

CWJ briefing on police perpetrated domestic abuse super-complaint outcome

30 June 2022

Centre for Women's Justice (CWJ) submitted [our police super-complaint](#) in March 2020. It was based on the experiences of 19 survivors of police perpetrated domestic abuse (PPDA), but we have now been approached by 165 women raising similar concerns. Their accounts have reinforced our initial findings of failings in the policing of PPDA.

Overall, the super-complaint has been upheld and the investigation has found that the police response to PPDA is significantly harming the interests of the public.

The super-complaint investigation is the most extensive inquiry to date in England and Wales into PPDA. The investigation found a lack of systematic data, with forces having to conduct manual searches and many forces unable to supply data. The super-complaint concluded that a lack of data means it is not possible to confidently estimate the prevalence of PPDA, or to reliably estimate the proportion of cases that result in criminal or misconduct outcomes. CWJ notes that this in itself is highly concerning.

The super-complaint states in general terms that it is vitally important that forces respond robustly to PPDA, and are seen to do so, for trust and confidence in policing and to prevent having domestic abuse perpetrators in police roles.

The super-complaint outcome report is very detailed (140 pages). CWJ comments on some of the key issues as follows:

Systemic change

CWJ explained in our super-complaint that the problems inherent in having police officers investigated by their own force are so deep-rooted, that there must be a different system for PPDA cases, to build a separation between the investigation and the individuals involved in the case. We proposed that all such cases should be investigated by an external police force, with disciplinary aspects overseen by the IOPC, and that survivors should have a bespoke reporting route to the IOPC.

We are disappointed that the super-complaint outcome rejects the need for wholesale systems change, particularly as the outcome report acknowledges that “connections between colleagues in forces do have the potential to undermine the response to PPDA”. Police interviewees confirmed that friendships and relationships in policing are close knit and that there could be “unconscious bias” or “soft corruption” where an investigator feels affinity or empathy with an officer suspect. Declarations of conflict of interest are frequently missing and the super-complaint investigation heard of examples of cases investigated by officers who knew the

suspect. It found support in both victim and police officer focus groups for PPDA allegations to be investigated by an external force.

Despite these findings, the super-complaint outcome considers that the existing systems, which it acknowledges are not working well, should be made to work properly, rather than introducing a new system to foster independence. In our view it remains to be seen whether this will improve matters, as it fails to address the fundamental underlying problem.

However, the super-complaint outcome does allow for some external investigations in circumstances where:

1. There is concern that a truly independent investigator can't be found because:
 - the police force is small
 - the suspect is a senior officer
 - the suspect has long service

2. Victim trust and confidence cannot be secured another way.

This may result in external investigations in some cases where most needed and we call for these to be monitored for future learning and inspection.

The super-complaint also proposes some other system changes, including:

- The IOPC will issue guidance to ensure that misconduct investigations take place in all PPDA cases (this is a huge problem exposed by the super-complaint investigation – see more below)
- The IOPC will make PPDA a main focus of its wider thematic work on VAWG, which we hope will mean more misconduct investigations carried out by the IOPC rather than by the force which employs the officer
- The College of Policing will update their guidance on PPDA to better address the “unique risks and challenges in PPDA cases”
- The Home Office will be asked to consider a change in the law to give survivors who are police officers the same rights as civilians in the police complaints process (see more below on this issue).

Survivors of PPDA face barriers to reporting

CWJ reported how survivors feared that they will not be believed and that the policing system will protect their abuser. We proposed a bespoke reporting mechanism outside the police service to enable survivor confidence to report.

The super-complaint outcome found that victims find it especially hard to report, fear not being believed and not having an impartial response. There was evidence in file reviews of victims and witnesses saying the abuser used their police knowledge, status and powers to intimidate them and deter reporting. Police victims fear impacts on their career and loss of privacy. The super-complaint investigation included a

survey of victims of PPDA. Only 6 out of 104 said they would feel confident to report domestic abuse to the police again.

However the super-complaint does not propose a new reporting route, but only speaks in general terms about the fact that more priority needs to be given to addressing victims' concerns and building trust.

Inadequate criminal investigations

CWJ raised concerns that cases were not properly investigated, in some cases evidence was not obtained despite being presented by survivors, and that cases were 'swept under the carpet'. Police officer suspects can also have access to evidence in their own case on force systems.

The super-complaint found effective investigations in only 34 out of 56 files reviewed, with 22 not at an acceptable standard (ie 39% inadequate). In some cases there were no checks for previous reports of domestic abuse or other allegations against the suspect. In one case the victim was told that the case was closed immediately after the suspect was interviewed and denied the offence, without any further investigation. Although PPDA cases are supposed to be 'restricted' to prevent access, the investigation found that this is not the case in many instances.

