at the initial stage. She later found out from his subsequent partner that he boasted that he had blocked her application by speaking to friends and colleagues. He also told others that she was mad and she felt other officers did not want to work with her
- A woman describes how she reported an ex-partner who was a senior officer for assault and rape. She provided her phone to the investigation and she was arrested at home in the early hours, had her home searched and electronic devices taken. She was then interviewed about the fact that in a Whatsapp group with friends she had shared confidential information about an individual that she was aware of through her policing role. She was suspended from work and faced gross misconduct charges before a disciplinary hearing. She was found guilty of a data breach, and although there was no finding of dishonesty she was dismissed from the force. She had had no prior complaints against her and her barrister had advised she would receive a warning at most. Her ex-partner was not arrested and not interviewed about the assault and rape allegations for a year, in contrast to her speedy arrest in the early hours
- A female police officer reports that she was subjected to a sexual assault by a higher ranking officer. She confided in a colleague who reported this without her knowledge. She initially declined to make a formal report, but was pressured to do so. She was informed months later that no further action was being taken against her assailant. She was accused of perverting the course of justice by making a false allegation. She has been placed on restricted duties and moved to a different police station. She was interviewed under caution by the same officers who had interviewed her as a victim in the previous investigation. While no criminal charges are being brought against her, she remains under threat of misconduct proceedings

Section B – other evidence in support of super-complaint

1. Data obtained through Freedom of Information Act (FOI)

The Bureau of Investigative Journalism has made FOI requests to all police forces in England and Wales about the number of domestic abuse related (DA-related) incidents and offences reported where the accused is a police officer, PSCO or civilian staff, and the outcomes of those reports. Annex 2 contains the numbers of such cases by force for those forces who responded: Table 1 shows the total number of responses, Table 2 the number of responses where criminal outcomes were given, and Table 3 the number of responses where misconduct outcomes were given.

Only limited information was sought on outcomes and some of the responses were unclear, so that only provisional conclusions are discussed here. However HMICFRS is invited to seek data directly from forces and will be in a better position to obtain relevant categories of data and analyse responses.

In relation to criminal investigations, the FOI requests did not seek figures for the number of officers charged, but only figures for convictions. We consider that the charge rate would be an important comparator with domestic abuse reports for the general population and should be considered by HMICFRS. The FOI data shows total convictions for all incidents and offences for 493 criminal reports was 19, a rate of 3.9%. There was wide disparity between forces, for example Greater Manchester Police had one conviction out of 79 reports (1.3%) whilst the Metropolitan Police had 12 convictions out of 246 reports (4.9%). By comparison conviction rates for the general population using figures from the Office of National Statistics for all DA-related incidents and offences are 6.2%⁷. This provides a conviction rate for police perpetrated domestic abuse which is two-thirds of that for the general population.

We note that in other contexts outcomes are often reported for DA-related “offences” without including DA-related “incidents”, which may be a more meaningful approach (for example those reported in HMICFRS domestic abuse progress reports, eg the 2019 report has a charge rate of 18.6% for 2017 and 23.2% for 2016 for DA-related offences). We would invite HMICFRS to investigate the charge and conviction rates for offences, rather than incidents, for reports of police perpetrated domestic abuse, to gain a more useful basis for comparison with the general population.

In relation to misconduct investigations the outcomes reported in the FOI data are as follows:

Total cases	624
Total referred to IOPC	47 (7.5% of 624)
Total concluded cases	518
Total no case to answer or no further action	395 (76.3% of 518)
Total resigned or retired before conclusion	26 (5% of 518)
Total management advice / management action	48 (9.2% of 518)
Total warnings and reprimands	16 (3% of 518)
Total dismissed	24 (4.6%)
Miscellaneous	9

⁷<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseine nglandandwalesappendixtables>

Reviewing these figures we can see that over three-quarters resulted in no case to answer or no further action. Only 7.6% of cases resulted in what most people would consider a sanction: a warning, reprimand or dismissal. A further 9.2% were dealt with as a management matter. These outcomes give cause for concern. We also note that only a very small proportion of cases (7.5%) were referred to the IOPC, of which most will probably have been returned to be dealt with at local force level, suggesting there is little oversight.

It would be important to establish what proportion of cases were finalised as “no case to answer” meaning that no misconduct investigation took place, and what proportion as “no further action”, meaning that there was a misconduct procedure which concluded in favour of the accused. It has been difficult to differentiate these two outcomes from the replies to the FOI requests, as the wording in the replies varied widely, with the following terms used: “no action”, “no further action” “no case to answer” (NCA), “NCA – no action (not guilty)”, “NCA after meeting”, “NCA management action”, “NCA management action – advice”, “management advice”, “management action”, “guilty and management action”. We would welcome an analysis by HMICFRS of the proportion of cases that are concluded as “no case to answer” and the reasons, including whether explicitly or by implication the NCA decision is based on the fact that the conduct relates to the personal life of the accused.

2. International context

a. Materials across the English-speaking world

An extensive academic literature and other materials from the US, Canada, New Zealand and Australia demonstrate that the issues identified in this super-complaint have been identified as a concerning feature of policing in other English-speaking countries. Annex 3 contains an indexed collection of academic journal articles on the topic of police perpetrated domestic abuse between 2006 and 2018, which is by no means exhaustive.

