Reconceptualising 'Report to Court' Trajectories

A Qualitative Study of Police Responses to Domestic Abuse

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Summary of Key Findings

This report presents the findings of a 'report to court' style study, which examined the trajectories of intimate partner domestic abuse cases as they were responded to by police, across two different police forces. The results of this study emphasise the complexity of police responses to domestic abuse, in which interpersonal interactions; organisational and individual knowledge; the communication and availability of information; professional judgement (including discretion); and case, resourcing and broader policing contexts, can shape police responses to domestic abuse across the 'report to court' process. These elements interplay in different and complex ways to shape domestic abuse trajectories, emphasising the complexity of police responses to domestic abuse and the nuances of professional decision-making and practice. The report concludes by discussing the implications of these findings, in relation to future directions for research, policy and practice. Particularly, this report recommends that future policy development focuses on officer training and learning, to ensure officers are equipped with the understanding and skills required to respond effectively to complex domestic abuse cases.

Introduction

This report outlines the findings from a N8 funded 'report to court' style study, which examined the trajectories of intimate partner domestic abuse cases as they were responded to by police. This research was conducted across two different forces - Cumbria and Northumbria Constabularies - and tracked the progression of domestic abuse cases from the point of first service contact, through to the initial response, investigation and charge decision stages. This study was conducted with a view to contextualise and conceptualise police responses to domestic abuse - to inform future research involving police data, as well as policy and practice.

Project Rational and Research Aims

While force data comprises one of the few ways in which domestic abuse and the policing of domestic abuse can be made 'visible' to researchers and policy makers (Stanko 2001), it remains an under-utilised resource. This is in part because of the complexities involved in recording and responding to domestic abuse, making it difficult for researchers use (Hester 2006, Hester and Westmarland 2005). For example, there is a broad range of offences that can constitute domestic abuse, and recording relies upon the application of a digital domestic abuse 'flag'. HMIC (2014, 2015) reports and academic works have also identified variability in forces' domestic abuse recording practices and responses. This includes differing rates of detection, prosecution, and use of alternative outcomes (see also Westmarland *et al.* 2017, Myhill and Johnson 2016, Hester 2006). Combined, the diversity in domestic abuse offences and policing practices complicates the comprehension, collation and comparison of forces' domestic abuse data. However, despite these difficulties, force data remains a fundamental resource for researching police responses to domestic abuse, and informing policy development.

A prominent way in which force data has been used in domestic abuse research is through 'report to court' studies. Hester and colleagues (e.g. Hester 2006, Hester and Westmarland 2005) particularly have conducted ground-breaking research in this regard (as well as in the context of sexual violence, see for example Hester 2015). These works have demonstrated the benefit of this approach; namely, for providing a holistic overview of criminal justice responses to domestic abuse. Particularly, these studies have significantly advanced understanding in terms of identifying and evidencing the high level of attrition present in domestic abuse cases; the trajectories of particular 'types' of cases; and particular points at which they might 'drop out' of the criminal justice system.

However, to date there has been little in-depth, qualitative attention paid to the complexity of police domestic abuse case trajectories. Large-scale report to court studies tend to consider criminal justice responses in (understandably) limited detail; cases are responded to or not, a crime is recorded or not, the case results in a charge or not, and so on. As a result, the trajectories of domestic abuse cases are presented in relatively linear and dichotomous terms, where the complexity of police responses, professional decision-making, and case contexts are obscured from view. This portrayal potentially generates a 'mechanistic' and

therefore somewhat 'sanitized' conceptualisation of police responses to domestic abuse, which does not emphasise the importance of professional judgement, interpersonal interactions (e.g. between force members and between force members and members of the public), and the impact of policies, practices and resources on case outcomes. Westmarland *et al* (2017) have recently highlighted the need for further qualitative research in this area to better understand the context of police responses to domestic abuse, particularly in relation to the assignation of particular detection codes. Building on the seminal work of Hester and colleagues, this study aims to address this current gap in understanding, by examining the complexity of police domestic abuse 'report to court' trajectories.

