

## **Addressing domestic abuse within the police – exploring Welsh police forces' response to victims and offenders as employees.**

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### **1. Introduction**

This small project was instigated in response to the current crisis of police legitimacy, particularly regarding Violence Against Women and Girls (VAWG). Violence against women committed by serving police officers e.g., David Carrick and Wayne Cousins has shaken trust in the police and called into question their organisational integrity. One of the key challenges levelled at the police is the need to effectively manage internal issues regarding misogyny, harassment and domestic abuse (HMICFRS, 2021). As the senior panel response to the 'super complaint' on Police Perpetrated Domestic Abuse (PPDA) acknowledged, 'the police response to PPDA is a feature of policing that is significantly harming the interests of the public' (Gov.uk, 2022).

While the senior panel response to the PPDA super complaint identified areas of good practice across police forces, they also raised concerns around:

- Support for victims of PPDA
- The unique barriers/challenges for police victims of PPDA
- Concerns around impartiality
- The crossover between criminal and misconduct issues
- The lack of evidence regarding what works well in this area (Gov.uk, 2022)

Moreover, despite increased attention on police employees as potential perpetrators, there remains little focus on police officers and staff as potential victims. A recent study suggests a lifetime prevalence of domestic abuse (DA) in the police workforce at 22%, with a quarter being abused by another police colleague (Brennan et al, 2022). Interestingly, the figure for the general population is higher at 27% which may indicate the police are less likely to experience DA or are less likely to report it. However, the fact that police employees may be abused by colleagues raises questions for police forces regarding how to safely facilitate and manage disclosures and how staff are safeguarded. This project sought to address these issues by highlighting the work already underway to support staff impacted by DA as well as addressing the additional challenges presented when the abuser/perpetrator is also a police employee.

While these issues apply to all forces across England and Wales, the focus on Welsh police forces was important due to the fact they operate under both devolved legislation (e.g., the VAWDASV, Act 2015 and the Well-being of Future Generations Act, 2015) and the remit of the Home Office. Therefore, we sought to understand how this context may impact the approaches taken across Wales.

The objectives of the project were to:

1. Identify the policies and processes involved in addressing Police Perpetrated Domestic Abuse (PPDA) in all four Welsh forces.
2. Identify types of support offered to police employees affected by DA in all four Welsh forces.
3. Understand how the national context in Wales has informed the development of policies and processes.
4. Develop a research plan to evaluate the impact of current policies and processes.

To achieve these objectives, the project consisted of three work packages (WP)

WP1 – Mapping exercise (April - June)

- A mapping exercise of the policies and procedures in all four Welsh police forces was undertaken to understand what is currently being done to address DA within the police service.

WP2 – In-person networking event (held at the University of South Wales on 5<sup>th</sup> June)

Present at the event were 13 representatives from the four Welsh forces, including Detective Sergeants, Detective Superintendents, and Detective Inspectors from both the PPU and PSD teams as well as police staff with responsibility for corporate communications. The event explored:

- DA policies/process/support mechanisms within each of the four forces.
- The challenges/benefits of implementing these policies and processes (thus far).
- How relevant devolved legislation e.g., the VAWDASV Act (2015) has influenced the approach/es taken in Wales.
- Challenges/barriers/opportunities of both devolved and Home Office legislative requirements.
- The basis of a research plan to explore how the impact of these policies and processes can be measured (with a view to securing subsequent funding).

WP3 is this report, summarising key findings against the aims and objectives, and the research plan outline. The report will be shared with the attending forces and the project funders. Police partners will be asked to agree to a summary of the report being made available for wider dissemination, including through the VAWDASV network.