In addition, the following merit further exploration and illustrate the attention given to addressing the issue:

- i. In Canada in six provinces civilian-led criminal investigative agencies conduct investigations into all reports of police perpetrated domestic abuse and sexual assault. Each province has a different model and further enquiries are necessary to explore how these operate. The civilian-led agencies are independent of any police departments. In three provinces there are no civilian-led agencies and such cases are investigated by a police agency within the same province that the suspect has no association with, for example there are both Royal Canadian Mounted Police Detachments and municipal detachments within the same province which will investigate each other's officers. In one province, British Columbia, a civilian-led agency

investigates cases involving serious harm or death and all other cases are dealt with by another police agency;⁸

- ii. The New Zealand Family Violence Clearing House, run in conjunction with Auckland University, has a web page on resources for addressing police perpetrated domestic violence;⁹
- iii. The journalist Alex Roslin has published a book *Police Wife: The Secret Epidemic of Police Domestic Violence* and produces a blog summarising statistics on the topic;¹⁰
- iv. A project by the Law Enforcement Families Partnership at the Institute for Family Violence Studies within Florida State University's College of Social Work has produced a National Prevention Toolkit – Officer-Involved Domestic Violence training;¹¹
- v. A report from Australia by academics from University of Queensland and Maryland raises some of the same concerns as this super-complaint;¹²
- vi. A New Zealand press report from February 2020¹³ describes a specialist police project intended to address the problem of increasing “family harm” identified internally by the police, which was shelved following the Christchurch attacks. The project was due to include training, counselling, support lines, welfare grants and a “clear family harm policy”.

b. Research on the extent and causes of police perpetrated domestic abuse

Academic literature on the topic has primarily come from the US. A 2015 study¹⁴ analysed data from research in the 1990s, which found that domestic abuse was experienced in 20-40% of police officer families, and later research which found lower levels. It concluded that although the data is flawed to some extent, nonetheless there is reason to believe that intimate partner abuse by police officers was higher than in the general population. A review of previous literature in 2018¹⁵ also considers some of the same research. The National Centre for Women and Policing in the US (established by a former Chief of Police) refers to

⁸ Correspondence with Chief Civilian Director, Independent Investigations Office of British Columbia <https://iiobc.ca>

⁹ <https://nzfvc.org.nz/news/resources-addressing-police-perpetrated-domestic-violence>

¹⁰ <https://policedomesticviolence.blogspot.com/2018/02/police-wife-book-officer-involved-domestic-violence-statistics-data.html>

¹¹ <https://nationaltoolkit.csw.fsu.edu>

¹² <https://theconversation.com/police-perpetrators-of-domestic-violence-what-do-we-know-and-what-can-be-done-49441>

¹³ <https://www.stuff.co.nz/national/119466028/domestic-violence-in-police-rising-reports-of-abuse-by-officers>. Stuff is one of New Zealand's main online news services, which publishes a number of its city daily newspapers.

¹⁴ Goodmark (2015)

¹⁵ Russel and Pappas (2018)

studies which have found that 40% of police officer families experience domestic violence as opposed to 10% of the general population.¹⁶

Academic research has examined the potential link between the police officer role and higher than average levels of domestic violence. Another 2018 study¹⁷ on police perpetrated domestic abuse found that a personality displaying a “*desire to be in control*” was positively correlated in predicting such violence. The 2015 article¹⁸ identified a “*highly masculinized world of policing*” with a culture that both tolerates and encourages the kinds of attitudes that underpin domestic abuse. The author regards masculinity as not biologically determined, but socially constructed. She cites various studies which have found that “*in an attempt to preserve their authority, police officers are quick to punish what they perceive as disrespect, seeing challenges to their authority as assaults on their masculinity.*” She also cites studies which report that “*Policing tends to attract individuals with authoritarian personalities. Among the characteristics of an authoritarian personality are narrow-mindedness, violence, suspicion, and an unwillingness to tolerate the failure to submit.*” These quotes provide a short illustration of the kinds of links that have been identified.

c. Reports about barriers faced by victims

The report from Australia¹⁹ raises some of the same concerns as this super-complaint, stating that data is difficult to unearth but that the problem of police perpetrated domestic abuse is likely to be under-reported, and that partners of police officers are likely to be especially vulnerable and feel that they have nowhere to turn. It notes that victims may decide not to report because they fear that officers will side with the abuser and not investigate the matter properly. It reports that police unions protect officers from sanctions and that officers who commit domestic violence may continue to answer calls from domestic violence victims.

The Australian article also refers to US research from 2013²⁰ that officers who abuse their partners are also more likely to receive complaints of excessive force from the public. The 2013 research also identifies under-charging of officers for domestic violence offences and failure to dismiss convicted officers.