Methodology

Ethical approval for this study was obtained from the Research Ethics Committee at the Department of Sociology, Durham University. Unfortunately, this project encountered various unforeseen delays, which necessarily altered the intended scope of data collection, and thus the outputs produced from this project.

Data collection comprised several stages:

1) Interviewing force leads for domestic abuse to understand the broader context of police responses to domestic abuse within each force, e.g. to identify any local force idiosyncrasies, priorities and practices.

2) Examining all domestic abuse-related (or possibly domestic abuse-related) contact and ensuing occurrence logs which involved intimate partners, within each force during a given period. Essentially, this stage involved the researcher examining all occurrences (both crimes and non-crimes) that had been tagged with a domestic abuse 'flag' on the force's Information Management System (IMS), and tracking the 'trajectory' of the police response. This method was selected as it provides a simple but effective means for establishing a qualitative 'snapshot' of force responses to domestic abuse (see also Stanko 2001, Hester and Westmarland 2005, Westmarland *et al* 2005).[1]

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[1] A 24-hour period in November 2017 was selected for Northumbria, and a 48-hour period in June 2018 was examined in Cumbria (the latter having extended date parameters due to the smaller size of the force and thus a reduced number of occurrences recorded). Weekdays were selected for the purposes of this study, in a bid to capture responses during a period of 'ordinary' demand for service. There were different IMS used by each force - 'Sleuth' in Cumbria, and 'NPiccs' in Northumbria.

Tables 1 and 2 present the number of intimate-partner occurrences which were identified through the IMS search functions, within the selected date parameters.

As data collection took place a short time after these dates occurred, these tables present a real-time snapshot of the IMS records, and as such the data might have been subject to change (e.g. an incident might later have been recorded as a crime following further investigation).

Table 1

Northumbria Domestic Abuse Occurrences	
Crimes	16
Non-crime incidents	27
Other [2]	21

Table 2

Cumbria Domestic Abuse Occurrences	
Crimes	26
Non-crime incidents	24
Other	24

3) Conducting semi-structured interviews with police officers and staff involved in responding to selected cases within the data sample. Cases were selected purposively, in a bid to capture the maximum variation of outcomes within the sample and to identify 'critical cases' which 'yield the most information and have the greatest impact on the development of knowledge' (Patton 2015: 276).

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[2] For both Tables 1 and 2, this 'other' category relates to domestic-abuse occurrence logs that did not fit the remit of this study, including: familial domestic abuse cases, duplicates, referrals (such as for MARACs etc.), and cases which did not appear to fit the Home Office (2014) definition of domestic abuse.

13 cases in Northumbria and 10 cases in Cumbria were selected for stage 3 of the project. Following this, officers and staff who had been involved in different capacities with the selected cases were contacted by phone or email, requesting they participate in this study by discussing with the researcher: the context of their involvement with the selected case; their professional decisions making; and their use of national and local policing policies and practices. Not every force member contacted responded to this request or was able to participate (potentially skewing the sample of cases where more detailed contextual information is available). However, in total, 30 police officers and staff participated in the semi-structured interviews (12 at Northumbria, and 18 in Cumbria). This interview sample encompassed a variety of ranks and roles, including front-line response officers, call-handlers, and detectives based in public protection and community safeguarding units.

4) Analysing the selected case trajectories and semi-structured interviews. Data was analysed using grounded theory (e.g. Charmaz 2006), where themes relevant to the stated research objectives were identified and developed, which are presented in the below section.

Key Findings

When examined on force IMS, some of the selected domestic abuse cases presented as involving relatively mechanistic, straightforward trajectories, which parallels with the depiction of case progression in other report-to-court studies. However, during the interviews, when officers were able to reflect on the circumstances and their professional engagement with particular cases, the complexity and 'messiness' of case trajectories were emphasised. The following section presents four core, inter-related themes identified in this study, before going on to summarise the significance of these findings in the context of future research, policy and practice.