## **2. Objective 1 - policies and processes involved in addressing Police Perpetrated Domestic Abuse (PPDA) in all four Welsh forces**

The team were provided with a copy of the relevant policies (or a summary of the key points) for all four forces. There were some common features across them:

- Recognition of the additional challenges and barriers for police employees experiencing DA.
- The importance of an independent person investigating any criminal offences – in some forces this is through a signed undertaking/declaration.
- Reference to an external force investigating in some situations (usually where alleged perpetrator is a senior officer or in a leadership position).
- Reference to restricting logs/access to information when employees are the victim/perpetrator (but different approaches to how the decision is reached)
- The importance of confidentiality but also the limitations.
- The need for training across the organisation regarding DA with some policies making reference to the role of colleagues who may witness behaviour or have concerns (and what they should do)

Based on the policy documents alone, there appeared to be some key differences:

- One force says the Professional Standards Department (PSD) are to investigate criminal and misconduct where possible.
- One force suggests line managers routinely ask about DA when staff have been on sick leave (with a guidance document on how to approach it)
- Two forces refer to closed Multi-agency Risk Assessment Conferences (MARACs) for those involved in the process.
- One force refers to the wrap around support that should be put in place for police employees arrested for DA.

To expand upon and better understand these commonalities and differences, the first workshop asked attendees to consider a timeline of dealing with PPDA, from the pre-report stage through to the outcomes of PPDA investigations. The below discussion sets out what is being done across Wales in relation to each point on the timeline.

## **2.1 Pre-report**

There were a number of different strands to the work currently being done to raise awareness of existing policy/process regarding DA in the workplace.

### ***Changing the culture***

One force are attempting to change attitudes and behaviours through 'upstanders' and challenging inappropriate behaviour. They are using cartoon art to communicate key messages – which can be related to any type of standards (including abusive behaviour). This is an attempt at creating a 'bystander' culture to address potentially abusive behaviours early (which feeds into existing work by the Violence Reduction Unit whose focus is to address the roots of violence through culture change). Attendees suggested this had landed well with officers thus far.

All forces are making use of anonymous reporting to encourage whistleblowing regarding these types of behaviours. One has encouraged the use of Crimestoppers to report anonymously which reportedly led to a 76% increase in confidence to report a colleague. However, there were concerns about this route as it could mean that 'lower level' behaviours are not addressed early – if everything goes to PSD then you lose the opportunity to change the culture through people feeling empowered to call out inappropriate behaviour. There is also the capacity issue of PSD.

In one force they created the role of a Prevent Officer in PSD who is linking in with third sector organisations and has been doing work on profiling police perpetrators.

### ***Policy awareness***

Policies regarding DA in the workplace are communicated through posters and messages put out by PSD. Discussions suggests there is no consistent approach to this currently and it is unclear to what extent staff understand the policies and procedures. There is also the issue of raising awareness of support for victims of PPDA who are external to the police and how this is communicated (such as through the front desk). There were some concerns that this feeds into the negative representations of the police in wider media at the moment which is an added consideration.

### ***DA Champions***

There was reference to the 'DA champions' role across forces and the fact that their role is more about advising colleagues on how to deal with DA reported by the public. There was a question as to how much training they received on PPDA and/or supporting colleagues. However, concerns were raised about the motivations for some people volunteering for the role, including the 'wrong' people doing the role, either to seek promotion or to cover more

worrying behaviours, and so some forces screen applicants with PSD before accepting them.

### ***Independent support***

There was recognition that independent support for victims of PPDA and/or victims who are employed by the police was really important. Some forces have used DA Matters training to highlight the fact that local services are also there to support them, which has led to an increase in disclosures from police employees. The fact that these services link to the confidential Welsh Government Funded Live Fear Free helpline has been seen as beneficial. One force recognised the fact that internal communications such as these need to be regular due to the high turnover of staff in policing. They also highlighted the gap for victims of PPDA who are not employed by the police in terms of letting them know about available services, which is perceived as harder to achieve.

The campaigns delivered under the Welsh Government Live Fear Free banner (pan-Wales) have been used and emphasis was given to the availability of support through the Live Fear Free helpline for victims of workplace as well as domestic abuse. External messaging about this has been difficult given recent events in the media about police officers and abuse. There have been a few cases of potential PPDA brought to the police Single Point Of Contact (SPOC) via service providers as a result of this campaign.

## **2.2 Initial report**

Moving to how forces deal with the initial report, there were a number of common approaches, albeit some differences between forces.

### ***Risk assessment***

Forces were in agreement regarding the importance of a risk assessment for DA in the workplace, with some highlighting their processes for secondary risk assessment. In one force, the Public Protection Unit (PPU) conduct a secondary risk assessment, while in another, a secondary risk assessment is conducted with the victim.