The 2015 article²¹ identifies a range of hurdles preventing victims from obtaining justice through the criminal justice system, including the “*blue wall of silence*” based on camaraderie between officers, the fact that police officers are more likely to be believed than civilians, and “*a legal system that is hostile and foreign to her, but is [the abuser’s] daily work environment. He knows the system and [it overflows with] his acquaintances and co-workers.*”

¹⁶ <http://www.womenandpolicing.org/violenceFS.asp>

¹⁷ Zavala and Melander (2018)

¹⁸ See footnote 14

¹⁹ See footnote 12

²⁰ Stinson and Liederback (2013)

²¹ See footnote 14

Work done by a practitioner in this field, rather than an academic, also strongly echoes the accounts in this super-complaint. Diane Wetendorf, an advocate, trainer and consultant in the US who pioneered work on police perpetrated domestic abuse has written extensively on the subject. For example, her article “Abusive Police Officers: Working the System”²² identifies that the usual legal remedies and strategies against domestic abuse “*often prove sorely inadequate*” and are “*not consistently enforced*” when the accused is a police officer. She draws attention to the fact that policing culture fosters a strong bond of reliance between officers in their sometimes dangerous roles, and that this fosters a “*code of silence*” preserving solidarity against criticism. Officers can often rely on this silence from others in the force when accused of domestic abuse, even when others do not condone the behaviour. Ms Wetendorf recommends warning victims that she “*may encounter strong resistance from the system when she accuses an officer of a crime that could cost him his career*”. She warns support workers that in such cases “*the abuser knows how things work, has personal and professional connections and access to information*” which can make their role difficult. All of these observations chime with the case summaries obtained for this super-complaint.

Diane Wetendorf has drawn up a “power and control wheel” (a common tool in domestic abuse work) adapted for police perpetrated domestic violence²³. Some of the elements in this wheel are present in the case summaries supplied for this super-complaint: knowledge of law and court system, her word against his as a police officer, police training increases intimidating presence, police officers who are victims are ostracized and no longer trusted.

d. The IACP Model Policy

The International Association of Chiefs of Police (IACP), based in the US, has drawn up a Model Policy on Domestic Violence by Police Officers²⁴ and a related Concepts and Issues paper.²⁵

The Model Policy contains a range of explicit core assumptions which should underpin a robust approach to dealing with police perpetrated domestic abuse:

- Section II Policy
“This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety. It delineates a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.”

²² http://www.abuseofpower.info/Wetendorf_Working2015.pdf

²³ <http://www.ncdsv.org/images/Police-perpetrateddomviolNOSHADING.pdf>

²⁴ <https://www.theiacp.org/sites/default/files/all/d-e/DomesticViolencebyPolicePolicy.pdf>

²⁵ Copy included in Annex 3

- Section II and IVB6.d.
Civil orders made against officers in the context of domestic abuse should give rise immediately to consideration by the force of assignment of duties or continued employment. Officers who become subject to a civil order must inform their supervisors immediately.
- Section IVA Prevention and training:
“The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of the policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer's career.”
- Section IVB1.b.
Hiring policies will involve asking officers not only about convictions for domestic abuse, but also whether they have been investigated, arrested, been subject to diversion programmes or civil orders.
- Section IVB6.b. relates to other officers who protect abusive officers:
“Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:
 1. *Failure to report knowledge of abuse or violence involving a fellow officer*
 2. *Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim)*
 3. *Interference with cases involving themselves or fellow officers*
 4. *Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting)”*
- Section IVE1. and 2.
The Model Policy provides for the option of an outside law enforcement agency to carry out either or both of the criminal investigation and the administrative investigation. The Concepts and Issues paper describes this as an option *“to avoid the appearance of a conflict of interest”*.

There is limited space within this super-complaint to explore the work that has been done on the issue internationally. Whilst these materials provide only a snapshot of how the issue has been addressed in other countries, it demonstrates that we are tackling a recognised and inherent difficulty in policing, for which enduring solutions need to be found.

3. Legal duties

A number of legal duties and standards are engaged by the issues in this super-complaint.

Most domestic abuse cases involve rights under Article 3 (freedom from inhuman or degrading treatment) and/or Article 8 (right to respect for private and family life) of the European Convention on Human Rights (ECHR). Three distinct rights arise under the ECHR:

- a. An investigative duty on the police to carry out an adequate and effective criminal investigation where Articles 3 and 8 are engaged²⁶.
- b. An operational duty to protect an identified person where the police knew or ought to have known of a real and immediate risk faced by that person and failed to take reasonable steps to protect, following which further harm occurred which meets the threshold under Article 3 and/or 8.²⁷
- c. A duty on the state to carry out an independent investigation into state failings²⁸, which requires those conducting it to be institutionally independent from those implicated in the events under investigation.²⁹

In addition, if events which engage rights under Articles 3 and 8 are handled in a way that is discriminatory due to the victim's sex, there will be a breach of Article 14 ECHR.

Discrimination in the service provided by the police to victims of crime is also prohibited under section 29 of the Equality Act 2010. This can include indirect discrimination where a certain practice puts women at a disadvantage, as the majority of those reporting domestic abuse by police officers are women.

There may also be indirect sex discrimination if behaviour relating to domestic abuse is treated as a private matter for misconduct decisions. For example, if a view was taken that an off-duty officer assaulting someone publicly in a pub discredits the police service as a whole, but an off-duty officer assaulting his partner at home only discredits himself and not the police service. This would again be discriminatory because the overwhelming majority of victims of domestic abuse are women.

The Istanbul Convention³⁰, signed by the UK in 2012, also requires effective action against domestic abuse. Article 1a sets out the purposes of the Convention: to “*protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence*”. Article 5 makes clear that this

²⁶ *Commissioner of Police for the Metropolis v DSD* [2018] UKSC 11, *MC v Bulgaria* (1998)

²⁷ *Osman v UK* (1998), *R (Waxman) v CPS* [2012] EWHC 133 (Admin)

²⁸ *R v Secretary of State for Home Department ex parte Amin* [2003] UKHL 51

²⁹ See for example *Ramsahai v Netherlands* (2007)

³⁰ Council of Europe Convention on preventing and combating violence against women and domestic violence

includes duties on “*State authorities, officials, agents, institutions and other actors acting on behalf of the State act in conformity with this obligation*” and also to exercise due diligence to investigate and punish acts of violence by non-state agents, ie individuals acting in a private capacity.

