



Agenda Item  
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<b>Meeting</b>	<b>Policing Performance Committee</b>
<b>Date</b>	<b>15 June 2023</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	HM Inspectorate of Constabulary in Scotland (HMICS) Review – Domestic Abuse Phase 1
<b>Presented By</b>	<b>Craig Naylor, HMICS</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes</b>

**PURPOSE**

The purpose of this paper is to provide members with an overview of the report published by His Majesty’s Inspectorate of Constabulary in Scotland (HMICS) in January 2023.

## **1 Background**

- 1.1. HMICS published, in January 2023, the phase 1 thematic review of domestic abuse. The review examined the state, efficiency and effectiveness of Police Scotland's response to domestic abuse, with a focus on the user experience of victims.

## **2 FURTHER DETAIL ON THE REPORT**

- 2.1. HMICS last undertook a thematic inspection of domestic abuse in 2008, and note the strategic shift in policing to tackle this issue since then. The report notes a proactive approach to identifying and tackling the most persistent offenders of domestic abuse.
- 2.2. The enactment of the Domestic Abuse (Scotland) Act 2018 and the introduction of the Domestic Abuse (Protection) (Scotland) Act 2021 are highlighted within the report as delivering a significant commitment by both Government and Police Scotland to continue to tackle this issue. However the report also highlights the under reporting of domestic abuse and the barriers (social, economic and cultural) which persist.
- 2.3. The report acknowledges the improvement work undertaken by Police Scotland in this area but calls for further improvement in prioritising and tackling domestic abuse. In particular the report draws out the need for prioritisation of trauma informed practice and lived experience training as well as improved communication methods.
- 2.4. In total the report makes 14 recommendations for Police Scotland covering a range of operational and collaborative areas of focus, with two of these relating to the Authority. An additional 13 areas for development have been identified. Police Scotland and SPA officers have developed a suite of improvement actions and associated timescales which will deliver against the recommendations made by HMICS. The improvement plan will be presented to September committee.

**3 FINANCIAL IMPLICATIONS**

3.1. There are no direct financial implications in this report.

**4 PERSONNEL IMPLICATIONS**

4.1. There are no direct personnel implications in this report.

**5 LEGAL IMPLICATIONS**

5.1. There are no direct legal implications in this report.

**6 REPUTATIONAL IMPLICATIONS**

6.1. There are no direct reputational implications in this report.

**7 SOCIAL IMPLICATIONS**

7.1. There are no direct social implications in this report.

**8 COMMUNITY IMPACT**

8.1. There are no direct community implications in this report.

**9 EQUALITIES IMPLICATIONS**

9.1. There are no direct equalities implications in this report.

**10 ENVIRONMENT IMPLICATIONS**

10.1. There are no direct environment implications in this report.

**RECOMMENDATIONS**

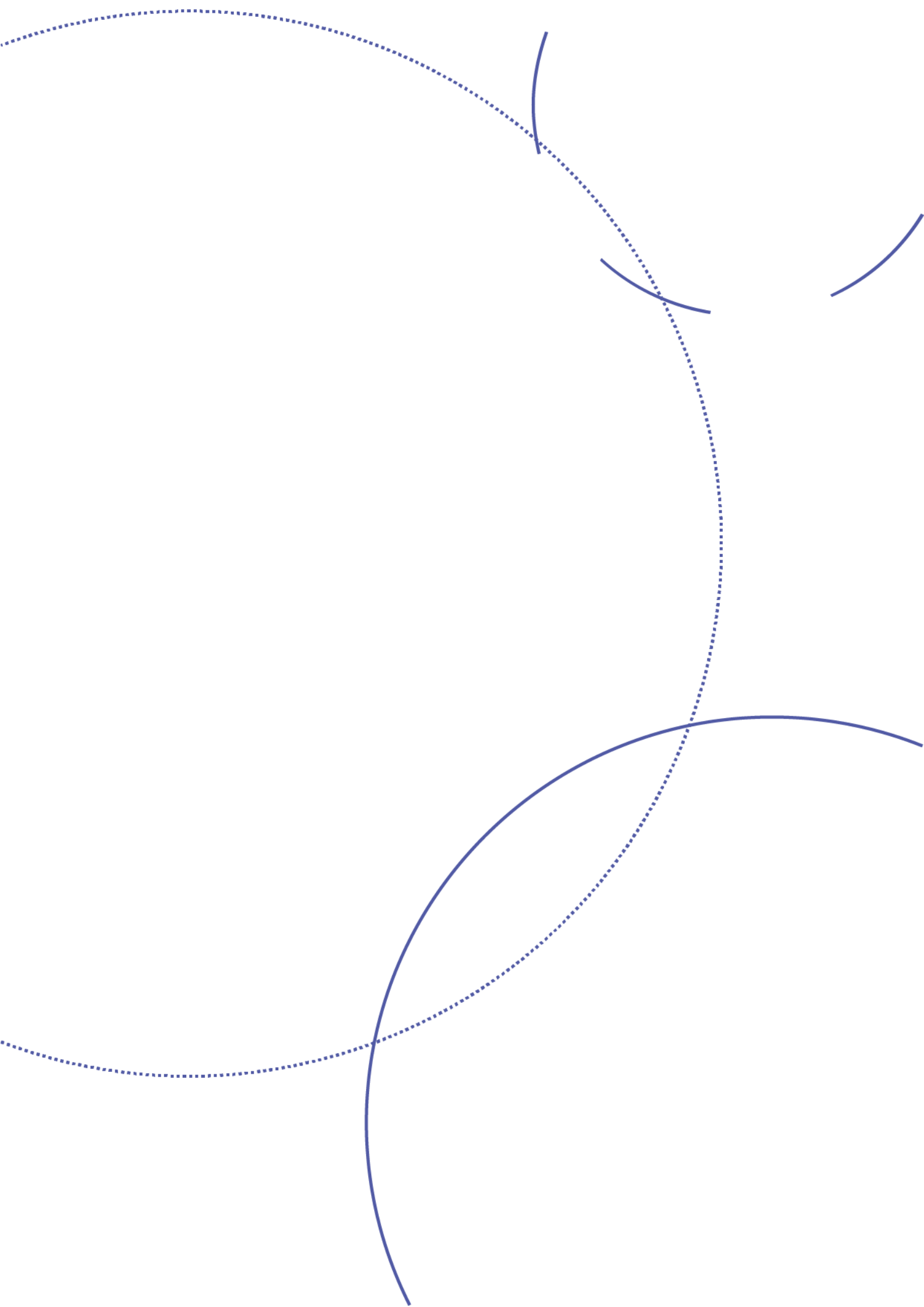
Members are invited to discuss the content of this report.



# HMICS Thematic Review of Domestic Abuse - Phase 1

January 2023

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# HM Inspectorate of Constabulary in Scotland

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HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012 and has wide ranging powers to look into the 'state, effectiveness and efficiency' of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA).<sup>1</sup>

We have a statutory duty to inquire into the arrangements made by the Chief Constable and the SPA to meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the SPA or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions
- The SPA and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions
- When we publish a report, the SPA and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit
- Where our report identifies that the SPA or Police Scotland is not efficient or effective (or best value not secured), or will, unless remedial measures are taken, cease to be efficient or effective, Scottish Ministers may direct the SPA to take such measures as may be required. The SPA must comply with any direction given
- Where we make recommendations, we will follow them up and report publicly on progress
- We will identify good practice that can be applied across Scotland
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective, evidence-led reporting about what we find.

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<sup>1</sup> Chapter 11, Police and Fire Reform (Scotland) Act 2012.



Our approach is to support Police Scotland and the SPA to deliver services that are high quality, continually improving, effective and responsive to local needs.<sup>2</sup>

**This review was undertaken by HMICS in terms of Section 74(2)(a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.**

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<sup>2</sup> HMICS, [Corporate Plan 2021-24](#) (February 2022).



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## Our review

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Much progress has been made over recent years within the criminal justice system, including policing, (and indeed within wider society), in understanding the nature and extent of domestic abuse and the damaging effects it has on the wellbeing of individuals, families and communities. However, significant challenges still exist in preventing this insidious form of criminal behaviour and protecting those who are vulnerable from its harmful effects.

Following our last thematic inspection of domestic abuse in 2008,<sup>3</sup> a strategic shift took place within policing to prioritise and tackle the problem. There is now a more proactive approach taken in identifying and tackling the most persistent offenders of domestic abuse, with the 2008 creation of the Domestic Abuse Task Force (DATF) within legacy Strathclyde Police, and, thereafter, the broadening of the DATF and introduction of other national specialist units, following the inception of a single national police service in Scotland in 2013. This proactive approach has achieved significant success and has brought a number of prolific offenders to justice, with courts imposing severe sentences and, in some cases, imposing Orders for Lifelong Restriction (ORLs)<sup>4</sup> for their crimes. Police Scotland should be commended for this approach.

The enactment of the [Domestic Abuse \(Scotland\) Act 2018 \(DASA\)](#) made it a criminal offence for a person to engage in a course of behaviour<sup>5</sup> that is abusive of their partner or ex-partner. This marked a significant step in modernising the understanding of domestic abuse and, recognising the many forms this can take, including the use of coercive controlling behaviour.<sup>6</sup> It provided an additional tool to tackle this form of criminal behaviour. Scottish Government funding assisted the roll out of a comprehensive national training programme within policing, to coincide with the introduction of this legislation. This marked a significant commitment by both government and Police Scotland to raise awareness among police officers and staff in implementing the legislation. This momentum continues, with the recent introduction of the [Domestic Abuse \(Protection\) \(Scotland\) Act 2021](#), intended to improve the protections available for people at risk of domestic abuse.

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<sup>3</sup> [HMICS Thematic Inspection - Domestic Abuse published 22 August 2008](#)

<sup>4</sup> An OLR is a sentence made where the High Court is satisfied that certain risk criteria are met where an offender must serve a minimum punishment period set before they can be considered for release and provides for supervision of the individual on release to manage risk.

<sup>5</sup> Conduct on at least two occasions.

<sup>6</sup> A form of emotional and psychological abuse.



Few could have predicted the long lasting and far reaching impact the COVID-19 pandemic would have on us as individuals and communities. However, Police Scotland was swift to recognise that the effects of lockdowns and social isolation may be particularly impactful on the vulnerable, including those suffering domestic abuse. Working alongside Scottish Government and in collaboration with existing networks in the violence against women and girls (VAWG) sphere, Police Scotland ran a number of initiatives, including a domestic abuse campaign, to reassure those at risk of domestic abuse, encourage reporting, and provide information on how and where to access help and support.

While this is all very encouraging, it has long been recognised that domestic abuse is under reported, and that significant social, economic and, at times, cultural barriers persist. The nature of domestic abuse, often occurring within private dwellings, also presents challenges for investigators. Domestic abuse can also feature sexual offending, which can add an additional layer of complexity.