### ***Restricting information***

There were some differential practices regarding restricting information on police systems. In some forces all PPDA cases would be restricted while in others it is dependent on the circumstances. Forces were clear that the most important consideration regarding restricting information came down to safeguarding the victims (as opposed to protecting alleged offenders).

## **2.3 Investigation**

There were some key differences between forces regarding how they investigate PPDA and a number of important challenges faced by forces at this stage of the process.

### ***Who investigates?***

One force operate a hybrid model where the PSD investigate high risk cases, while standard and medium risk cases are investigated by local police teams. Another force has recently recruited two investigators to deal specifically with PPDA, but the force acknowledged this will not be enough to meet current demand. Most forces distinguish between on duty and off duty incidents. The volume of off-duty criminal matters means they are dealt with by Basic Command Unit (BCU) teams (as opposed to PSD).

Most forces discussed the fact that PSD officers are not necessarily equipped to investigate these types of allegations. PPU staff were seen as being the best equipped as they are

specialist investigators, but they are scarce. The pace of change in criminal law regarding DA means many investigators do not have the required skill set.

One of the most significant challenges in relation to who investigates allegations of PPDA relates to the issue of internal or external investigations. Forces explained it wasn't feasible to send all allegations of PPDA to an external force as there are currently no formal mechanisms in place to facilitate an external force investigating an allegation of PPDA. Moreover, the forces have significant differences in the amount of resources available including specialist staff time, due to the different sizes of the four forces. If this is deemed necessary (due to the seniority of the officer involved) it is usually down to personal connections in another force to make this happen. However, forces did explain that they would try to ensure any allegations of PPDA were sent to teams not connected to the people involved (which is difficult for smaller forces).

### ***Misconduct and criminal investigations***

Forces agreed that there were challenges associated with misconduct and criminal investigations. In all forces, the two processes are currently managed separately, which can cause tension when the priorities of the BCU do not align with that of PSD. In one force, they have started conducting dual interviews where the DC investigating the criminal offence and the PSD DC interview the suspect together.

Where there are 'high profile' cases, this can lead to a push to make them 'former officers' by the time the criminal case is concluded which puts pressure on PSD. Forces also expressed that officers can be victims of vexatious complaints and that perpetrators can hide as victims, undermining the importance of a fair and robust investigation.

### ***Oversight***

Forces discussed the quality assurance process they had developed in response to the super complaint. In one force, the head of PSD and head of vulnerability quality assure the response to PPDA on a regular basis.

At a more operational level, PPDA investigations are overseen by a senior officer (DCI or above) to ensure the necessary actions are being taken – such as referral to the IOPC.

## **2.4 Victim care**

There were a number of important issues raised regarding victim care in relation to DA in the workplace.

### ***Specialist advocacy***

At the time of the event, two forces were in the process of setting up an advocacy service for victims of PPDA. The OPCC are funding the post specifically for PPDA victims in recognition that their needs are very different (but the post is being delivered and managed by a specialist provider to maintain independence). Forces agreed that police specific Independent Domestic Violence Advisors were an important move forward, but that existing community and statutory IDVAs should also be upskilled to address the needs of police victims and victims of PPDA. In one force, they have been working with their local IDVA services to raise awareness of these issues.

### ***The role of the Police Federation***

Some of the forces highlighted that the police Federation were sometimes seen as there to support the person who the allegation has been made against, as opposed to the alleged victim. There was a feeling that the Federation would sometimes refer people to welfare services rather than acknowledge their role in the process. The imbalance for police staff victims (who are not represented by the Federation) was also noted, leading to inconsistency.

### **Supporting victims through misconduct processes**

Some forces highlighted a gap around victim support within misconduct arenas. The point was made that a misconduct hearing could take 12-15 months and in this time the victim is left 'floating'. If the case goes to court, victims have no support in place for them, yet they could be questioned by the barrister for the accused (a barrister who may be paid for by the Federation). In one force they have now employed a victim and witness support officer within PSD specifically to address/manage this issue.

### **2.5 Outcomes**

There was discussion that the outcomes for misconduct hearings usually waits until the criminal case is concluded (as CPS request this). However, there was recognition that this extends the time for the victim. In order to address the increasing time delays in DA cases across Wales they are now being fast-tracked with a view to obtaining CPS advice within 14 days.