4. “Locker room culture”

We are concerned that the types of conduct discussed in this super-complaint arise from a wider culture within the police service that condones and trivialises violence against women, an ‘institutionalised sexism’. The police service is a traditionally male environment, where female officers remain in the minority, and also has a strong tradition of solidarity and loyalty between officers. Whilst no doubt there are cases that are dealt with robustly, this setting creates the potential for the seriousness of abuse to be downplayed and primary loyalty given to the male insider. The issues raised in this super-complaint should therefore be looked at in the context of other concerns about a sexist or “locker-room” culture within the police service, and we provide a range of examples

Research conducted on behalf of UNISON by academics at the London School of Economics found very high levels of sexual harassment reported by civilian police employees.³¹ 1,776 UNISON members took part, two-thirds of them women, working at forces across England, Wales and Scotland. Their experiences included witnessing the following: 78% reported risqué joking, 74% gossiping about another’s private life, 49% repeatedly telling dirty jokes, 33% intrusive questions about private life, 21% inappropriate leering or staring, 18% sexual gestures, 8% hints that sexual favours may lead to preferential treatment, 4% reported being pressurised into having sex. 70% of civilian police employees who work alongside police officers reported witnessing sexual harassment, compared to 50% who did not. The research also found that the more serious the behaviour, the less likely were police employees to challenge it. The study refers to other research which suggests that where there are more men in the workforce, an environment of sexualised joking and boasting can be created.

Another issue highlighted as an area of concern is abuse of power by police officers for sexual gain: for example officers developing intimate sexual relationship with vulnerable women they have met in the course of their policing duties such as victims and witnesses. We note that HMICFRS has regularly inspected how forces respond to this, identifying the steps that forces should take to address this issue robustly.³² Whilst clearly only a very small proportion of officers engage in such behaviour, the scale of the problem is significant. The IOPC received 415 referrals from police forces in the three years up to March 2019 and almost a quarter of all referrals to the IOPC anti-corruption unit during that period relate to sexual abuse of a vulnerable person. Nearly all forces have reported such cases, and whilst they are difficult to uncover, reporting is increasing.

³¹ <https://www.unison.org.uk/content/uploads/2018/08/UNISON-LSE-report-Time-to-stamp-out-sexual-harassment-in-the-police-1.pdf>

³² Most recently PEEL Spotlight Report Shining a Light on Betrayal September 2019

The Independent newspaper published data in 2019³³ obtained under the Freedom of Information Act showing that over the previous six years 562 officers in the Metropolitan Police were accused of sexual assault, of whom only 43 had formal or informal action taken against them, and the vast majority, 420, faced no sanction.³⁴ 313 victims were members of the public and 249 were themselves police officers. There were three times as many sexual misconduct complaints in 2017 as in 2012, reflecting a general rise in reporting of such offences.

We are also aware of the scandal involving many undercover police officers having deceitful sexual relationships with women in the political communities that they were spying on. Our Director, Harriet Wistrich, acted in a civil claim brought by some of the victims which resulted in a very fulsome apology by the Assistant Commissioner of the Metropolitan Police³⁵ who acknowledged such relationships were “*deceitful, abusive, manipulative and wrong*”. This conduct is now one of the key subjects of the Undercover Policing Inquiry³⁶ and it has so far been revealed that in excess of 20 women were subject to this abusive behaviour by an elite and secretive unit within Special Branch. Those affected have described such conduct as a form of ‘institutionalised sexism’ because so many officers conducted such relationships, making it clear that this must have been part of police culture at the time.

Section C - Proposals for systemic change

1. Procedural changes proposed by CWJ

The evidence outlined above identifies a fundamental problem which is likely to arise in a significant proportion of cases where women report police perpetrated domestic abuse and sexual offences. It is for the HMICFRS, IOPC and College of Policing to identify solutions to the problems described in this super-complaint and to ensure that the state meets its legal obligations. However, we set out several system changes below that we believe could address and ameliorate the problems identified.

a. Bespoke reporting channel

The hurdles faced by women who are the partners of police officers are unique. They are intimately connected to those they are reporting. They have often been bullied by partners who stressed that their word will be believed over those of the victim, and women in this position fear the response they will receive from the officers they report to. This is clearly illustrated in our case summaries. We propose a separate bespoke reporting route for such women which is more likely to secure the confidence of victims at the earliest stage, engage them positively

³³ <https://www.independent.co.uk/news/uk/crime/sexual-assault-harassment-metropolitan-police-metoo-london-a8845811.html>

³⁴ The remainder of the cases were still ongoing or officers resigned or retired

³⁵ https://www.youtube.com/watch?v=Lcu5lGbShxE&feature=emb_title

³⁶ <https://www.ucpi.org.uk>

in the process and enable them to raise concerns or queries to someone independent of the force concerned.

We consider that the most appropriate starting point for women seeking to report would be the Independent Office of Police Conduct. This body is perceived as being outside of the police service and more approachable as an initial point of contact. There will be a greater sense of security in terms of confidentiality at the outset as there is far less potential for overlap of personnel. The IOPC can consider in each case which would be the most appropriate force to carry out the investigation (see section below on external investigating force) and make the initial contact to put the process in motion.