However, overall the super-complaint concluded that whilst some criminal investigations were poor, they were no worse than domestic abuse investigations generally, which have been criticised for many years. This was caveated, with the report stating that "We cannot meaningfully compare the effectiveness of PPDA investigations with other domestic abuse investigations owing to the scale of our case file review. However, we do think that PPDA investigations share common weaknesses with other domestic abuse investigations."

We agree that many of the failings we see in the PPDA cases are similar to failings in other domestic abuse cases. However anecdotally, having seen a wide range of cases, we believe that some of the PPDA cases are worse, and some clearly relate to the suspect's role as a police officer.

The super-complaint outcome finds a charging rate for its sample of 149 cases from 15 forces for 2018 of 9%. However, 10 of the 15 forces had **no** cases at all that resulted in a charge, and 9 of the 14 cases charged were with just 2 forces. This suggests highly inconsistent approaches between forces.

The super-complaint outcome states that a 9% charging rate is comparable to 11% for domestic abuse generally for the year ending March 2019. However, this was heavily caveated, the report stating that it "comes with considerable uncertainty" due to limited data and is "at best, an indicative finding". The report states that most forces had to search systems manually, with some forces providing many more cases than others, and therefore they cannot be sure that they are comparing like with like. The report states that "It is not possible, therefore, to make a reliable comparison between the charge rate for PPDA and other reported allegations of domestic abuse offences."

We note that even if 9% is correct, this means that 91% of police officers reported for domestic abuse have no criminal action taken against them, which is extremely concerning, as is the wider domestic abuse charging rate which dropped from 18% in 2016/17 to 15% in 2017/18 to 11% in 2018/19.

Severe failures in police misconduct processes

The super-complaint investigation found that only around 40% of cases of reported PPDA had misconduct investigations, whereas **all** reported cases should have such investigations. In 75 cases out of a sample of 122 misconduct was not investigated, including cases where the criminal case was referred to the CPS (which means police believed there was a reasonable prospect of conviction) and including cases of rape, coercive control and GBH. In most cases there was no rationale given for this. In cases where a rationale was given there were flawed rationales, including: the fact that the suspect wasn't charged, (that is not the test for a misconduct investigation), criminal time limit passed (irrelevant for misconduct), and one said because a harassment warning was offered but refused.

CWJ is shocked at this finding. Many of the survivors we spoke to did not know what happened in relation to misconduct action against the abuser, but were not aware that misconduct action may well have not even been looked at by the force.

The super-complaint report makes clear that in every case of reported PPDA either a police complaint should be opened (civilian survivor) or a recordable conduct matter should be opened (police officer survivor). For civilians this gives them a right to be updated and request a review by the IOPC. For survivors who are police officers they only have a right to be updated as an 'interested person' but not a right to request an IOPC review, and therefore have fewer rights than civilians. CWJ believes that the regulations allow for police officer survivors to be treated as members of the public where the abuse took place when they were off-duty. As mentioned above, the Home Office has been asked to consider a change in the law to give police survivors of PPDA equal protection to civilian survivors.

Referrals to the IOPC

CWJ was concerned that very few misconduct cases that are opened are referred to the IOPC. The super-complaint found this to be the case, with only 2 files referred out of 20 misconduct files reviewed, although 11 met the mandatory referral criteria. The criteria include serious sexual or violent offence, but cases of rape and ABH were not referred. Out of the larger sample of 122 cases, only 8 were referred.

PPDA taking place off-duty

CWJ complained that decisions on potential misconduct were based on the view that as the abuse took place 'off-duty' it was a private matter and does not discredit the police service or undermine public confidence in policing. In our view this approach is entirely wrong. It risks abusers remaining in post in public facing roles. Our research found a number of instances where officers accused of PPDA were not only not subject to misconduct procedures, but were promoted, sometimes to roles with lead responsibility for domestic and sexual abuse investigations. Public confidence is lost where survivors have to report abuse to officers who may themselves be abusers.

The super-complaint investigation found that undue weight was placed on the fact that an incident was off-duty when deciding if there is a case to answer. The IOPC is to issue guidance that undue weight should not be given to this when deciding if there is a case to answer for misconduct. We are concerned that this is unduly vague, and that firmer guidance is needed stipulating that the fact that an incident of abuse took place off-duty should never be a basis, in itself, for dismissing a misconduct matter.