Domestic abuse cases don't always enter the system 'at the start'

The majority of the selected cases involved members of the public who had previously been in contact with the police, mostly regarding prior disclosures of domestic abuse. This is perhaps not surprising, given what we know about the sustained coercive and controlling course of conduct prevalent in intimate partner domestic abuse cases (Stark 2007). Many officers described how prior engagement with the victim or suspect, either personally or

organisationally, informed aspects of their response. Themes, identified through officer interviews, include:

- Previous criminality of suspects, domestic abuse-related or otherwise, informed risk assessment and safeguarding
- Particular cases being seen by officers as a 'window of opportunity' to intervene in escalating domestic abuse offending
- Similarly, certain disclosures from victims, particularly repeat victims, were seen as a chance to increase victims' confidence in the police and likeliness to engage with the criminal justice process. In this context, some officers reflected on their prior relationship with victims and how this compelled them to engage in practices which fell outside of their typical duties, to enhance the efficacy of the police response.
- However, some officers also described that they would sometimes assess frequent service-user cases as being lower risk, particularly in contexts involving mental health issues, substance misuse, 'low level' abuse/criminality, and where there was not a clear primary perpetrator.
- In some cases, victims were already actively engaging with the police at the time of data collection, but further events or disclosures had warranted the creation of an additional occurrence log/crime file, marking a 're-entry' into the police system.

In contrast, other officers described their professional decision making when responding to a case previously unknown to the force. For example, one officer described their decision to prioritise police response to a case (overriding the THRIVE assessment), based on the fact that the victim had not contacted the police before:

From the beginning, I felt it was serious because she had called while she was there with a friend and she'd told [the call-handler] she wanted to report some historical abuse, which had been going on for a long time. I got the impression the friend had possibly encouraged her to report, so I thought we really need to strike while the iron is hot and get out to see her…

I thought either she has just plucked up the courage to disclose everything that has been going on, or she has reported before, out of force, and both set off alarm bells for me…So I wanted us to get in ASAP, so at the very least we could provide safeguarding advice and agency referrals for further support…to establish an in-road, really.

Domestic abuse cases 'evolve' as they progress through the police system

Another significant theme that was apparent across the selected cases was that domestic abuse occurrences 'evolve' as they progress through the different stages of the police response. Officers described how the nature of a report can change dramatically from the first point of contact, through to when officers take a first account or statement, and more information becomes available.

In one selected case, for example, a third-party professional report raised concerns after one of her service users disclosed her husband was falsely imprisoning her. Attending officers spoke to the reported victim, who refuted that she was experiencing domestic abuse, and instead said her husband had prevented her from leaving the house because he was concerned she was going through a mental health crisis. Officers subsequently facilitated the women receiving acute mental health care. The call-handler who first took the initial report in this case reflected,

> *I was surprised when I saw the [ensuing] log, and saw the outcome because it had changed so much from the initial account I was given…But so often in this job stuff comes in to us as an apple and then it gets filed as an orange, so it didn't surprise me that much, it happens all the time…*

Other frontline officers interviewed also reflected on how different the information provided by call-handlers or in control room logs can be to the apparent context of cases, once they have arrived on scene. One reflected,

> *There's a big difference between someone being emotional on the phone, to us arriving and getting a full account, being able to see what's going on, and ask questions in situ.*

Another added, reflecting on one of the selected cases:

> *What you get reported to you by call handlers, and then what you face when you arrive on scene, it can be totally different – or it can just 'feel' different. I went to what I thought was a relatively minor domestic assault, and I just got this sense quite quickly, no there is more going on here… and it did turn out to be much more serious, once we had spent more time with the victim.*

In the semi-structured interviews, officers also described how the 'potential' of cases would 'evolve' over time, affecting their trajectories – for example with investigations changing, or

being strengthened, weakened, or halted as new information and opportunities or barriers to evidence-building were encountered. Examples present included suspects making counter-allegations or providing particular defences and victim statement retractions, but officers also experienced difficulties with collecting third-party witness statements, CCTV evidence, and digital evidence (e.g. on mobile phones).