VAWG, remains a concerning societal issue, highlighted in some recent high profile cases such as the murder of Sarah Everard by serving police officer Wayne Couzens. While it is suspected that domestic abuse of male victims is under-reported, domestic abuse continues to disproportionately affect females and the risks continue to be great. It is still the case that where females are the victims of homicide they are most likely to be killed by a partner or ex-partner.<sup>7</sup>

Thus, it was important HMICS inspect this high priority area of policing, following on from the work undertaken in our 2020 Crime Audit, where we found compliance with crime recording standards for domestic abuse offences was good.<sup>8</sup>

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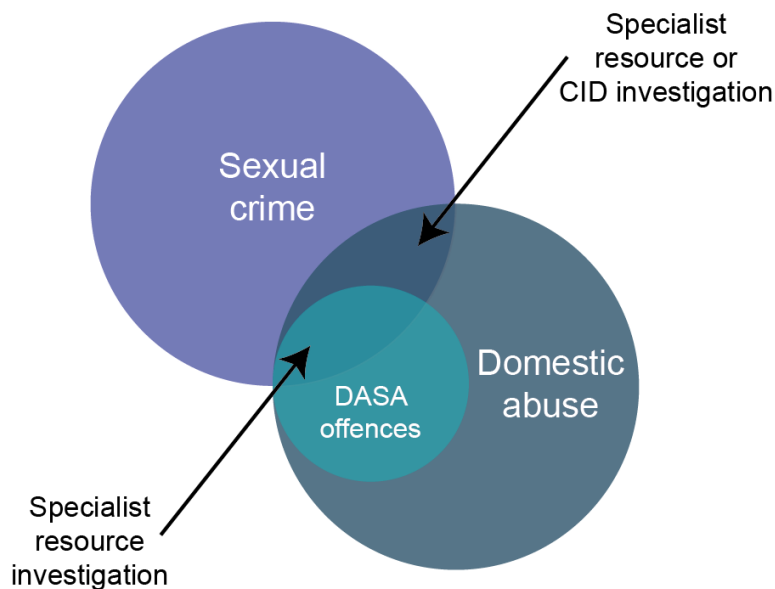
<sup>7</sup> Homicide in Scotland [2021-2022 statistics](#) published by Scottish Government on 25 October 2022 states that throughout the reporting period over half (56% or 9 victims) of the 16 female victims were killed by a partner or ex-partner.

<sup>8</sup> [HMICS Crime Audit 2020 published 10 March 2021.](#)



I note that some issues highlighted in this report have previously been identified and acknowledged by Police Scotland and improvement measures are in progress, however I am clear that, while a great deal has been done to prioritise and tackle domestic abuse, this is still an area where further improvement is required.

We note that Police Scotland has specific structures, protocols, training and guidance for rape and sexual crime that are distinct from domestic abuse. We also acknowledge however that rape and sexual offending is a frequent feature of domestic abuse. A focus of our review therefore was to ensure that the same standards of service that apply to non-domestic rape are applied to cases that are domestic related, including where the sexual offending features as part of a course of conduct.



For example, there is still no formal feedback process to garner the views of domestic abuse victims on their experience of reporting, to inform organisational learning and improve service delivery (whereas, a formal feedback process has been in place for serious sexual offences since 2010).



In particular, we identify the need for:

- Prioritisation of training which should include trauma informed practices and an element of lived experience of victims to address problematic and outdated attitudes
- Improved and more cohesive methods of communicating with victims throughout investigations.

As recognised in our recent Strategic Workforce Planning (SWP) Assurance Review, we are aware of the difficult position in which Police Scotland finds itself, with the budget settlement remaining challenging and pension reforms affecting staffing numbers. We are also aware that the volume of domestic abuse reports do present a significant challenge for policing. Recent reports by media and women's aid organisations in England and Wales indicate that the cost of living crisis is also likely to result in even higher prevalence of domestic abuse offending within society, which may result in an increase in reporting to Police Scotland. Notwithstanding these challenges, the risks associated in this area of policing, which is of significant public concern, determine that the improvements we identify as needed in the policing response to domestic abuse must be prioritised by Police Scotland.

We would like to thank all the officers and staff of Police Scotland who participated in this thematic inspection. We would also like to thank practitioners and especially the victims who participated, either in person or through completing our survey, and who took the time to share their experiences. It was clear to us that their participation was motivated by a genuine desire to improve the experience for others in the future.

**Craig Naylor**

HM Chief Inspector of Constabulary in Scotland

January 2023



# Key Findings

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## Accessibility of reporting

- Police Scotland is proactive in using messaging to contribute towards changing societal attitudes on gender violence, including domestic abuse.
- There is a lack of detailed information or analysis on reporting methods used by different protected groups which hampers Police Scotland's ability to understand what methods work best for different communities.
- The range of options available to assist victims and others to report domestic abuse is generally good.
- During the pandemic, Police Scotland was quick to recognise the risks for potential victims of domestic abuse and was proactive in working with partners to provide messaging on the different ways to make a report.
- Police Scotland has established relationships with partners at local and national level to help remove barriers to reporting, including language and cultural barriers, but closer links would improve the victim experience of reporting and build trust within harder to reach communities, to improve reporting.
- There is still work to be done to increase the availability and use of third party community sites and to equip those working there to support and assist victims to report domestic abuse.

## Standards of service

- There is a lack of consistency in offering victims their preferred gender of interviewing officer for domestic abuse incidents and in recording such requests to capture accurate data. These practices are better known and adhered to for sexual offences.
- Victims of domestic abuse are not consistently being referred to support services.
- There is inconsistency in the recording of information regarding referrals and whether a Victim Care Card (VCC) has been issued to victims of domestic abuse.



## Call handling

- The standard of call handling is good. We saw some instances where excellent communication skills provided the reassurance needed for callers to proceed to report domestic abuse.
- On average, the time taken to answer 101 calls has increased. This has led to frustration for victims and practitioners and affected the quality of service being provided, particularly for those who have to make repeat calls. Victims often have to repeat information that has already been provided.
- For victims reporting conduct perpetrated by police officers or staff, including those who have retired or left the service, issues including the absence of a distinct confidential means by which to report abuse and a lack of faith in the confidentiality of any subsequent investigation create additional challenges and barriers.
- There is a varying standard in the level of questioning applied to inform THRIVE assessments, with some call handlers asking more probing questions than others.
- There is inconsistency in the standard of record keeping on incident records, including the individual elements of THRIVE, system checks and rationales for decision making.
- Some service advisors lack confidence in assessing investigative opportunities, such as recovery of forensic and digital evidence.

## Local policing appointments

- Diary appointments may be appropriate as a policing response for domestic abuse incidents, where they are based on a full THRIVE assessment that identifies there are no ongoing risks/vulnerabilities and where they are victim led.
- There is a risk that other matters, such as resourcing considerations, could influence the decision to use a diary appointment, which must be guarded against.
- As in our CAM Assurance Review, we found that there is a lack of consistency in arrangements across territorial policing divisions for managing the use of diary appointments.
- Police Scotland does not capture data at organisational level on compliance for diary appointments and any associated impact on victim engagement, which is essential to understand failure demand and improve service delivery.
- Diary appointments are often re-arranged resulting in multiple contacts being made with victims. There is a risk this may impact on their level of confidence and/or engagement.



## **Risk assessment and safety planning**

- Processes exist to ensure more meaningful risk assessments where initial Domestic Abuse Questions (DAQ) were not completed or completed with insufficient information, including when victims are not willing to interact fully with the process.
- Safety plans were not recorded consistently. Despite the interim vulnerable persons database (iVPD) being a national database, the structure, composition and detail of concern reports on the iVPD system were inconsistent across divisions.
- There were significant variations in the quality of safety plans.
- There is a lack of consistency in arrangements across divisions for resources that provide risk assessment and safety planning.

## **Police response**

- There is a lack of consistency in the quality of police response provided by attending officers.
- The victim experience is that the attitudes and behaviours of some officers lack empathy and understanding and some victims report that remarks made by officers reflect outdated attitudes.
- Improved understanding of trauma and its effects will improve the response to the more complex aspects of domestic abuse.
- Victims were satisfied with the quality of police engagement with children when dealing with domestic abuse incidents.

## **Police investigations**

- There is still a lack of knowledge and confidence among some officers in recognising and applying the DASA legislation.
- The ability of responding officers to meet the needs of some domestic abuse victims and to conduct protracted investigations is hampered by the need to attend incoming calls.
- In our case file review, the majority of investigations conducted by tier 1 policing resulted in a suspect being charged; however, we found some instances where evidential opportunities were missed.
- Victims state that that they often have to proactively suggest or provide evidence.



- At times the onus is being placed on victims to trawl through information held on devices and submit digital evidence.
- Securing cyber/digital evidence remains a challenge for investigators. There are often significant delays in obtaining evidential cyber examination of devices.
- There is a lack of understanding among officers of the extent and usage of counter/malicious allegations as part of domestic abuse, which needs to be addressed.
- There is a lack of consistency in the way investigation of protracted enquiries, so called “domestic packages”, are managed and progressed within divisions. We found instances in these protracted enquiries where there were delays in tracing suspects due to a lack of ownership of the enquiry.
- Where suspects were released on undertaking we found good use of special conditions to help protect victims.
- There could be greater exploration of using bail reviews to strengthen existing bail conditions to protect victims, where there is repeat victimisation and an accused person has broken or is likely to break conditions of bail.
- We found that tier 2 and 3 investigations are carried out to a high standard, were more robust and that experience of victims was that more specialist domestic abuse officers would help improve the quality of service provided.
- Specialist teams within tier 2 are under resourced with officers struggling to manage workloads and facing “burn out”. The role, remit and criteria for allocation of investigations to tier 3 is not widely understood which creates mistrust between local and national resources. Communication channels between tier 3 and tiers 1 and 2 need to be improved.
- The tactic of pursuing serial and/or high risk perpetrators and proactively searching for investigative opportunities has proved extremely successful.





## Communication and engagement with victims

- There is a lack of proactive provision of updates to victims throughout investigations. Methods and frequency of communication to update victims are ad hoc, sporadic and fail to meet the required level, or expectations of victims.
- The lack of a single point of contact or central point for victims to make contact causes frustration and distress, particularly for those who are repeat victims.
- There is currently no formal feedback process to routinely capture the lived experience of victims of domestic abuse. This inhibits organisational learning and the formation of service delivery models.

## Training

- Domestic abuse champions (DACs) are currently under used; the cadre has reduced in number and training needs to be refreshed.
- Consideration needs to be given to the number of trained Sexual Offences Liaison Officers and whether there are sufficient to reduce the repeat use of some who are being deployed in short succession.

## Leadership and vision

- There is a clear strategic commitment to tackling domestic abuse at a senior level and good governance structures to support the strategic commitment.
- Strategic scrutiny of the local response to domestic abuse and sexual crime was evident and embedded in organisational structures.
- Police Scotland has recognised the increasing complex landscape within public protection and the challenges this brings for resourcing, prioritisation and funding. Its recently commenced Public Protection Development Programme of work is timely and necessary to meet these challenges.