Concerns were raised that in cases involving PPDA or employees as victims, that some available support/protection? options were not being utilised fully – particularly DVPNs and DVPOs. It was felt that more training was needed for PSDs and DA investigation teams to ensure they were being used consistently where appropriate.

The other key issue regarding outcomes is how they are communicated internally and externally. In many cases the outcomes are shared internally via the intranet and externally (if the case is high profile). However, there was resistance to this by Unison when matters relate to police staff.

### **3. Objective 2 - Identify types of support offered to police employees affected by DA in all four Welsh forces.**

When reviewing the policies prior to the networking event, it was clear that there were lots of really helpful existing practices for how police employees can be safeguarded, including:

- Permission to use work phones and email to access support
- Salary advances
- Special leave to attend appointments
- Referral to Domestic Abuse Officers internally (where they exist)
- Referral to specialist services
- Importance of assessing risk.

There was one key difference that we were made aware of before the event, which was the creation of a PPDA IDVA in two of the four forces.

In order to explore how police victims of DA are being supported across Wales, and to understand some of the challenges in doing so, we created two scenarios for the attendees to discuss. The below discussion provides a summary of those scenarios and the key approaches and issues that were discussed.

#### **3.1 Scenario A**

*A member of police staff has been absent from work for two weeks. In her return to work interview (to her police staff manager) she discloses that she has been having a difficult time personally as her marriage is ending and she is afraid of what the future holds. When asked*

*what she is afraid of, the staff member discloses that her estranged husband has been making threats to kill himself if she goes through with the divorce. The manager asks directly if there has been any abuse in the relationship and the staff member explains that she is terrified of her husband and that he emotionally and financially abuses her.*

When discussing this scenario there were a number of factors the group felt needed to be considered. Firstly, they felt this conversation constituted a disclosure of coercive control which should be treated as a criminal matter. They identified a duty of care to ensure the victim is cared for and supervised properly. However, it was noted that this may require the matter being taken forward which could result in the victim losing control.

It was felt that more information was needed from the victim, including an understanding of who else was aware of the abuse and whether there were children involved. Consideration could be given to moving the victim to a different shift pattern or different area and allowing her to use a work phone to arrange appointments etc.

There was also discussion of her fitness to practice given her disclosure. This was seen to be the responsibility of the line manager to be completed on a case by case basis. If the police staff member in question was also a DA officer for example, could she continue to advise others? Also, what might be the negative impact on her of being exposed to DA on a daily basis. There was quite a difference of opinion regarding the suitability of fitness to practice in the context of DA victimisation.

### **3.2 Scenario B**

*A police officer discloses to a colleague (also a police officer) that they have been physically assaulted by their partner (who is a member of police staff). The officer is adamant that they do not want to make a formal complaint (for a variety of reasons, including risks to their safety). The colleague is unsure what to do – according to your force policy, what should they do? What are the key challenges in this scenario and what can be done to address them?*

When discussing this scenario there were a number of considerations to be made. The group were unanimous that a crime report would have to be filed – the code of ethics means they cannot ignore the allegation. Of importance, was to safeguard the victim (and any children) and to consider support for the officer who received the disclosure.

According to policy, they should report up, perhaps to another line manager and involve PSD. The same would apply if it was a member of police staff that the allegation was made to. Consideration should be given to any evidential opportunities at that point.

This scenario prompted an interesting conversation regarding 'positive action' and what it might mean in this context. It was noted that positive action does not necessarily mean arresting people, especially where arrest might mean an increase in danger for the victim. It can be referring them for support and having safeguarding discussions. Guidance from the CoP was seen as confusing, as it makes it clear that positive action requires arrest. Evidence-led prosecutions were also discussed in this context with the question raised as to whether the police are in the best position to make the decision for victims. From the discussion it was noted that there is possibly a disconnect between what the PPU and more senior officers view as 'positive action' compared to frontline officers. In terms of MARAC, the PPU are able to 'ethically record' crimes. This means creating a record of a disclosure, but making it clear that no action will be taken because it may increase risk to the victim. However, it was not clear if frontline officers are aware of this as their interpretation of 'positive action' is usually 'positive arrest'. This is an important issue that requires further exploration.