Such a single national reporting channel can also enable specialist understanding and improved awareness within the IOPC of the potential difficulties faced by this group of women. It can serve as a central source of records of such cases to enable future national research, monitoring and oversight of the issue.

b. External Investigating force

The central conclusion from the evidence presented in this super-complaint is that in these situations there is a real risk of lack of integrity and manipulation of police processes.

We consider that the only way to address this is to create a physical separation between the investigation and the parties. In our view an investigation by an external neighbouring police force should be the norm. We propose agreements between neighbouring forces to investigate each other's cases, similar to that established between Hertfordshire, Cambridgeshire and Bedfordshire (but going further than their tri-force agreement, see below). The CEO of a domestic abuse service in her summary within Annex 1 describes how an external force was the norm in such cases 20 years ago. This will have been before the establishment of the IPCC, when external police forces were used for various sensitive investigations. Also, in our view, investigations of domestic abuse and sexual offences should be carried out by specialist police units, or if there are none in the relevant force then at the very least by experienced officers with a track record in working on domestic abuse / sexual offences cases.

Having the investigation conducted by an external force addresses not only concerns about integrity but also privacy and victim confidence. These cases are highly personal and sensitive for all the individuals involved. Even where the victim is not a police officer she will often know her husband's colleagues personally. The stress and embarrassment of attending a police station where she and/or he have personal connections can be avoided.

We refer to Section A para 5 above about officers knowing one another. Clearly the potential for criss-crossing inter-connections and loyalties within a force are enormous. Many officers work for decades in a variety of roles within one force. As noted above, the police service stands out as a workplace environment which

strongly promotes solidarity and loyalty towards colleagues, given the demands of policing.

Only an external force can place some real distance between the investigation and the parties. Work and social links between the suspect and those involved in all aspects of an investigation and decision-making can be avoided. The suspicion of informal behind the scenes discussions and influence can be reduced. Cross-contamination of evidence with police witnesses and other evidence can be minimised. Access to internal electronic records can be prevented effectively, both in terms of access by a suspect, and also the availability of personal information about the victim to police colleagues where she is a police officer or employee. Very importantly, the exposure of her personal life to colleagues, described in Section A para 10 above on employment difficulties, can be avoided.

These practical arrangements also reflect legal standards around the duty of independence for investigations which engage human rights, mentioned at page 34 above. Where the accused is a police officer, and therefore a part of the state machinery, there are difficulties with lack of independence so that a degree of separation between the person under investigation and the investigating body is necessary to command the confidence of the victim and public confidence in the system.

c. External disciplinary procedures and IOPC oversight

Decisions on misconduct are generally based on the evidence gathered in the criminal investigation, and the potential for various kinds of bias in favour of the accused officer is just as present as in any other part of the process. There is also a particular conflict of interest when a force has to consider whether to discipline an officer for discrediting the police force, as disciplinary action will expose the force to wider knowledge of the discreditable behaviour.

Therefore, we consider that if an external force has carried out a criminal investigation, that external force should also go on to consider misconduct issues. This would improve confidence and transparency, and could improve the decision-making itself. One woman in our case summaries, who had the Professional Standards Department of an external force deal with the misconduct aspect in her case,³⁷ reports that the matter was handled positively only at this stage, with the external force uncovering investigation failures by the first force and even re-opening the criminal investigation.

As stated above, we are concerned about how assessments are made by Professional Standards Departments of whether off-duty conduct discredits the police service and undermines public confidence in policing. We have provided an example where a report of physical and sexual violence and controlling behaviour was apparently treated as not having the potential to amount to

³⁷ Under the tri-force agreement between Cambridgeshire, Hertfordshire and Bedfordshire

discreditable conduct. As noted above, this can amount to indirect sex discrimination.

In our view any off-duty conduct by a police officer that involves violence, or abusive behaviour such as sexual assault or coercive and controlling behaviour, discredits the police service and undermines public confidence in policing regardless of the fact that it was carried out within the accused's private life. This is reflected in the policies of a number of forces on dealing with police officers accused of domestic abuse. Several state that domestic abuse will not be treated as a purely private matter. This should be reflected in misconduct decisions so that the private nature of the conduct is never relied upon as a reason to find no case to answer. Instead, upholding public confidence in the integrity of the police service and the confidence of victims in reporting domestic abuse should be the primary consideration. We note that the Metropolitan Police eligibility criteria for new officer applicants states that convictions for domestic violence will disqualify an application. Whilst this refers to criminal convictions, it reflects the public perception that such behaviour is incompatible with the police officer role. This issue can affect all members of the public when abuser officers deal with vulnerable victims of abuse as part of their professional duties, as reported by two domestic abuse professionals.

Similarly, where there are findings that police officers have misled, manipulated or disregarded judicial systems, such as the family courts, or other public bodies, in the context of disputes with their partners, this should also be treated as discrediting the police service and undermining public confidence. There are numerous illustrations of this in the case summaries. We have provided an example of a Professional Standards decision which considered such allegations well-founded, but concluded that the officer had only discredited himself, and not the police service, and therefore there was no misconduct. Police officers are trusted to give evidence in court and to uphold a legal system, so honesty in their dealings with legal processes is fundamental to public confidence in their role.