# Recommendations

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## Recommendation 1

Police Scotland should take action to ensure it is meeting its standard of service statutory obligations in offering the gender of interviewing officers to victims of domestic abuse.

## Recommendation 2

Police Scotland should expand the availability and use of third party sites within community settings and work collaboratively with them to ensure they are properly equipped to support and assist victims to report.

## Recommendation 3

Police Scotland should implement changes to enhance the response at the first point of contact for more complex areas of work such as public protection.

## Recommendation 4

Police Scotland should implement an ongoing support and training programme for all C3 staff incorporating input from specialists within public protection, to ensure C3 staff are properly equipped to conduct and record thorough THRIVE assessments for domestic abuse incidents that include all six components.

## Recommendation 5

Police Scotland should streamline the policing response to diary appointments through promoting and embedding a “getting it right first time approach” and defining parameters of acceptable performance. It should also put systems in place to obtain data and management information on the use and compliance of diary appointments.

## Recommendation 6

Police Scotland should urgently take steps to ensure there is a clear and consistent process for recording victim safety plans, supported by additional training in risk assessment and safety planning for all relevant officers, staff and supervisors. This should be accompanied by guidance and pro-forma documentation to ensure all aspects are considered and to achieve consistency across the organisation of:

- What safety provisions are available to officers
- What information should be contained with a safety plan
- Where safety plans should be recorded so they are accessible to those who may need to review/access them



### **Recommendation 7**

Police Scotland should review the role of officers involved in risk assessment and safety planning for domestic abuse incidents to provide national consistency, based on the optimum model, and ensure that they are given the appropriate training and support.

### **Recommendation 8**

Police Scotland should:

- i. Ensure that all domestic abuse training incorporates an element of lived experience of victims.
- ii. As a matter of priority, introduce a programme of mandatory CPD on key topics for all operational officers, supervisors and managers. Key topics for the first year should include: DASA offences, to improve officers' understanding and use of the legislation; trauma informed practices, to improve engagement with victims; and lived experience of victims, to address problematic attitudes and behaviours.

### **Recommendation 9**

Police Scotland and the SPA need to ensure that investigative opportunities for digital evidence capture are improved and maximised for domestic abuse offences.

### **Recommendation 10**

Police Scotland must, as a priority, introduce a robust system for allocation and monitoring progression of domestic abuse investigation packages at local, regional and national level to ensure there are clear channels of ownership and to improve service to victims. With the introduction of the new national crime recording system, Police Scotland should introduce a consistent national standard for domestic abuse packages, to include storage in an accessible and auditable format.

### **Recommendation 11**

Police Scotland should develop and implement effective processes for communication with victims of domestic abuse that are victim focused and include acceptable timeframes for providing updated information. Such processes should include clear recording of preferred methods of contact, which can be accessed by relevant personnel.

### **Recommendation 12**

Police Scotland should ensure that the cadre of trained SOLOs across the organisation is sufficient to meet demand and to ensure the wellbeing of these officers.



### **Recommendation 13**

Police Scotland should incorporate the findings and recommendations from our Strategic Workforce Planning Assurance Review in its approach to the Public Protection Development Programme. It should review its structures holistically and for its response to domestic abuse:

- Establish an in-depth and accurate picture of current and forecasted demand levels
- Set out clearly defined service level standards to meet victims' needs
- Establish the resource level needed to meet demand
- Implement the best model nationally and locally to effect the change needed to support the concept of investigative ownership and continuity of contact/engagement with victims
- Ensure the resources within that model are empowered and have the requisite skills and training to equip them in the complex area of domestic abuse

### **Recommendation 14**

Police Scotland and the SPA should put in place measures to monitor progress against the areas for development outlined in this thematic review.



## Areas for development

Our review identified a number of areas for development across some key processes. These are intended to improve the overall effectiveness of Police Scotland in its delivery of services relating to domestic abuse. We expect these will be included in the improvement plan for domestic abuse.

Section	Reference	Areas for Development
Outcomes	72	Police Scotland should streamline referral and information sharing processes in domestic abuse, including expanding its use of co-location with partner agencies where possible.
Accessibility of reporting	93	Police Scotland should establish closer links with partners and organisations that support victims of domestic abuse, particularly those representing harder to reach communities, to improve the experience of victims.
Call handling	129	Police Scotland should implement improvements to incident log record keeping to ensure that they are accurate and appropriately reflective of system checks, decision making and rationale applied.
Police response	160	Police Scotland should provide guidance on what is an acceptable time frame (upper limit) for diary appointments in domestic abuse incidents.
Safety planning and risk assessment	192	Police Scotland should expedite the search for a permanent replacement for the iVPD system. This should provide greater efficiency in recording information relating to vulnerable individuals, greater consistency in recording safety plans, and enhance analytical capabilities to identify trends and patterns for strategic planning.
Delivery	205	Police Scotland should ensure that data systems flag escalation of incidents automatically.
Investigation	265	Police Scotland should introduce measures to assist supervisors identify that all necessary tasks and investigative opportunities have been explored and completed.
Investigation	284	Police Scotland should strengthen existing guidance to include a specific duty that supervisors approve actions when there is any suggestion that a counter complaint or malicious report is being made, and that they provide and record a full rationale for decision making. This should promote a full consideration of whether the report amounts to a counter allegation and support a “getting it right first time approach”.
Investigation	333	Police Scotland should develop a process for the allocation of investigations to tier 3 that is transparent. It should devise and implement a communication package to improve the understanding of the role of tier 3 across the organisation, setting out clearly how tiers 1, 2 and 3 should co-operate with each other.



Communication and engagement with victims	354	Police Scotland should expedite the implementation of a formal feedback process for victims of domestic abuse.
Training	357	Police Scotland should ensure DACs are provided with regular refresher training to maintain their skills and knowledge and ensure they are utilised to their full potential within local policing divisions.
Training	366	Police Scotland should review the deployment rate of the SOLO cadre, setting clear parameters of what is an acceptable number of deployments within clearly defined timescales, and should develop a welfare strategy to prevent over exposure of those deployed in this difficult area.
Leadership and vision	399	The Public Protection Development Programme must include in-depth demand analysis to ensure Police Scotland has the right structures in place to meet these challenges and effectively manage risk.



## Background and context

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1. As explained in our Terms of Reference and set out in our 2022-25 scrutiny plan, this thematic inspection forms the first phase of planned inspection activity in this area. It examines the state, efficiency and effectiveness of the police response to domestic abuse, with a particular focus on the user experience of the reporting and investigative processes up to conclusion of the police investigation. Wider criminal justice issues impacting victims of domestic abuse, including the effect of court backlogs, will be assessed in due course. As the inspection is focused on the user experience, a large proportion of this report concentrates on the delivery aspect. As set out in our Terms of Reference, Police Scotland's structures, policy and strategic direction in relation to the wider business area of public protection and specifically in relation to VAWG was excluded from scope given the ongoing comprehensive review that has been commissioned by Police Scotland in this area (the Public Protection Development Programme). Thus we have not considered these aspects in detail but we are aware in general terms of this ongoing programme of work and, where relevant, have made some suggestions/recommendations to help contribute to what should be considered by Police Scotland in taking that work forward. This may be something we return to in future phases of domestic abuse inspection work.
  
2. The objectives of this thematic inspection included:
  - Assessing the accessibility of reporting to the police and identifying any improvements that can be made to break down barriers
  - Providing assurance that the Contact Assessment Model of call handling is being used effectively and consistently for domestic abuse and the appropriate policing response, including any safety planning, is being provided
  - Evidencing the victim experience of the service provided by Police Scotland, including the level of engagement, communication and provision of support, and assessing whether victim expectations are being met
  - Providing assurance of the effectiveness of investigative decision making at local and national level
  - Assessing the effectiveness of training and its impact on service delivery and identify any gaps



3. We have sought to identify good practice and where improvements can be made, with a view to improving service delivery and the experience of victims, ultimately enhancing public confidence in an area of policing of great public interest and concern.
4. Scottish Government's National Performance Framework (NPF)<sup>9</sup> sets out the government's vision and values for society, with 11 national outcomes to achieve this vision. One of those national outcomes is to "live in communities that are inclusive, empowered, resilient and safe".
5. Scotland's "Equally safe strategy"<sup>10</sup> provides a vision of "a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse - and the attitudes that help perpetuate it". The aim is that through collaborative working across the public, private and third sectors, all forms of violence against women and girls will be prevented and eradicated, including domestic abuse, rape, sexual assault, commercial sexual exploitation, and so called 'honour based' violence such as female genital mutilation and forced marriage.
6. The 2022 "Vision for Justice in Scotland" sets out transformation priorities which include provision of person-centred justice services that ensure a person's needs and values are respected, that people will be treated with empathy and kindness, and provided with the support they need to thrive. It also recognises that many of the issues that bring people to the justice system are very traumatic and there is a duty to ensure further trauma/re-traumatisation is minimised.
7. The definition of domestic abuse in Scotland, which is recognised by Police Scotland, is:  
*"Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct, and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online".*

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<sup>9</sup> [Scottish Government National Performance Framework.](#)

<sup>10</sup> [Equally Safe strategy - Violence against women and girls \(VAWG\) - gov.scot \(www.gov.scot\).](#)





8. In law, the term “complainer” is used to describe the person against whom it is alleged a crime has been committed. Women and men who have experienced domestic abuse and/or sexual violence often prefer to use the term “survivor”. In this report, we use the term “victim” which is terminology used in legislation and is commonly understood. In using this terminology no assumption is made about the veracity of any allegations.
9. The nature of offending within a domestic setting encompasses a wide range of criminal conduct and this presents varying levels of complexity for investigators and practitioners alike. The Domestic Abuse (Scotland) Act 2018 created a new offence of domestic abuse, providing an additional tool in the armoury of criminal justice to tackle this criminal behaviour. However, it also created additional considerations and complexities for those involved in criminal investigations.
10. Scottish Government statistics<sup>11</sup> reveal that:
  - 64,807 incidents of domestic abuse were recorded in 2021-22, a one per cent decrease from 2020-21, representing the first decrease since 2015-16
  - Four per cent of all crimes and offences recorded by Police Scotland in 2021-22 as part of a domestic abuse incident were recorded under the Domestic Abuse (Scotland) Act 2018. This remains the same as it was the previous year.
  - Where gender information was recorded, 4 out of 5 (81 per cent) incidents of domestic abuse involved a female victim and a male accused, a slight increase from 80 per cent in 2020-21; and 15 per cent involved a male victim and a female accused, a slight decrease from 16 per cent in 2020-21.
11. The most recent Police Scotland performance report (Q4) reported that during 2021/22 there had been an overall reduction in domestic abuse recorded (decrease of 1.7 per cent) although offences recorded under DASA continued to increase with DASA offences relating to a female victim increasing by 3.8 per cent (60 Crimes) and DASA offences relating to a male victim increasing by 41.5 per cent (39 crimes).