It was noted that HR are not currently involved in these matters as much as they should. Forces do not have DA SPOCs in HR, but this is something that could be considered. For

example, when deciding who should be moved, victims often feel they are being punished if they move and so involving HR more in these decisions would be helpful.

In one force, their policy advises supervisors to routinely ask staff coming back from sick leave about DA. They used the roll out of DA Matters training to influence this.

It was felt that an internal survivors' network regarding PPDA/employees as victims would be a good way of ensuring the victims' needs are being met. However, there is concern about retraumatising victims which is why the police are probably not the best people to manage it. The OPCC have a survivors' network, but it does not include PPDA yet. It was felt there needed to be a separate group for this, at least initially.

A connected issue concerned the suggestion of scrutiny panels for PPDA. If forces were to have one for PPDA they would need to consider who would sit on it (there would need to be a strategic element and CPS) and it would possibly need to be a closed scrutiny panel. Forces felt that all the other processes and policies would need to be in place before an effective scrutiny panel could be established.

#### **4. Objective 3 - Understand how the national context in Wales has informed the development of policies and processes.**

One of the key objectives of this event was to understand what impact, if any, the Welsh context had on the police response to DA in the workplace. We asked attendees if they had encountered any difficulties associated with being answerable to both the Home Office and Welsh Government.

One of the key issues discussed related to the dual reporting requirements that forces are subject to. The Welsh VAWDASV action plan has six workstreams, there is a National Vulnerability action plan which includes DA, there are Police Effectiveness Efficiency and Legitimacy (PEEL) inspections, DHRs, the Serious Violence Duty (which now also includes DA) and super complaints. Attendees felt this made it a challenging environment to work in both operationally and strategically, yet forces were given no extra resource to enable them to report on and address these requirements.

Attendees reflected on the fact that there is no DA commissioner for Wales which they see as a gap. While the Victim's commissioner covers England and Wales, the DA commissioner only covers England. In contrast, the Older Person's commissioner in Wales pushes the agenda of DA for older people, but this is missing for DA more broadly. [CORRECTION NOTE – the DA commissioner does cover England and Wales but based on the attendee's reflections, perhaps this is not as evident on the ground].

The DA Act (2021) was referred to in terms of the requirement to provide housing for victims of DA. The Welsh Government has not yet confirmed if it will also provide housing in the same way which may cause problems in the future when people move across the border.

#### **5. Objective 4 - Develop a research plan to evaluate the impact of current policies and processes.**

To meet this objective it was important to understand how forces felt about whether their policies and processes were the 'right' ones and how they might be able to measure if they are being implemented. We also wanted to understand what 'success' looked like when dealing with PPDA and supporting employees as victims.

*How do you know if your policies and processes are being followed?*



Forces said they use various measures to understand if their policies and processes are being followed including; audits of PPDA investigations, surveys, and monitoring the number of reports pre and post the policy etc.

*How do you know if they are the 'right' policies and processes?*

Given that there is no evidence-base, forces are relying on the CoP APP, HMICFRS, IOPC, and consultation with the third sector. It was noted that there are no feedback mechanisms for victims currently in place but in the future, this could be achieved through DA champions and a survivor network.

*Have you experienced any resistance to these policies?*

The forces were unanimous in the fact they had not experienced any resistance to the introduction of policies and processes regarding DA in the workplace. However, it was acknowledged that employees may not be aware that they exist. There was agreement that the police are accepting of being 'under the microscope' and that no-one wants to work alongside people who think this behaviour is ok.

*What does success look like when dealing with PPDA?*

It was felt that success should be measured in terms of the outcome for the victim, not the police – which may not be a criminal justice outcome. It was noted that in the long term, an absence of PPDA would be the goal but for now, we would expect more people to come forward. Success could also be measured in terms of how confident officers feel when dealing with allegations of PPDA. Due to the issues raised about the lack of support for victims during misconduct cases, success could also include victim safety and satisfaction during that process. Finally, victims having confidence in the police to deal with PPDA robustly, particularly when they are external to the police, was also considered a measure of success.