We therefore propose that there should be external oversight of all misconduct decisions involving or connected to police perpetrated domestic abuse by the IOPC, given the inherent difficulties around these cases. This would also foster consistency between forces in the approach to off-duty conduct. We propose a specialist unit within the IOPC which can develop expertise in police perpetrated domestic abuse. This unit could also deal with the reporting channel proposed above. We also note that the IOPC has adopted complaints relating to domestic abuse cases as a thematic area attracting a particular focus and the oversight role we propose would dovetail with this.

We note that in the sample obtained under the FOI, the proportion of cases referred to the IOPC is very low, 7.5%. We seek to have all such cases referred, for the IOPC to determine how they should be handled and become involved with supervision.

Some cases will clearly fall within the mandatory referral criteria where they involve a serious assault or serious sexual offence. We would invite the super-

complaint investigation to consider whether all such cases are currently being referred, particularly where there is an allegation of rape. In addition, in our view, all other police perpetrated domestic abuse cases should come within the mandatory referral criteria as behaviour aggravated by discrimination on the grounds of a person's sex, given that domestic abuse is overwhelmingly perpetrated by men against women and results from social norms whereby men exercise power and control over women. However, we recognise that many officers will not treat such cases as falling within the mandatory referral criteria and therefore seek a recommendation that police perpetrated domestic abuse cases be added as a separate category of cases that require mandatory referral.

d. Updating victims about misconduct procedures

We are concerned by the number of cases in our case summaries where women heard nothing about whether misconduct matters were under consideration after a decision not to bring criminal charges. These women may not have been treated as having the formal status of a complainant in the misconduct matter in the way that a person who has made a formal complaint through the police complaints system would be. In most cases the force would have referred the matter to the Professional Standards Department of its own volition after the criminal matter was concluded. We consider that in such cases there should be a duty to treat the complainant in the criminal case as a complainant in a misconduct matter and report back to her on what steps are being taken and the outcome of any misconduct matter.

e. Restricting roles of officers facing allegations to prevent work with victims of domestic and sexual abuse

Given the duties owed by forces to all victims, we propose that in all cases the policing role of the accused officer be assessed and restricted so as to prevent such officers working with vulnerable victims. We propose that this should apply during an investigation and regardless of the outcome, given the difficulties in securing positive outcomes for those reporting such abuse against their partners and ex-partners. Given the low rates of conviction and misconduct action currently (see FOI data above) a great many abusers continue to work as police officers without any positive findings against them. The public interest and public confidence in this situation outweigh the rights of individual accused officers, who can continue their careers in other policing roles. We note that if civilians had reports made against them to the police of domestic abuse which did not lead to convictions, such reports would remain on police records and would be disclosed on an enhanced DBS certificate to an employer if the person were applying to work with vulnerable adults or children, particularly with victims of domestic or sexual abuse. Most employers would not employ a man in such a role following this disclosure.

2. Adequacy of existing police policies and procedures

The College of Policing has published guidance on dealing with reports of police perpetrated domestic abuse within the personnel management section of its Authorised Professional Practice on domestic abuse.³⁸ In addition to national guidance, many police forces have their own local policies and procedures. We have considered the procedures of 19 forces: Sussex, Lancashire, Hampshire, Dyfed Powys, Norfolk & Suffolk, Cleveland, West Midlands, Northumbria, West Yorkshire, Dorset, Durham, Gloucestershire, Devon & Cornwall, Greater Manchester Police, Kent and the joint procedure of Hertfordshire, Cambridgeshire and Bedfordshire.

Both national and local force guidance fail to adequately address the issues identified in this super-complaint, with some exception within the shared guidance of Hertfordshire, Cambridgeshire and Bedfordshire Police. We shall return to that tri-force guidance later. A fundamental gap in the majority of policies and procedures is that they do not identify or tackle the risk of lack of integrity and bad faith in these cases.

a. College of Policing Guidance

The key principle stressed is that these cases should be dealt with just like any other domestic abuse case, for example the College of Policing states:

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.

Whilst this approach is valuable as far as it goes in making clear that police officer suspects should not receive favourable treatment, it ignores and does nothing to address the unique difficulties arising in these cases. Those special arrangements that are required by the College of Policing guidance are targeted only at privacy issues and difficulties faced by suspect officers, and do not extend to problems around integrity. For example:

Staff and officers, both victims and perpetrators, may:

- feel uncomfortable about seeking help and advice from their colleagues
- be concerned about the implications of people being aware of their personal issues (particularly around seeking early help if they are a perpetrator)
- feel that as they are police they should know what to do
- not recognise the behaviour as abusive or controlling

³⁸ <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/leadership-strategic-oversight-and-management/#specific-management-considerations-when-dealing-with-police-perpetrators-of-domestic-abuse>

Within the College of Policing guidance the involvement of another force is limited to mutual arrangements with other forces for anonymous help and information, and to situations where the suspect works for another force.

Integrity is mentioned in relation to access to records. However, the safeguards proposed are very limited: Such safeguards might include:

- a requirement that a supervising officer and/or the PSD be notified of any attempt to access records relating to a case involving a police officer as a suspect
- use of a particular identifying 'flag' for cases involving police suspects.

Such safeguards will not prevent improper access to information. Officers can seek assistance from colleagues to access records, and informal 'word of mouth' discussions cannot be identified or prevented. This approach is wholly inadequate as compared to having the investigation dealt with entirely by an external force, where the suspect is very unlikely to be able to access data.