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<sup>11</sup> [Domestic abuse recorded by the police in Scotland 2021-22](#) published 30 November 2021.



12. Since its inception, Police Scotland has stated a clear organisational commitment to tackling VAWG, (including rape and sexual crime, domestic abuse and child protection) and aligns its approach to the Scottish Government Equally Safe Strategy. Despite this commitment, there is currently no overarching VAWG strategy, although Police Scotland has recently begun work to develop such a strategy. It is taking a collaborative approach to this work, in consultation with key stakeholders and academia, through its Stakeholder Engagement Forum chaired by the Deputy Chief Constable (DCC) for Crime and Operational Support. We welcome this progression and, in particular, the collaborative nature of this work, which will allow victim experience to shape strategic direction. This is considered further at the Leadership and Vision section of the report.
  
13. Police Scotland adopts a three tiered approach to its response to domestic abuse, which is set out within internal policy and guidance documents:
  - **Tier 1 - The operational/initial response.** This encapsulates almost every report coming into the service and includes Contact, Command and Control Division (C3), local policing divisions and Criminal Justice Division
  - **Tier 2 - specialist domestic abuse investigation officers within local policing divisions.** To support the tier 1 response each local policing division has specialist officers. It is their role to maintain an overview of the divisional response, ensure there is effective safety planning and undertake more complex or protracted investigations.
  - **Tier 3 - national resources.** For domestic abuse this is the Domestic Abuse Task Force (DATF) and the Domestic Abuse Co-ordination Unit (DACU), for sexual crime there is also the National Rape Task Force (NRTF). These national resources come under the Specialist Crime Division of Police Scotland. The DATF is responsible for investigations into serial perpetrators who are identified as posing the greatest threat of risk and harm. The DACU is responsible for all national policies in respect of domestic abuse. The NRTF combines both these functions in relation to sexual crime.
  
14. The stated intention of this three tiered approach is to ensure domestic abuse victims across Scotland receive a police response tailored to the particular circumstances of their case.



## Methodology

### Interviews

15. In total, 102 officers and staff were interviewed during this inspection, 21 of whom were jointly interviewed with the CAM Assurance team. In recognition of the significant challenges facing the organisation at the time of the inspection, including continued staff absences due to COVID-19, and to minimise impact, HMICS co-ordinated the interview scheduling for this inspection with that being undertaken in our CAM Assurance Review. This ensured there was no duplication of interviews. Small virtual focus groups of relevant officers and staff also took place. All of these interviews and focus groups were conducted remotely using Microsoft Teams, thereby removing the need for travel and further reducing the impact on Police Scotland.
16. In addition, focus groups were held with practitioners working for organisations that represent/provide support to victims of domestic abuse and/or sexual crime, including Amina, Advocacy Support Safety Information Services Together (ASSIST), Scottish Women's Aid (SWA), Scottish Women's Rights Centre (SWRC) and Victim Support Scotland (VSS).
17. Facilitated by some of these stakeholder organisations, HMICS also held interviews with 17 victims to gain direct insight into their lived experience.

### Call audit and case file review

18. We listened to calls identified as relating to domestic abuse from two different samples and examined the associated incident and iVPD records to assess the use of the THRIVE model for risk assessment, the application of safety measures and the appropriateness of the initial police response.



19. The first sample (sample 1) comprised 60 domestic abuse related calls in C, K and N divisions (Forth Valley, Renfrewshire and Inverclyde, and Highland and Islands respectively) during the week commencing 22 November 2021. This formed part of the overall sample of 360 calls reviewed in the HMICS CAM Assurance Review. Although the review of these calls was undertaken by the team of inspectors working on the domestic abuse thematic inspection, the work was co-ordinated to ensure a correlation between the assessments, thus allowing the CAM team to incorporate findings in their report.<sup>12</sup> Some additional areas of particular relevance to domestic abuse were also assessed for the purposes of this thematic inspection. By adopting this approach, the impact on Police Scotland of conducting two parallel reviews at the same time was reduced.
  
20. The other sample of calls (sample 2), formed part of a wider case file review which comprised 70 domestic abuse related incidents in A, J and Q divisions ( North East, Lothian and the Scottish Borders, and Lanarkshire respectively) during the period 1 July to 30 September 2021. Of these 70 incidents, we were able to listen to 66 of the calls made, the other 4 having no original call available to assess.
  
21. The gender breakdown of victims and perpetrators in sample 2 was:
  - 63 (90 per cent) of the victims were female and 7 (10 per cent) were male
  - 63(90 per cent) of the perpetrators were male and 7 (10 per cent) were female
  
22. In sample 2, we not only assessed the call handling aspects, but also the standard of service and victim care provided to victim/survivors throughout the investigative process including:
  - risk assessment
  - safety planning
  - communication and engagement
  - investigative decision making, including supervisory input and involvement of specialist units.

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<sup>12</sup> [HMICS Assurance Review of Police Scotland Contact Assessment Model.pdf](#)



23. Sample 1, forming part of the overall CAM assurance sample of 360 cases, was a large enough sample to allow results in the CAM Assurance Review, when applying a confidence level of 95 per cent, to yield a confidence interval of no more than +/- 5.2 per cent.<sup>13</sup> However, it was not possible to assess a sufficiently large sample to provide the same level of confidence in our case file review,<sup>14</sup> due to the volume of domestic incidents reported and the time it would take to assess the full investigative journey of each case. Thus, the approach taken in this thematic inspection is that evidence from both samples forms part of the overall evidence base, when taken together with other evidence, enabling HMICS to make robust findings.
24. Further information is available at Appendix 3, explaining how incidents were identified, how the sample sizes were determined and why the time periods, from which calls/records were selected, were chosen.

### Document reviews

25. The team reviewed a range of relevant documentation, including policies, procedures, performance and management information, strategies, plans and course materials.

### HMICS online survey

26. As part of this thematic inspection, an online survey was developed to seek the views and experiences of those who had reported domestic abuse to Police Scotland. The survey was live between 10 May 2022 and 10 June 2022. This was an open, online survey, which was promoted via social media, on the HMICS website, and by various organisations involved in representing or supporting victims of domestic abuse, including those who have experienced sexual offending within the domestic context. HMICS is particularly grateful to Dr Nancy Lombard and Dr Katy Proctor of Glasgow Caledonian University who shared some concepts and ideas to inform our approach to the survey questions.<sup>15</sup> We are also grateful to those organisations that assisted in

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<sup>13</sup> When working with samples, a confidence interval indicates a range of values that is likely to encompass the “true” value. For example, if an audit found that 85 per cent of calls were of a particular standard with a confidence interval of +/- 5 per cent, we would be confident that between 80 per cent and 90 per cent of all calls met that standard.

<sup>14</sup> Sample 2 yields a confidence interval of no more than +/- 11.7 per cent.

<sup>15</sup> Published reports include: “**Lombard, N. and Proctor, K. (2022) *Domestic Abuse (Scotland) Act 2018 and the Criminal Justice System. Women’s Experiences two years in, the emerging findings* Scottish Centre for Crime and Justice**” and “**Lombard, N. and Proctor, K.(forthcoming Jan 2023) *The Lived Experiences of Victims of Coercive Control, Stalking and Related Crimes, as they progress through the Criminal Justice System***”



disseminating the online survey, namely Amina, ASSIST, Rape Crisis Scotland (RCS), SWA, SWRC and VSS and to those who provided initial feedback on the content of the survey to help ensure it was user friendly for those who wished to complete it. In total, the survey received 94 responses.

27. The responses to the survey were made anonymously. Thus, there is a possibility that some of the 94 victims who contributed to the survey were also among the 17 victims interviewed by us.
28. The gender breakdown of respondents who completed the survey was:
  - 80 (85 per cent) identified as female
  - 14 (15 per cent) identified as male
29. Key findings from the survey are provided at Appendix 2, however reference is made throughout this report, where relevant. HMICS recognises that this is a self-selecting group that may have been more motivated to provide a response having had a negative experience. 94 responses, from over 60,000 recorded domestic abuse incidents per year, is not representative, but we have used the data to ensure the voices of those victims, who participated in the survey, are heard.
30. Nonetheless, the aim of the HMICS thematic inspection was to assess the state, efficiency and effectiveness of Police Scotland's response to domestic abuse, with a focus on the user experience of victims who report to the police and therefore this forms a crucial part of the evidence base upon which we have drawn our findings. We are extremely grateful to all of those who took the time to complete the survey.

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Reports in progress: "Proctor, K., Lombard, N. and Whiting, N. (2022). *Researching Sensitive Topics Online: Using Mixed Methods in the Context of A Transformative Methodology*"; "Lombard, N. and Proctor, K. (forthcoming) 'Justice Work': Women (having to do) it for themselves to be submitted to *British Journal of Criminology*" and "Good Cop / Bad Cop: Temporal Disempowerment in domestic abuse policing (in progress) to be submitted to *Policing and Society*"



## Outcomes

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31. Police Scotland operates a performance cycle of quarterly reports measured against its revised performance framework and new measures of progress. The framework is outcome focused and aligns to strategic outcomes detailed in its Annual Policing Plan (APP), which is, in turn, underpinned by local policing plans relevant to each local authority area. Management information at local level is also published on a quarterly basis
  
32. There are five strategic outcomes in the APP with a number of objectives and activities sitting beneath them. For the purposes of this report the most relevant strategic outcomes are 1 - 3:
  - Threats to public safety and wellbeing are resolved by a proactive and responsive police service
  - The needs of local communities are addressed through effective service delivery
  - The public, communities and partners are engaged, involved and have confidence in policing

### Strategic outcome 1

#### Prevention and proactive approaches

33. Police Scotland uses a number of proactive approaches and prevention activities to tackle domestic abuse and reduce the potential for harm. The organisation is proactive in using messaging to contribute towards changing societal attitudes in relation to all forms of gender violence, including domestic abuse. In November/December 2021 it joined forces with partners to support the 16 Days of Activism campaign<sup>16</sup> to challenge the myths and misconceptions around all forms of gender based violence. This included the [domestic abuse campaign](#) launched on 20 December 2021 which was used to warn potential perpetrators, encourage reporting and motivate bystanders to report concerns. The following case study demonstrates the effectiveness such approaches can have:

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<sup>16</sup> Police Scotland supports 16 Days of Activism every year.



## Case study 1

In October 2021, Police Scotland launched its “Don’t Be That Guy” video campaign addressing misogyny, sexism and attitudes around sexual violence. Actors from a range of diverse communities were used to encourage men to reflect on their own language and behaviour about, and towards, women, and to tackle entitlement behaviours within their own peer groups.

Around 11 social media influencers were recruited who created original content or shared campaign messaging with their own social media followers.

It is estimated the 60 second film was viewed a minimum of 4 million times worldwide and a number of celebrities, actors and high profile individuals shared the campaign content on Twitter.

The campaign has had the highest reach of any Police Scotland campaign to date. It was nominated in two categories of the Drum Awards for Digital Advertising and won Best Public Sector Campaign.