Broader policing contexts shape police responses, and case progression
The final core theme identified in this study, was the ways in which broader policing policies, practices and contexts interplayed with responses to domestic abuse, and selected case trajectories. Examples of this theme are discussed across three different categories: the circumstances of engagement, positive action, and investigation strategies.

The circumstances of first engagement
- Officers reflected on how the level of service demand and the resources available at the time of their engagement with the selected cases shaped the police response. For example, some officers referenced delays in frontline response, the unavailability of diary appointments, or there being no officers available to progress an investigation or action an arrest due to a lack of resources.
- The particular context of first engagement with cases was also raised as shaping the initial response. For example, one officer described his concern about attending a victim's address late in the evening following a third-party report, in case the suspect might be present.

Safeguarding and 'positive action'
- Officers emphasised that their perception of risk in the case, or the level of risk communicated to them by the victim or their colleagues, shaped their responses to cases.
- Officers framed some of their responses through taking 'positive action', highlighting practices that fell beyond investigating the offences reported. This primarily involved outing in place safeguarding measures, which included the separation of parties, signposting to relevant agencies or making referrals, and using Breach of the Peace legislation.
- However, victim's concerns, needs and wishes were also reportedly central to informing case trajectories and police responses. In one case, for example, a suspect of domestic abuse was not charged with sexual offences (but was charged with other

domestic-abuse related crimes) based on the victims' reported wishes and capacity at the time (however the sexual violence crimes were left 'on file', in case the victim later changed her mind).

Differing Investigation strategies

Officers reflected on how investigation strategies varied on a case-by-case basis, and were informed by situational factors, safeguarding strategies, and their interactions with the Crown Prosecution Service (CPS). For example, in one case of prolonged domestic abuse involving multiple crimes, the investigating team decided to charge the suspect with some minor offences to 'buy some time' and to put safeguarding measures in place, while additional evidence for a coercive control charge was compiled. In other examples, officers altered case charges based on their conversations with the CPS, or pursued charges for other offences un-related to domestic abuse (such as drug possession) when it became apparent that it would be difficult to secure a successful charge for the domestic abuse offence.

Conclusion

The findings of this study emphasise the complexity of police responses to domestic abuse. Analysis of data gathered from the selected cases and police interviews emphasise the varied ways in which interpersonal interactions; organisational and individual knowledge; the communication and availability of information; professional judgement (including discretion); case circumstances; available resources; and broader policing contexts, can shape police responses to domestic abuse across the 'report to court' process. These elements interplay in unique and complex ways to shape domestic abuse trajectories. The findings from this study re-emphasise the police 'craft' (Bayley and Bittner 1989) involved in responding to domestic abuse – in terms of investigating criminal offences but also for positive action and safeguarding - as well as the relevance of resourcing, particular case circumstances and other contextual factors for shaping case outcomes. While some of these findings might appear to be relatively 'common sense', these complex interplays can remain unacknowledged or unaddressed in domestic abuse research using recorded police data - concealing the complexity of police responses to domestic abuse, and the nuances of professional decision making and practice involved.

Recommendations

This preliminary research project points to the need for further investigation and research into the influence of interpersonal interactions, context, police officers' situational understanding and interpretation of cases and associated opportunities for 'positive action', in shaping force outcomes. From a policy and practice perspective, this research emphasises the importance of recognising the complex interpersonal, contextual and institutional factors that are involved in police responses to domestic abuse, and responding to these holistically. Consequently, this report recommends that policy development focuses on officer training and learning, to equip officers with the understanding and skills to respond effectively to complex domestic abuse cases. Based on the findings of this study, the importance of continuing professional development for responding to domestic abuse is relevant for officers responding on the front-line, but also across other policing departments and roles, including call-handler, control room, neighbourhood policing, safeguarding and strategic contexts.

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