The local guidance produced by Kent Police notes that there is no current national statutory guidance on police perpetrated domestic abuse. There is clearly a need for more detailed national guidance as a broader policing issue beyond the current section in the College of Policing APP which comes under the heading of leadership and personnel management, and is itself inadequate.

The kind of robust language used in the IACP Model policy identified at page 32 above is entirely missing, as is the stress on disciplinary action against colleagues of a suspect who fail to report or assist in covering up or subverting an investigation, which is included in Section IVB6.b. of the Model Policy.

b. Local force guidance

Similar concerns apply to local force policies and procedures. Most stress that the accused should not be treated differently to any other perpetrator in the criminal justice system. Where there are precautions these are limited mostly to practical arrangements in three areas:

- which police station the suspect is taken to;
- the investigator being of higher rank and unconnected to the suspect;
- access to records

Several examples provide a flavour of the measures forces have put in place:

- To ensure impartiality consideration should be given to which police station the suspect is taken to (Sussex)
- Investigations will be carried out by an investigator from a Division or Department not connected to the suspect (Sussex)
- Information will be shared on a need to know basis (Hampshire)

- Ensure that information is handled discretely with appropriate restrictions on documents in police systems (“reader restricted” and records “cloaked”) and intelligence reports sanitised (Dyfed Powys)
- Action to prevent the potential for the perpetrator to use their position or work resources to find out details, or the location of the victim. Withdrawing the perpetrators’ access to certain computer programmes or offices is suggested (Norfolk & Suffolk)
- Consideration of which police station to take the suspect to should include avoiding unnecessary embarrassment to the employee or colleagues (Norfolk & Suffolk)
- Authority should be sought from a high ranking officer to restrict the crime report and call log (West Midlands)
- Investigators will not be associated with the suspect’s home station, and preferably not personally known to the suspect (Dorset)
- Where practicable, when suspects are arrested they should be taken to a custody suit that is not in the area they work in (Dorset)
- Access to records where a police officer or staff member is a suspect will be monitored and where access has been gained for non-policing purposes this will be reported to Professional Standards (Gloucestershire)
- Investigating officer should be of higher rank and should not have social, financial or other connection (whether in the work environment or not) with the suspect, so that a legitimate fear could not be raised that the investigation was not carried out impartially (Gloucestershire)

These extracts are given simply as illustrations of the kinds of measures included in force procedures currently, and HMICFRS is invited to review forces’ guidance more widely. Our key concern is that, whilst force policies recognise the need for distance between the suspect and the investigation, such measures are insufficient to create a real barrier around the investigation to meet the dangers of impropriety described in this super-complaint. We are concerned that in practice it is not possible to prevent the kinds of problems described in our case summaries without removing the investigation entirely from the force where the parties work. Furthermore, these policies do not deliver a robust message that proactive steps and zero tolerance are required, which is the clear message in the IACP Model Policy.

We note that the tri-force policy of Hertfordshire, Cambridgeshire and Bedfordshire uses slightly different language, raising human rights considerations and legal duties on police forces to protect victims and noting that “*investigating allegations of domestic abuse by police employees creates unique practical challenges*”. This policy goes further than others, establishing special first contact reporting processes, and requiring that when **both** victim and suspect are police

officers in the same force, the investigation must be conducted by one of the other forces in the tri-force collaboration, in order to “*maintain the impartiality of the investigation and decision-making and to give confidence to all parties involved*”. However in our view this policy does not go far enough, as this rationale applies to all cases involving police staff accused of domestic abuse, but under this policy where only one party is a police employee, an external force is proposed only for “*some serious or sensitive cases*” rather than for all cases.³⁹

3. Learning and training

We invite HMICFRS to consider whether College of Policing and forces currently include the issues raised in this super-complaint within their mainstream training, their training for domestic abuse specialists and for Professional Standards Departments. Where this is lacking it should be introduced so that the issue is visible and clearly being addressed.

For example, learning and training could encompass:

- Awareness raising around the message that any form domestic abuse is inappropriate for police officers and undermines public trust and confidence
- Creating an open wider conversation within the police service about protecting or covering up for colleagues accused of domestic abuse
- Proactive action by forces where there has been lack of integrity in the response to a report of domestic abuse
- Clear guidelines on how the issue will be dealt with by Professional Standards Departments, especially around off-duty behaviour and discreditable conduct
- Integrate this issue into wider force work around integrity such as refresher training on the Standards of Professional Behaviour, “integrity health checks”, Ethics Committees etc.

4. Leadership on ethical dimension

We refer to the section above on “locker-room culture” and “institutionalised sexism”. In light of that it is critical that, in order to address the issues in this super-complaint not only is there a need for a change in procedures, but also for leadership on the ethical and cultural dimension. On the issue of abuse of position for sexual gain HMICFRS has called on forces to create the right ethical culture, for force leaders to set and reinforce clear standards and for forces to be proactive in rooting out this type of abuse. In response to the findings of the UNISON research, the National Police Chief’s Council pledged to take action over sexual harassment in the workplace, stating that the report highlights “outdated and unacceptable behaviour”

³⁹ See case 7 in our case summaries which was dealt with under the tri-force policy

and to develop an action plan⁴⁰. Similarly, we believe that there is a need for recognition of the nature of the problems around police perpetrated domestic abuse, and for leadership within the police service to draw attention to the issue, identify the ethical and cultural context and raise standards. This includes stressing the seriousness of assisting other officers who are under investigation.