Although it is easy to measure the number of “views” or tweets/retweets surrounding such a campaign, it is of course harder to measure the success of changing male behaviour, the primary objective of the campaign. However, there is no doubt the campaign was impactful and we received positive feedback from practitioners we spoke to during our inspection work.

This campaign has been updated to [That Guy](#), building on previous Police Scotland sexual crime prevention campaigns, targeting men aged 18 - 35 years who are most likely to commit sexual offences. The campaign features a new advert which will run on several online platforms, including social media.



34. HMICS welcomes this partnership working and these proactive initiatives to raise awareness, challenge societal attitudes and encourage reporting.





35. Police Scotland also adopts a proactive approach in identifying and targeting high risk serial perpetrators who pose the greatest threat of risk and harm. Partnership working and information sharing contributes to identifying these perpetrators. Initial referrals are made to DAU's, or their equivalent in tier 2 policing, who make an initial assessment and refer those presenting the greatest risk to the Multi-Agency Tasking and Co-ordination (MATAC) Research and Assessment Unit. MATAC meetings are then chaired by the DATF where information is shared to enrich and inform the tasking and co-ordination required to pro-actively investigate perpetrators.
  
36. During 2021/22, Police Scotland's DATF progressed over 200 investigations into high risk serial perpetrators of domestic abuse across the country.<sup>17</sup> Cumulatively, they were charged with over 300 crimes. Between April and December 2022, as a result of DATF investigations, 30 perpetrators have received custodial sentences totalling 208 years, with 152 years of Non Harrassment Orders (NHO) imposed and 7 lifelong NHO.<sup>18</sup>
  
37. [The Disclosure Scheme for Domestic Abuse Scotland \(DSDAS\)](#) can also be used to prevent and protect potential victims through information sharing about a partner's abusive past. The scheme has gender neutral terminology and anyone can make a "Right to Ask" (RTA) application if they have concerns about themselves or someone else's new partner. This can lead to information being provided to allow a potential victim to make an informed decision on whether to continue the relationship. The police also, on receiving information or intelligence about the safety of a person who may be at risk, have the ["Power to Tell" \(PTT\)](#) potential victims about a person's abusive past.
  
38. Part of Police Scotland's domestic abuse campaign in November/December 2021 was aimed at increasing DSDAS applications. Following this initiative (and a recent review of DSDAS), Police Scotland reported in its Q4 performance report 2021/22 that DSDAS applications have increased by 12.4 per cent overall, with a 6.2 per cent increase in PTT applications and a 30.3 per cent increase in RTA applications, compared with the same period last year.

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<sup>17</sup> Police Scotland, [Five domestic abusers sentenced to 61 years in prison](#), May 2022.

<sup>18</sup> Police Scotland data, 15 December 2022.



## Responsive service

39. As already highlighted, Police Scotland adopts a three tiered approach in its response to the policing of domestic abuse. The Q4 performance report 2021/22 reported that, compared with last year:

- Domestic incidents had decreased by 1.7 per cent (1,098 fewer incidents)
- Domestic crimes had also decreased, by 2.9 per cent (1,218 fewer crimes)
- However, the number of DASA crimes continued to increase (7 per cent increase, from 1,641 to 1,760)
- The detection rate<sup>19</sup> for all domestic abuse cases was 66.9 per cent, a 3.8 per cent point decrease from the previous year, which was 70.6 per cent

40. Whilst we acknowledge the legislative and criminal justice system distinctions between the jurisdictions, it is worthy of note that the detection rate in Scotland compares very favourably with solvency figures for England and Wales, as highlighted in the following table, from the [HMICFRS 2021 Review of policing domestic abuse during the pandemic](#).

Table 1: Outcome comparisons in England and Wales from March 2016 to March 2020

Outcome	12 months to Mar 16	12 months to Jun 17	12 months to Sep 18	12 months to Mar 19	12 months to Mar 20
Charged/summonsed	23.2%	18.6%	12.6%	11.4%	9.0%
Caution - adults	5.6%	3.8%	2.0%	1.9%	1.5%
Caution - youths	0.3%	0.3%	0.1%	0.1%	0.1%
<a href="#">Community resolution</a>	1.4%	1.1%	0.8%	0.8%	0.6%
<a href="#">Outcome 15</a> - Evidential difficulty prevents further action; victim supports police action	24.1%	23.7%	23.8%	23.1%	23.0%
<a href="#">Outcome 16</a> - Evidential difficulty prevents further action; victim does not support police action	35.4%	43.0%	51.9%		

<sup>19</sup> Sometimes referred to as “cleared up” crime. This is where there is a sufficiency of evidence under Scots Law to justify consideration of criminal proceedings notwithstanding a report may not be submitted to the Procurator Fiscal or children’s reporter because it meets criteria set out in agreements or due to death or non-age of the accused.



41. In the first year following implementation of the DASA legislation, regular meetings took place between the Crown Office and Procurator Fiscal Service (COPFS) and the force to identify shared learning and improve Police Scotland's application and use of the new legislation. Cases where no proceedings were taken were discussed and figures on the number of prosecutions were provided by COPFS.
42. In response to the 64,807 domestic abuse incidents recorded in 2021/22, the number of charges reported to COPFS with a domestic abuse identifier decreased by 1.9% per cent, with 32,776 charges being reported, compared with 33,425 in 2020/21. In 2021/22, Police Scotland recorded 1,790 crimes under the Domestic Abuse (Scotland) Act 2018, with a detection rate of 74.1 per cent (detections for 2020/21 were 73.1 per cent).
43. These meetings between COPFS and the organisation, and provision of figures for prosecution, no longer happen. However, the DATF do have regular engagement with the COPFS National High Court Sexual Offences Marking Team to discuss domestic cases where there is serious sexual offending. This allows learning and additional investigative opportunities to be identified, to improve quality and outcomes.
44. We accept that detection rates can be a blunt tool for measuring outcomes, and we acknowledge a key performance indicator (KPI) driven approach can be counter-productive, however, we did find in our case file reviews some missed investigative opportunities which, if addressed, may improve detection rates and outcomes. This is explored further within the Investigations section.



## Strategic outcome 2

### Call handling

45. The Contact Assessment Model (CAM) is the new national system by which Police Scotland manage requests for police assistance, implemented in phases following HMICS' 2015 review of call handling.
46. In our recent Assurance Review of CAM,<sup>20</sup> the increase in average call answer time for 101 calls was highlighted. This is a source of frustration for victims and practitioners affecting the service provided to them. Our observations on this are dealt with in more detail within the Call Handling section of this report.

### Standards of service

47. [The Victims and Witnesses \(Scotland\) Act 2014](#) ("the 2014 Act") provides specific rights for victims in relation to receiving support and information from organisations they deal with in the criminal justice system, including the police. The legislation requires the Chief Constable of the Police Service of Scotland (along with other named persons/bodies) to set and publish standards on the services that those bodies provide to victims and witnesses, and publish a yearly report containing: an assessment of how the standards have been met, how they intend to continue to meet them; and any modifications made during the reporting period or intended to be made in the following period.

### Right to specify gender of interviewing officer

48. Section 8 of the 2014 Act sets out victims' rights to specify the gender of the interviewing officer for certain offences,<sup>21</sup> including domestic abuse. Where an investigating officer intends to carry out a relevant interview with a person who is or appears to be a victim of such an offence, the investigating officer must give the person to be interviewed the opportunity to specify the gender of the investigating officer who is to carry out the interview. Where a victim makes a request for a particular gender of officer, this request should be complied with wherever possible, unless complying with it would be likely to prejudice a criminal investigation, or where it would not be reasonably practical to do so.

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<sup>20</sup> [HMICS | HMICS Assurance Review of Police Scotland Contact Assessment Model](#)

<sup>21</sup> Offences included: sexual offences, human trafficking, domestic abuse and stalking.



49. In the Standards of Service for Victims and Witnesses Annual Report 2021-22<sup>22</sup> (“2021/22 Standards of Service Annual Report”) Police Scotland reported that, for domestic abuse, the DATF and every domestic abuse investigation team *“is made up of a sufficient number of male and female officers to enable the standards set in section 8 of the Victims and Witnesses (Scotland) Act 2014 to be met”*. It also reported that *“over and above giving victims the choice of a female or male police interviewing officer, we continue to be dedicated to fully supporting them, which includes working closely with our partners to achieve this”*. We consider issues around providing support to victims within the Standards of Service section.
50. We note that, in previous annual reports for 2018/19 and 2019/20, data was included on the overall numbers of victims for relevant offences and the numbers that were given the opportunity to specify the gender of the interviewing officer; however, no such data was reported in the 2020/21 or 2021/22 annual reports. In 2019/20 these were:
- 35,432 victims of relevant offences
  - 31,061 (88 per cent) of victims given the opportunity to specify the gender of officer
  - 55 cases (0.2 per cent) where Police Scotland deemed it was not reasonably practicable to accommodate the request, after the victim had said 'yes' to specifying the gender
51. Police Scotland has since reviewed this and has provided the following management data for the year 2021/22:
- 32,915 victims of relevant offences
  - 27,854 (85 per cent) of victims given the opportunity to specify the gender of the officer
  - 54 cases (0.2 per cent) where Police Scotland deemed it was not reasonably practicable to accommodate the request, after the victim had said 'yes' to specifying the gender.
52. Police Scotland plan to retrospectively publish this data for 2021/22, and that for previous years on their website, alongside their annual reports and have advised that they will continue to publish this data in the future.

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<sup>22</sup> [Standards of Service for Victims and Witnesses Annual Report 2021-22](#)



53. It is of concern that the figures provided record a drop in the percentage of victims being offered the opportunity to specify the gender of the officer.

### Case review

54. Actions in terms of victims' rights are recorded on the iVPD database. However, during our case file reviews, we observed that questions regarding the gender of officers automatically appeared only if officers selected "yes" to a question regarding whether the incident related to a relevant offence. A number of the domestic incidents we reviewed had this box wrongly ticked as "no", consequently any requests for gender (and whether the requests relating to victims' rights were complied with) were not recorded. We have concerns that this demonstrates a level of misunderstanding among officers as to which offences the statutory duties apply to. We found this to be a fairly common error, which raises concerns not only on the accuracy of previously reported data, but also on the statement that there are sufficient numbers of male and female officers to enable the standards to be met. It is therefore reasonable to assess that the compliance figures relating to section 8 of the 2014 Act, as highlighted at paragraphs 50 and 51, are likely to be lower than formally reported. This assessment is supported by our survey results and by what we were told by victims, as outlined in the following section (What we heard). If Police Scotland is not accurately capturing data on the number of relevant offences and the number of requests made by victims, it is hard to see how it can gauge with any accuracy the level of demand to inform how many male/female officers are needed to meet its statutory obligations.