Accused officers on restricted duties and vetting

CWJ stated that where allegations of abuse have been made, officers should not remain in roles in which they are working with vulnerable victims of abuse, even if no charges are brought against them. This is necessary to protect other victims who come forward to report. Also, it puts officers in the same position as civilians who have been reported for domestic abuse, where allegations will be disclosed in a DBS check.

The super-complaint investigation found that victim and public safety are not always given adequate consideration when forces decide about restricted duties or suspension during an investigation. Lack of communication meant that in one case an officer was working with domestic abuse victims whilst he was under criminal investigation for a serious domestic assault.

The current rules on on-going vetting relies on an accused officer informing vetting teams when there are new circumstances, such as when they are under investigation. However CWJ questions how such self-reporting is monitored and whether those who are investigating PPDA report allegations to vetting teams.

The super-complaint investigation has not assessed how vetting teams deal with PPDA allegations, when they are informed of them. The report states that the Home Office is to provide further guidance on types of considerations when deciding to restrict an officer's duties during an investigation. It also states that current guidance on vetting does not go far enough and findings from the super-complaint should feed into a separate HMICFRS review of vetting. It is disappointing that, rather than making direct recommendations on this crucial topic, the super-complaint report simply passes the issue on to other forums, which may or may not appreciate its significance.

Survivors of abuse being arrested

CWJ has provided examples where it appears that arrests of women who had reported PPDA were orchestrated by the perpetrator with police colleagues. The super-complaint investigation states that forces provided data of 11 cases of victims being arrested after they were known as a PPDA victim. It is disappointing that the super-complaint has not investigated individual cases and therefore says it can't assess whether arrests were appropriate, inappropriate, or malicious. Arrest of a victim is one of the most severe abuses of position and power that PPDA can give rise to.

Police officer survivors suffer in the workplace from reporting PPDA

CWJ raised concerns and examples of how survivors who are police officers suffer repercussions at work for reporting. This includes outright bullying, lack of safeguarding and support, impacts on their privacy and career progression, and in some cases being subject to misconduct investigations themselves. In one case a female officer was dismissed after being disciplined for making a so-called 'false allegation', which CWJ is convinced was not false, and which she had not initially wished to report but was pressured to by the force.

The super-complaint outcome states that there is a risk of police victims facing ostracism and bullying by colleagues. Half of the police focus group participants were aware of cases where a police victim's career prospects were harmed. Gossiping and close relationships mean that matters do not remain private. Often it is the victim who moves out of their role, or to a different force, rather than the perpetrator. There was limited fieldwork, but some indication that police officer PPDA victims face a risk of being investigated for misconduct themselves due to counter-allegations by the abuser or his allies, and that these investigations can be more robust than the misconduct investigation against the abuser. The report concludes that forces are not sufficiently considering the fear of retaliation and impacts on career for police victims who report.

Corruption and collusion

In its complaint report CWJ raised concerns and gave a range of examples of police perpetrator officers abusing their powers, and of 'cover-up'. These were not only in relation to charging decisions. For example, a domestic abuse worker described to us how she was instructed by a senior officer not to send two cases to MARAC (multi-agency panel for high-risk victims) where abusers were senior officers. In another example, an officer used his police vehicle to stalk his ex-wife, which was reported by a colleague who was with him, but nothing was done. We noted at the outset of the investigation that paper file reviews are unlikely to uncover such matters because where police act in bad faith this will not be recorded on the face of the file.

The super-complaint outcome stated that it had not found substantiated examples of corruption and collusion. They found two examples in file reviews of victims raising concerns that the suspects may have misused their police role to cause them harm, where the files do not show whether and how these were responded to.

We believe that it is unlikely that a "smoking gun" will be found. We note that some of the descriptions in the super-complaint outcome report would raise cause for concern. For example, in one case where the victim disclosed a violent attack, the report states that the perpetrator should have been arrested but instead was taken to a friend's house and the responding officer attempted to close the case straight away. In another case the victim reported harassment and there was a pattern of concerning on-going behaviour, but the case was closed within days with just 'words of advice' and no vetting of the perpetrator's sensitive public facing role.

The report acknowledges that there is a risk of corruption and collusion and states that "we recognised from the outset that obtaining objective and conclusive evidence for some of the alleged failures raised in the CWJ super-complaint submission would be challenging or not feasible, within the constraints of our super-complaint

investigation. In particular, we recognised that improper manipulation of police processes may not be apparent to us in written records. **For hard-to-evidence concerns such as this, we have not treated the absence of objective evidence to mean the practice or harm is not occurring.**" (emphasis added).

The super-complaint concluded that forces are not doing enough to ensure that safeguards against corruption and collusion are working. However, CWJ is not confident that the super-complaint outcomes will minimise these risks in practice.