It is also critical that where allegations of domestic abuse are made against officers who work in a safeguarding role with vulnerable victims this is dealt with as a supervision issue and decisions taken on future deployment of such officers with the interests of the public at the forefront, regardless of the outcome of criminal or disciplinary procedures. This requires national leadership to establish standardised responses in such situations.

5. Data collection and monitoring

We are aware that many forces record cases involving police perpetrated domestic abuse, with outcomes (see Annex 2 with numbers of responses to FOI requests). We do not know whether there is a requirement to record such data, whether there are standard criteria for recording and if so what the criteria are, and whether it is monitored in any way at a national level. As noted above, many of the FOI responses on misconduct outcomes used inconsistent wording. We believe that standardised monitoring of these cases is essential in order to understand the volume of reports of police perpetrated domestic abuse, how it is being dealt with in terms of procedures and outcomes, and to monitor any system change.

An aspect of monitoring should include review of the policing role of the accused officer and whether any allegations are relevant his role, particularly whether it could involve him working with vulnerable victims of abuse.

6. Oversight bodies

There does not appear to have been much attention given to the issues in this super-complaint previously in HMICRS research. The 2014 report on domestic abuse contains two short paragraphs on the issue at page 35 and states that this is not a major focus of that inspection. We invite HMICFRS to extend their oversight work, including inspection and reporting, to cover the issues raised in this super-complaint. We invite specific thematic work around this, similar to that conducted around abuse of position for sexual purpose.

We invite the College of Policing to revise guidance and training, to stress the need for robust responses to reports of police perpetrated domestic abuse, and the importance of ensuring integrity. Officers who assist or protect colleagues accused of domestic abuse should be made accountable, in a similar way to the IACP Model Policy, with a duty to exposed this where it occurs.

⁴⁰ <https://news.npcc.police.uk/releases/police-chiefs-to-develop-a-plan-to-tackle-sexual-harassment-in-policy-by-autumn>

We have proposed two specific roles for the IOPC on individual cases, and invite a focus on this as a systemic issue, as part of the wider focus on domestic abuse, similar to the approach taken to abuse of power for sexual gain.

Conclusions

This super-complaint proposes systemic changes to address the fundamental problems inherent in cases involving police perpetrated domestic abuse, and related offences towards partners and ex-partners such as sexual offences, harassment and stalking:

1. External reporting route through the IOPC
2. External criminal investigation by a neighbouring force, conducted by a unit or officers experienced in these type of offences
3. External consideration of misconduct matters by the neighbouring force which dealt with the criminal matter, with oversight from the IOPC
4. Complainants in the criminal matter to be treated automatically as complainants in the misconduct matter
5. Guidance on the application of the Standards of Professional Behaviour in relation to off-duty conduct which discredits the police service or undermines public confidence in policing, to clarify that domestic abuse and related offences do discredit the police service as a whole and undermine public confidence.
6. Data collection and on-going monitoring of the policing roles of officers accused of domestic abuse and related offences along with fresh guidance on restricting the roles of such officers so that they do not work with victims of abuse, regardless of the outcomes of any criminal or misconduct proceedings.
7. Learning and training within the police service, at national and local force level, to include a clear focus on the issue and also integrate it within wider work on integrity in policing.
8. Visible leadership within the police service around the ethical aspects of addressing police perpetrated domestic abuse appropriately.
9. Standardised data collection and monitoring of how reports of domestic abuse and related offences are dealt with and any associated complaints or concerns raised.
10. Police oversight bodies to include police perpetrated domestic abuse as a recognised area of work. This should attract its own focus for thematic oversight, inspection, monitoring, whilst promoting a robust response to the problems identified in this super-complaint.

Note on eligibility

This super-complaint clearly sets out a combination of features of policing which is, or appears to be, significantly harming the interests of the public.

The combination of features is set out above, separated into common themes illustrated with examples, which together can result in reports of police perpetrated domestic abuse being dealt with improperly.

Our evidence suggests that this appears to be significantly harming the interests of the public and we look to a fuller investigation by HMICFRS to examine the extent of the phenomenon more closely. CWJ is a small charity with very limited resources and is not in a position to gather a large volume of evidence. Whilst our sample of case summaries is not large, the total population of partners of police staff is also limited. To date, the Centre for Women's Justice and the Bureau of Investigative Journalism have been approached by 46 women about their experience of this issue, though we have not had the resources to explore all of their accounts in detail. This level of interest has been generated following only limited press coverage.

As noted above, there is also potentially significant impact beyond the effect on partners of police staff, upon any victims of abuse reporting to the police who are dealt with by officers who are abusers.

Significant harms are caused to the interests of the public in a variety of ways:

- under-reporting of domestic abuse perpetrated by police staff
- lack of trust and confidence of victims who are wives and partners of police staff in the criminal justice and misconduct systems after reporting
- police staff who are domestic abusers are not brought to justice and/or not disciplined
- police staff who are domestic abusers carrying out sensitive policing roles dealing with vulnerable victims of abuse
- police staff who are victims of domestic abuse are adversely affected in their workplace as a result of reporting domestic abuse
- lack of public confidence in the police service employing police staff who are domestic abusers

We also point to the fact that the issue has been raised internationally as a cause for concern, to demonstrate that this is a widely recognised problem, and therefore likely to be a more deeply rooted structural issue.