## What we heard

55. We heard from officers interviewed that meeting requests for a specific gender of officer was not an issue, although it could present more challenges in rural areas or out of usual office hours. There was a high level of confidence among officers that the gender of an interviewing officer would be offered for sexual offences, as this is included as a specific question for the Initial Briefing Report (IBR). However, there was less confidence the offer would be made for domestic incidents where there was not a sexual element. Some officers thought there was a reliance on the victim to make a request rather than them being specifically asked or offered.
56. Of the 17 victims we interviewed, 9 stated they had not been offered the gender of interviewing officer. One who had not been asked/offered requested female officers, having read about their victim's rights online, however, this request was not met. Practitioners were aware of other similar experiences.
57. We were told by some victims that they had not realised they could state a preference of gender as it was not explained to them. Of those, some were clear they would have stated a preference had they been asked. The impact for one victim was failure to initially disclose sexual offences, as they did not feel comfortable (due to cultural sensitivities) in discussing such matters with a male officer. This last example illustrates how important it is that victims of domestic abuse are made aware of their rights to request the gender of the interviewing officer at the earliest opportunity. This ensures they feel comfortable in disclosing full details of the abuse suffered so that a full investigation can take place from the outset and the potential to miss evidential opportunities can be avoided. It may also avoid the need to take subsequent statements from the victim, which can add to their distress.

### Survey results

76.8 per cent of respondents said they had not been given the option to state a preferred gender of officer to take their statement.

Of those who stated a preference, 55.6 per cent said that their request had not been fulfilled.



58. We note that in the [2021/22 Standard of Services Annual Report](#), Police Scotland states that service advisors within police call centres are aware to ask victims of rape and sexual crime their preferred gender of interviewing officer, however no such statement is made for domestic abuse. In the calls we reviewed, service advisors did not ask victims of domestic abuse their preference. However, one of the victims we interviewed had been asked by the call handler what their preference was, which was good. In that instance, a diary appointment was being arranged for officers to attend (which may have been a factor in the call handler asking the victim).
59. We consider the service should take action to ensure they are meeting their standard of service statutory obligations in offering the gender of interviewing officer to victims of domestic abuse. This should include training, review of IT systems and the recording and monitoring of data. Allowing victims to specify their preference of gender of interviewing officer should be done at the earliest opportunity and for non-urgent incidents should be considered at the first point of contact.

#### **Recommendation 1**

Police Scotland should take action to ensure it is meeting its standard of service statutory obligations in offering the gender of interviewing officers to victims of domestic abuse.

#### **Referral to victim support services**

60. [Section 3D of the 2014 Act](#) provides that Police Scotland must ensure, as soon as reasonably practicable after a constable identifies a person who is or appears to be a victim of an offence, that they are informed they may request a referral to providers of victim support services and that they may contact providers of victim support directly without referral.
61. Police Scotland complies with this by providing victims with a Victim Care Card (VCC). The VCC contains details of the investigating officer along with details of where Police Scotland standards of service and the Victims' Code for Scotland can be accessed. It also advises that a victim has a right to request a referral to providers of victim support services, and gives contact details for Victim Support Scotland (VSS), should a victim prefer to contact these services directly.





62. The 2021-22 Standards of Service Annual Report acknowledges the importance of providing access to support services for victims of domestic abuse, and indicates that work has been carried out to look at how VCCs are used by victims, ensuring the content is appropriate and the contact methods provided meets the needs of victims.

### Case review

63. In our case file review we found:
- In half of the cases examined (35 of 70), it was clear that a VCC had been issued
  - In 16 cases, it was recorded that a VCC had been offered but declined
  - However, in 19 cases, we were unable to find a record of a VCC being issued or offered. It may be of note that 11 of these victims were non-cooperative, nevertheless, a VCC should still be offered and a record made.
64. When police offer a VCC, they note this down in the electronic crime report. There are currently many different systems for this in use across Scotland, but the imminent introduction of the national crime recording system should help in standardising how these are recorded.
65. The Domestic Abuse Standard Operating Procedure (SOP) stipulates that investigating officers must offer victims access to victim support and advocacy services. It is doubtful that simply issuing a VCC is of itself sufficient for these purposes.

### What we heard

66. Officers and staff told us that relationships with support partners are sound and constructive and that victims are appropriately referred to them for support (although there can be delays in referrals being accepted due to capacity issues among service providers).
67. In our interviews with victims and practitioners we discovered that, of those who had engaged with support services, many had done so without being referred or signposted by Police Scotland and often prior to them engaging with the police at all.



### Survey results

- In contrast to what we found in our case file review more respondents in our survey said they were not offered a VCC (57.8 per cent - 52 respondents) than those who said they were (33.3 per cent - 30 respondents). Eight respondents said they did not know.
- 55.3 per cent (52 respondents) said they had not been informed of their right to support services, compared with 34 per cent (32) who said they had. Ten respondents (10.6 per cent) did not know.
- When asked if Police Scotland had referred them to support services, 69 per cent (65) said no, and 19 per cent (18) said yes. Eleven respondents (11.7 per cent) did not know.

68. We found that referral arrangements to support and advocacy services were more distinct and robust for victims of rape and serious sexual crime. For these offences, there is a direct referral process between Police Scotland and [Rape Crisis Scotland](#). This was established in 2010 and requires police to automatically refer all adult victims of rape and serious sexual crime, with their consent, to the Rape Crisis Scotland's Helpline. Police must also advise victims of their right of access to an advocacy support worker via the Rape Crisis Scotland National Advocacy Project.
69. In contrast, there is an array of providers of support services for domestic abuse and therefore referrals for support are more commonly made on a local and individual basis by the relevant concern hub following a review of records updated on the iVPD system.
70. Some practitioners told us that there had been some confusion as to the circumstances in which information could be shared with partners, resulting in a nervousness about information sharing/making referrals. Support services indicated this was less of a problem where domestic abuse incidents reached a certain threshold of risk which negated the need for consent.



71. Police Scotland revised its procedures during the pandemic to streamline information sharing. It moved from a purely consent based model to a public task approach, whereby officers seek individuals' views on having their information shared. If this is declined, details may be shared for welfare reasons (where deemed to be in the interests of the individual). This new approach is set out clearly in the 2021/22 Standards of Service Annual Report. We expect this change in approach will improve information sharing with partner agencies, but Police Scotland should keep this under review.
  
72. Support provision must be readily accessible, particularly in such a high risk area. While we recognise the disparity in volumes of business between different crime types and the challenges a substantial increase in referrals would have on support provision at the current resource levels, there is scope to streamline referral and information sharing processes further. For instance, we heard that communication and relationships with partner agencies improved in areas that operated co-located arrangements. For example, the co-location of ASSIST with a number of Police Scotland sites across the West of Scotland, and arrangements in West Lothian where a number of different services, including support services, social work, police and justice are co-located together.

#### **Area for development**

Police Scotland should streamline referral and information sharing processes in domestic abuse, including expanding its use of co-location with partner agencies where possible.

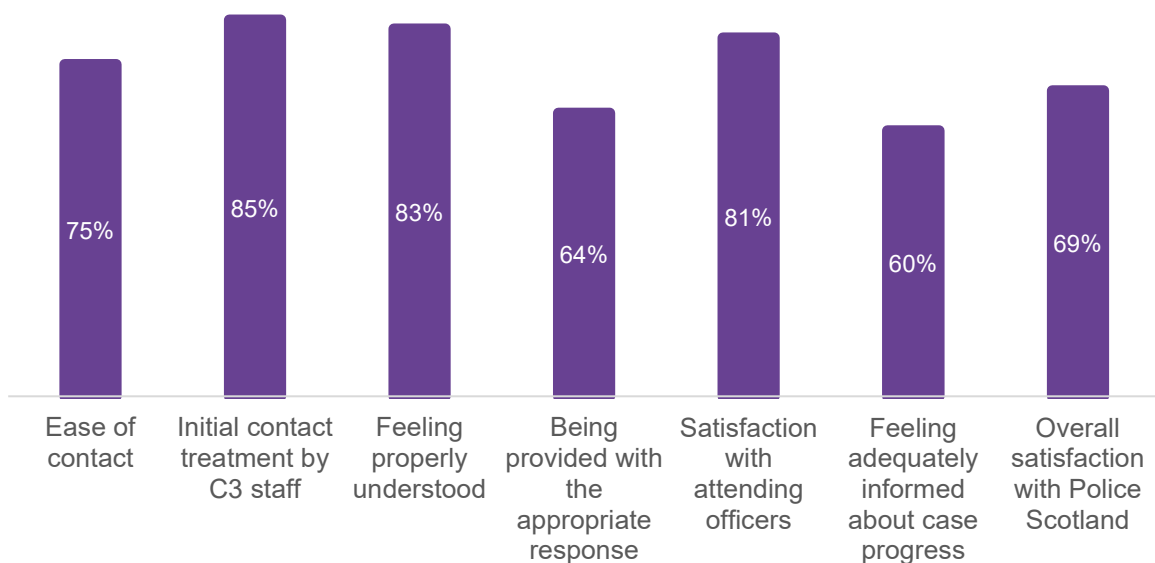
### **Strategic outcome 3**

73. Police Scotland uses a regular programme of surveys to help the it understand levels of public confidence and user experience. Its "Your Police Survey" received 20,024 responses between 30 April 2021 and 31 March 2022 (as highlighted in our recent CAM Assurance Review). This included 398 British Sign Language responses. During this period, public confidence was recorded as 41 per cent in Quarter 1; 38 per cent in Quarter 2; 43 per cent in Quarter 3; and 40 per cent in Quarter 4. Using an overall confidence index score calculated to compare with benchmarking surveys, including the Scottish Crime and Justice Survey, the overall 2021/22 confidence score was 53 per cent.



74. The organisation’s “User Experience Survey” is administered by an independent body who text members of the public who have contacted Police Scotland in the previous month, inviting them to take part. Between January 2021 and March 2022, they asked 20,134 respondents about their experience of the policing service provided, from initial contact through to overall satisfaction. These surveys showed continued high levels of satisfaction: ease of contact (75 per cent); initial treatment by C3 staff (85 per cent); and satisfaction with attending officers (81 per cent). Overall satisfaction during this period was 69 per cent.

#### User experience (January 2021 - March 2022)



75. The results from surveys are also referenced by Police Scotland as one of the measures of whether they are meeting their published standards of service in terms of communicating with victims, under the Victims and Witnesses (Scotland) Act 2014. Those surveyed are asked if they had been adequately informed about progress made on the incident they had reported to Police Scotland. In the 2021/22 Annual Report Police Scotland reported that 62 per cent of those surveyed had been adequately informed.