*What does success look like when dealing with staff who are experiencing domestic abuse?*

Attendees stated that success in this area would primarily be associated with victims' experiences. Feeling safe and having confidence to report their experiences were considered possible measures of success, as was increased reporting. Having clear pathways to support was also considered an important measure.

## **5.1 Priorities for research and evaluation**

The workshop demonstrated that there is a lot of work ongoing across the four Welsh police forces regarding PPDA and supporting employees as victim/survivors. It was also clear that much of this work pre-dated the murder of Sarah Everard and the super complaint. While there were a number of common approaches across the forces, there were some key differences which are summarised below:

- Only two forces have access to a PPDA IDVA.
- Only one force holds joint interviews with the investigating DC and PSD DC.
- Only one force has created a specialist welfare support officer for misconduct hearings.
- Only one force has recruited for PPDA specific PSD investigators.
- Not all forces have a bystander/upstander communication campaign.
- One force has a hybrid model where PSD investigate the criminal allegation in 'high risk' cases.

In addition to these key differences in the approaches taken across Wales, there were some key gaps in knowledge identified during the workshop that would form important aspects of an evaluation, including:

- To what extent are frontline officers and staff aware of the policies and processes currently in place across forces?
- To what extent do employees in the organisation feel confident in how to deal with a disclosure of DA from a colleague and/or a disclosure of PPDA.
- To what extent are current policing and processes being followed?
- What are the experiences of police employee victims who disclose DA? What happens if they do not want to make a formal complaint? There were varying views on what might need to happen, including potential fitness to practice concerns (and the potential ramifications for victims). It was also unclear whether frontline officers would consider 'ethical recording' (i.e recording a crime but taking no action) given the existing 'positive action' guidance and how this is interpreted.
- What are the experiences of victims who have made an allegation of PPDA? Does this differ according to whether or not they are employed by the police? What are their experiences of going through the misconduct process?
- What has been the impact of awareness campaigns aimed at changing the culture (upstander/bystander approaches)?
- What is/should be the role of DA champions in relation to supporting police employees as victims of DA?
- What are the benefits/challenges of closer working between the criminal and misconduct investigators?
- What is/should be the role of HR in dealing with DA in the workplace?
- How can victims of PPDA external to the police be reached to let them know about available support?
- What is the impact of the PPDA IDVA role for victims and police forces?
- What is the role of the police Federation in supporting police officers as victims of DA?

There were also some practical challenges facing police forces that need further consideration:

- There are no formal mechanisms for allegations of PPDA to be sent to another force for investigation. This is seen as the preferred route for all PPDA allegations (by the College of Policing) but from the forces' perspective, this is not achievable within existing structures.
- There is a potential skills gap for PSD investigators who do not necessarily have the knowledge or experience of investigating domestic abuse cases.

## 5.2 Research and Evaluation Plan

Bringing together the gaps in knowledge, challenges and different approaches described above, we suggest a research and evaluation approach that compares the work underway in Wales in relation to three key pillars:

1. Prevention
2. Response
3. Victim care

**Prevention** – types of research/evaluation work in this pillar could explore the work currently underway to change the culture in which domestic abuse is tolerated. We know from the event that this includes upstander/bystander work, briefings from PSD regarding the outcomes of misconduct investigations, a prevent officer based in PSD, and a variety of internal communication campaigns.

**Response** – types of research/evaluation work in this pillar could explore how forces are implementing key aspects of their policy. It would not be possible to evaluate all aspects of existing policies, but given the different approaches identified, there are two key areas that could be targeted, including:

- The investigation of criminal and misconduct issues – how this is managed and do the differences lead to different outcomes?
- How are forces dealing with police employees who disclose but do not want to make a formal statement? Are the policies clear enough? How do frontline officers interpret the policy? How does 'positive action' translate to frontline officers?

**Victim care** – types of research/evaluation work in this pillar could focus on three key areas:

- An evaluation of the PPDA IDVA role - how was it developed, how is it working in practice and what has been the impact on victims and the police?
- What are victims' experiences of the misconduct process and does this vary between forces?
- What are victims' experiences of reporting PPDA when they are not employed by the police?
- What are the experiences of police employees who are victims of DA? What are their experiences of disclosing to their employer?
- How do the experiences of police employees compare/differ to other public sector employees (such as ambulance staff and nurses)?

## 6. References

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