76. These surveys provide important insights and a general measure of the level of public confidence and user experience of policing, although the information is not broken down into particular crime/incident types, which would provide greater insight into areas for improvement. However, we understand that work is underway to expand the suite of user experience surveys to other key areas of business (for example to include domestic abuse and violence).
77. Within the public protection arena, there have been formal processes with Rape Crisis Scotland for some years now, to obtain feedback on police performance regarding rape investigations. At the Policing Performance Committee meeting on 19 January 2022, an update stated that, since April 2020, Police Scotland had received feedback from 358 rape survivors, 77.5 per cent of which was positive for communication and engagement; explanation of the process; support provided; and compassion/empathy demonstrated by officers. The paper also acknowledged the results of the Rape Crisis Scotland Survivor Reference Group report published in November 2021. The Chief Constable, having met with some of the survivors, has confirmed Police Scotland's support for a number of the recommendations contained within that report.
78. It is disappointing that, despite the strategic priority of the organisation to tackle domestic abuse, no formal process is yet in place to obtain feedback from domestic abuse victims. We understand that work is ongoing with partners to progress this, and has been for some time, and we would urge all of those involved in the development of this project to expedite delivery. This is considered in further detail in the Communication and Engagement with Victims section hereafter.

### **Data gaps**

79. Police Scotland does not currently capture data on the reporting methods used by different protected groups. This hampers its ability to understand what methods work best for different sections of communities and to track progress. The lack of disaggregated data was highlighted in our Hate Crime Thematic Inspection (within the context of conducting effective analysis to identify trends and understand how hate crime affects different communities). We consider similar issues arise in reporting domestic abuse.



80. In addition, performance data produced by C3 does not measure performance outcomes against incident/crime types or in relation to protected characteristics. Better data capture would provide better insights to identify trends and inform approach. For instance, it is likely that certain incident types, such as domestic abuse, take longer for call handlers to deal with. The availability of disaggregated data would help Police Scotland understand the requirements to meet demand and how performance may be improved.
  
81. The lack of quality data is sometimes a product of Police Scotland's use of outdated IT and legacy systems, as highlighted in a number of our previous reports. However, even where data capture is possible, Police Scotland is not conducting analysis or evaluation to assess the quality of its response to domestic abuse. For instance, we were made aware that there is the capability to produce data on compliance rates where diary appointments are used as a response to an incident, and the reasons for non-compliance, however this data is not routinely captured or analysed. As a result, Police Scotland does not have a clear picture of compliance and the success or otherwise of the use of diary appointments for domestic abuse incidents (or indeed for other incident types). This is essential to properly understand failure demand and to improve service delivery and outcomes. The use of diary appointments is considered in more detail later in the Police Response section.



## Delivery

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### Accessibility of reporting

82. It is widely understood that domestic abuse is still under reported and that it may take some time for victims to build courage to make a report. There are likely to be a number of complex issues that contribute to this, including societal attitudes, stigma, fear, control exerted by the perpetrator, familial pressures and cultural barriers. It is vitally important that all that can be done is done to ensure reporting methods are accessible, to remove any barriers or obstacles, and encourage victims and members of the public to report domestic abuse incidents.
83. Police Scotland has implemented a number of methods to assist victims (and others) to report domestic abuse:
- Reporting in person
  - Submitting an online report - either via the “Contact Us” form or by using the specific online form for domestic abuse
  - Via a third party, for example via a support services helpline/site
  - Calling the police via 999 or 101.
84. Applications submitted under the “Right to ask” [Disclosure Scheme for Domestic Abuse Scotland](#) (also known as “Clare’s Law”) can also flag up potential victims at risk of domestic abuse. In addition, the police can become aware of victims through information provided or referrals made by partners (for example, at multi-agency conference meetings). These routes can lead to engagement with potential victims and, over a period of time, victims may build confidence to make a report. In the main, we received positive feedback from those we spoke to about the range of options currently available to those wishing to report domestic abuse.
85. During the pandemic, Police Scotland was quick to recognise the risks for potential victims of domestic abuse (that, due to restrictions imposed, they may be left isolated with their abuser). The organisation was proactive in working with partners and releasing information to the public on the different ways a report could be made. A variety of information, news and media channels were used to promote this messaging.



86. However, we were told that communication campaigns often take place via social media platforms, which may not be accessible to all, due to lack of availability, technological knowledge or poor internet connectivity. Such issues may also hamper the ability to make online reports. An additional consideration is that online reporting may not always be appropriate for domestic abuse incidents for reasons of data security. Police Scotland needs to be mindful of these issues in ensuring they are providing accessible services and information to all the communities it serves.
87. We were told that for those from black minority ethnic (BME) and other minority communities, language and cultural barriers persist and under-reporting is a significant issue. We noted that the Police Scotland website provides options for the deaf, hard of hearing or speech-impaired callers and provides contact details to access support for British Sign Language users/speakers.
88. For those wishing to make a report where English is not their first language, interpretation services can be used to assist a caller, although we noted that no specific information is provided on the Police Scotland website advising of this facility. However, we are aware that work is ongoing, assisted by advocacy services, to improve reporting among harder to reach communities. This includes the production of a piece of animation explaining how to contact Police Scotland to make a report, which will be translated into several different languages. In order to overcome language barriers, another simple step might be to publicise the availability of interpreting services, together with some basic information on how this facility works.
89. For wider cultural barriers, we were told that a general mistrust of the police was a factor in the reluctance to report. There may be many reasons for this distrust, including a general mistrust of those in authority, negative experiences of policing authorities elsewhere, and/or negative social media/news reports relating to policing. Advocacy services that work with the BME community are involved in the work of the VAWG Stakeholder Engagement Forum and will therefore have input at a strategic level to influence policy in this area. This is welcome, however, work is also needed at a grass roots level to improve reporting. To build confidence and encourage reporting requires not only well understood and accessible reporting methods, but also a belief that when reports are made they will be treated seriously and investigated sensitively and thoroughly.





90. Victim organisations can play a vital role in facilitating engagement of victims and assisting individuals to make reports. For instance, we heard of victim organisations arranging the presence of interpreters, providing support and a safe space for victims to make a report/statement to police, and making reports on behalf of victims. It is not uncommon for victims to have established trusted relationships with workers within these organisations, which can help bridge the trust gap between victim and police. In organisations that represent harder to reach communities, this may be particularly important. It is acknowledged however that the availability of advocacy and support services across Scotland varies significantly and indeed in some areas there is no such service in place. This will have an inevitable impact on the consistency of support service referrals.

### **Survey results**

Most respondents found the process of providing a statement both difficult and lengthy (56.5 per cent and 28.3 per cent respectively).

Despite this, only 9.8 per cent told us they were given the opportunity to have a friend, family member or third party present to support them, compared with 30.4 per cent who told us they were not provided with that option.

Providing support could make the process of providing a statement less distressing.

91. Mechanisms do exist to facilitate agencies making third party reports on behalf of victims, including some third party reporting sites. However, we were told that there was a lack of confidence among some working in third party reporting sites to make third party reports and that inputs to training from Police Scotland would be helpful. An added benefit to providing input to training would be establishing better relationships with advocacy services to further break down barriers.
92. We were also told about an intel portal that allows partners to make reports of domestic abuse for intelligence purposes. Such technological solutions are to be commended.



93. We heard that relationships are often established between those working in specialist domestic abuse units in Police Scotland and victim organisations, but when police staff are rotated to other areas of work, these relationships and contacts are lost. To ensure continuity and maintain good working collaborative relationships, HMICS considers it to be good practice that a formal handover meeting is arranged with relevant partners/organisations prior to any rotation of police staff.

#### **Area for development**

Police Scotland should establish closer links with partners and organisations that support victims of domestic abuse, particularly those representing harder to reach communities, to improve the experience of victims.

94. We were made aware that in some areas (for example, J Division), some third party reporting sites are now located within community settings and that work is underway to expand this approach. The aim is to explore different ways for victims to make reports and help anonymise their access to domestic abuse services by co-locating them in safe spaces such as leisure/educational services. HMICS welcomes this innovative approach and notes that in rural areas where there may not be a local police station available to report, use of community settings could be advantageous.
95. To increase usage of third party reporting sites, it would be helpful if Police Scotland listed available sites on its website. This information is available for hate crime reporting sites, but not for domestic abuse, and this should be addressed.
96. The organisation has established relationships with a variety of partners and groups (local and national) to help remove barriers to reporting, but more work is needed to break down cultural barriers and to build trust within harder to reach communities. Similarly, more work should be done to increase the availability and use of third party reporting sites and to ensure those working there are equipped to make reports to Police Scotland.



## Survey results

Several of the respondents thought that better use could be made of third party agencies to improve the reporting of domestic abuse. It was thought these organisations already had the right knowledge, experience and attitude to deal with reports, and that it was sometimes safer for victims than going directly to the police.

*“I think that the police should work far more closely with organisations such as Women’s Aid. I was far more supported by Women’s Aid and I felt much safer and actually heard when speaking to them. As they are dedicated to helping people like myself, they have the time to do so”*

*“You can put all sorts of avenues in place for reporting through schools, NHS, 3rd sector organisations, where non-uniformed officers can go to victims without drawing attention.”*

## Recommendation 2

Police Scotland should expand the availability and use of third party sites within community settings and work collaboratively with them to ensure they are properly equipped to support and assist victims to report.

97. Efficient and effective service delivery to victims at first point of contact, and beyond is also crucial. This may be particularly pertinent for victims of domestic abuse where there is a high likelihood of repeat victimisation or disengagement. If, having taken the bold step to report domestic abuse, a victim has a poor experience, they are far less likely to report any further abuse.

## Contact Assessment Model

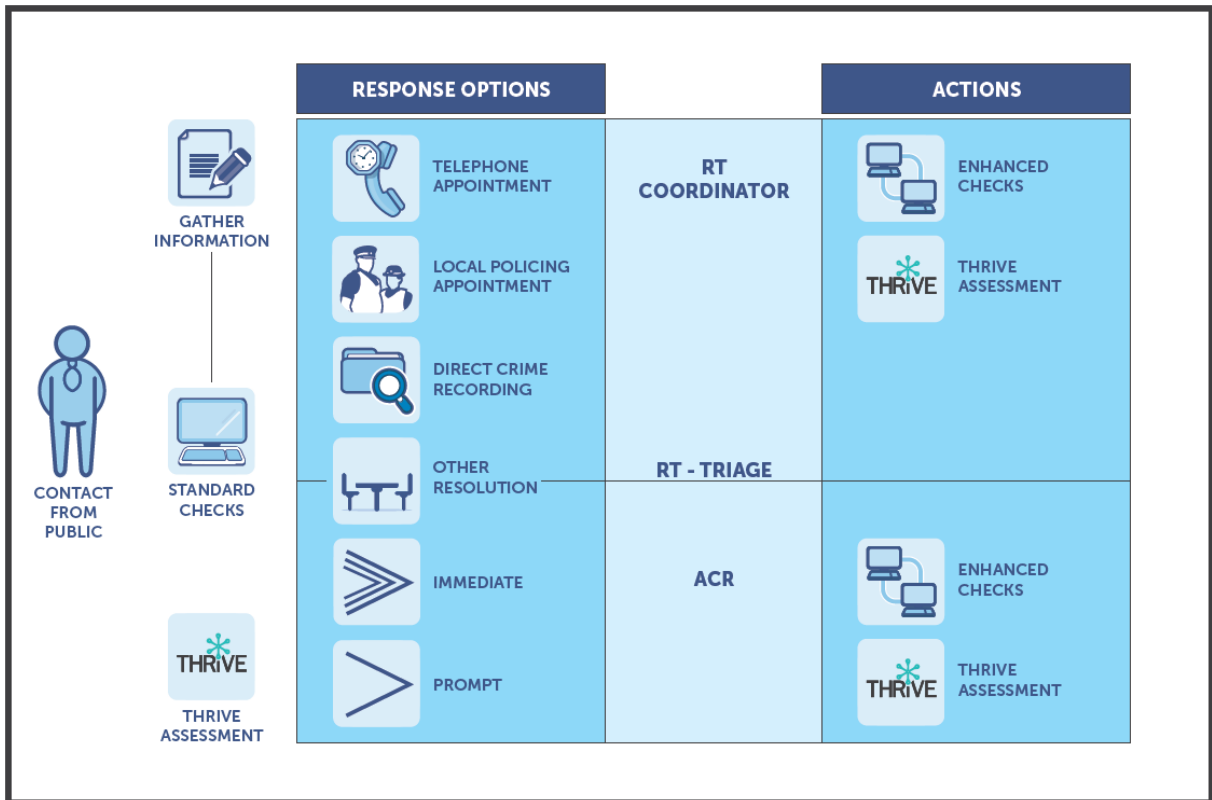
98. CAM is the new national system by which Police Scotland manages requests for police assistance. When the public wishes to report an incident or request police assistance (most often by calling 101 or 999) these calls are managed by C3, with service centre staff most often being the first point of contact.



99. For each request, service advisors carry out a THRIVE assessment - where the threat, harm, risk, investigative opportunity, vulnerability and the level of engagement is assessed to determine the most appropriate response. The purpose of THRIVE is to ensure assessment of risk and decision making is done in a consistent manner and that the rationale is recorded.
100. The use of THRIVE under the CAM model, replaces the previous system whereby a default response was provided for incident and crime types in line with policy and guidance. Under this previous system, a report of a domestic incident would always have elicited either an immediate or prompt response. Under CAM, diary appointments may also be used as one of the standard police responses if that is identified as the most appropriate response following the THRIVE assessment.
101. The range of response options available through CAM are:
- **Resolution by service advisor** - resolved at first point of contact, for example by service advisor providing advice
  - **Standard response** - scheduling of a telephone appointment (diary call), Local Policing Appointment (LPA) or direct crime recording appointment.
  - **Prompt or immediate response** - police officer attendance required.
  - **Other resolution** - incidents requiring further enquiry are passed to Resolution Team Investigators. Where the matter could be better dealt with by partner agencies (and following a further THRIVE assessment), the caller may be signposted to another agency or service.
102. If the service advisor is unable to resolve the call, an incident is created on Police Scotland's national incident recording system called STORM. Incidents assessed (following a THRIVE assessment), as requiring an immediate or prompt response are transferred to an Area Control Room (ACR) where controllers will conduct another THRIVE assessment. Where they agree with the assessment they will dispatch officers to attend the call, or, alternatively, they will determine a more appropriate response.



103. Incidents considered appropriate for a standard response or other resolution are transferred to the Resolution Teams. They are then re-assessed by the Resolution Team coordinator, and are either resolved within the Resolution Team (for instance, by taking a direct crime report), or other appropriate action is taken. This may include re-grading the call for a swifter response and sending it to the ACR, or booking a LPA which will be met within local policing divisions.



104. In conducting THRIVE assessments, various system checks are conducted to assist evaluation. Service advisors have limited access to some systems, such as the iVPD. This means they can see the number of previous incidents recorded to help identify any vulnerability, but they cannot access more detailed information held for these previous incidents. In contrast, the ACR and Resolution Teams have full access to systems; this enables enhanced checks, to better inform the THRIVE assessment. Each time a THRIVE assessment is carried out, the rationale for the assessment should be recorded on the incident. Where any new information comes to light, the call or incident will be re-assessed.



105. For victims of domestic abuse, stalking and harassment, and some other high risk victims, Police Scotland has invested in new technology the Technical SOS (TecSOS) mobile alarm system - to provide urgent and direct communication with the police in emergency situations. As of February 2021, Police Scotland had procured 300 such devices, which all include tracking capabilities.
106. When a victim activates the alarm (mobile phone device), it connects to the B.T emergency services operator who routes the call to the police, identifying to the police service advisor that they are a vulnerable caller. The police call taker can immediately link the TecSOS telephone number to previously submitted details of the user on police systems, even if the user is unable to speak. Once the caller provides their location, police officers will be immediately dispatched to check on their safety. We consider the use of TecSOS alarm systems further in relation to risk assessment and safety planning.

## Call handling

### Case review

107. As part of this thematic inspection we listened to calls in our two samples and considered the associated system records, to assess whether the CAM model was providing improved service delivery for those reporting domestic abuse. In those we listened to, (with a few very limited exceptions), service advisors dealt with calls in a polite, helpful and professional manner. The standard of call handling is good. We saw some instances where excellent communication skills provided reassurance, encouraging individuals who were initially reluctant to make a report. In assessing the standard of call handling we observed that, when dealing with ongoing incidents, some service advisors stayed on the line until police officers arrived, while others ended the call once police officers had been dispatched.



108. There is no policy or guidance setting out the approach that should be taken where an incident is ongoing. The whole ethos of CAM is a departure from a blanket policy approach - each contact should be individually assessed to establish the most appropriate policing response. However, we were told that service advisors are advised to stay on a call until they are content it has been dealt with appropriately. This comes down to professional judgement and an assessment of risk. HMICS considers this approach to be sound, but would highlight the difference that can be made when a service advisor is patient and continues to engage with a caller, as seen in the case study below:

### **Case study 2**

Report of physical abuse where two separate 999 calls were received.

First call: The reporter appeared to be under the influence of alcohol and was difficult to make out. An ongoing disturbance could be heard in the background and the service advisor was struggling to make out what the reporter was saying; rather than persevering, the call taker ended the call.

Second call: The reporter called back approximately 9 minutes later. A disturbance could still be heard in the background. The second service advisor was patient and professional and stayed on the line while units were dispatched. The service advisor continued to engage with the reporter throughout and gave ongoing crime prevention and safety advice, by advising the caller to return home and lock the door. As a result of this continued engagement, the call taker was able to hear reference to the suspect having a screwdriver, important information in the context of an ongoing physical disturbance.

Police officers attended and the suspect was apprehended and later released on undertaking.



109. In another call, the service advisor's calm approach and continued engagement with the reporter was of great benefit to the reporter and provided additional information:

### **Case study 3**

Report of physical abuse. Reporter upstairs making call to the police while the suspect was downstairs. Service advisor used excellent communication skills and continued to talk to the reporter until the police arrived, gleaning important information regarding previous incidents and providing reassurance. This call lasted 13 minutes.

### **Victims' views**

110. The vast majority of victims we spoke to were positive about their experience reporting via 999 or 101. We heard that service advisors were "helpful and supportive", "excellent", "amazing" and "compassionate".

### **Survey results**

The most common way of reporting domestic abuse was by telephone (80.9 per cent) either by 101 or 999.

Compared with feedback on other aspects of the policing response to domestic abuse call handling and online reporting were largely seen as positive.

Of those who made their report on the telephone 53.1 per cent were satisfied/very satisfied with the way they were treated by the service advisor, compared to 24.6 per cent who were unsatisfied/very unsatisfied

Of those who reported online, 64.7 per cent had found it very easy/easy to use.

111. Some practitioners and victims spoke of frustrations over the time it can take for 101 calls to be answered, and difficulties in having calls answered at all. This can be particularly frustrating for those experiencing repeat victimisation, who have to make repeat calls. In such instances, often victims have to repeat information that has already been reported before, which can also be distressing. Their preference would be having a single point of contact, rather than calling 101.





112. We heard an example of two victims who were reporting domestic abuse where the perpetrator was either a serving or retired police officer. This caused them additional stress. One of those felt it would have been easier if she could have had direct contact with the DAIU. The other expressly requested officers from a different division attend the call, but this did not happen. Although there may have been very good logistical reasons why this request could not be met, it would have been better if this had been explained to the victim. As highlighted in our Terms of Reference, HMICS will look at the policing response for police perpetrated domestic abuse in a separate phase of work to follow this inspection.
113. We highlighted in our [CAM Assurance Review](#) that capacity issues associated with the pandemic and the application of the THRIVE methodology (which inevitably takes longer to assess calls), had contributed to an increase in the average speed of answer for non-emergency 101 calls. Police Scotland's Quarter 4 performance report 2021-22<sup>23</sup> reported that 999 calls had been prioritised and the average wait time for 101 calls had increased.
114. HMICS appreciates the pressures faced by C3 in dealing with the level of demand for call handling. We are also aware of ongoing work with the Contact, Engagement and Resolution Project (CERP), a key element of which is the Modernised Contact and Engagement (MCE) programme, which will look to provide a wider range of options for members of the public and partner organisations to contact and engage with the service. As part of this programme of work, Police Scotland needs to explore how the experience of victims wishing to report domestic abuse and other more complex incidents can be improved. In particular for repeat victims and those who are reporting the conduct of police officers.

### **Recommendation 3**

Police Scotland should implement changes to enhance the response at the first point of contact for more complex areas of work such as public protection.

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<sup>23</sup> [Police Scotland Quarter 4 Performance Report 2021-22.](#)



## Application of THRIVE and quality of assessments

115. The THRIVE assessment is key in establishing the most appropriate policing response. As in our [CAM Assurance Review](#), we found that almost all calls had a THRIVE assessment recorded on the incident. In general terms, the THRIVE assessment is formed using information gleaned from the caller and from checks made on police systems. This is then applied to the THRIVE model, together with an exercise of professional judgement.

## Quality of questioning

116. To get the fullest/best information from a caller requires the skill and knowledge to ask the right questions. In the complex area of domestic abuse, which can include non-recent abuse or conduct spanning a lengthy period of time, there can be particular challenges and victims may not wish to disclose all aspects of abuse at the first point of contact. However, in order to make an accurate assessment, as much information as possible needs to be obtained.

117. A list of questions/prompts is provided to assist call handlers on the “Aspire” system. C3 guidance for domestic abuse emphasises that all relevant questions on Aspire should be asked. The questions that have particular relevance for domestic abuse are:

- Who are the people involved (partner, ex-partner)?
- Are there children in the house?
- Are there any bail conditions in place?
- Has this ever happened before?

For incidents that are ongoing there is also a prompt to:

- Ascertain if the caller is treated well/allowed to live their life without being controlled.

118. We note that the last question is absent from the list of questions/prompts for incidents that are not ongoing and could not identify the rationale for this omission. Coercive controlling behaviour is the essence of an offence under the [Domestic Abuse \(Scotland\) Act 2018](#) and therefore this is a particularly pertinent question.



119. Some officers and staff told us they had concerns about the level of detail applied to questioning in domestic abuse incidents and of the need for more probing questioning by call handlers. We found an absence of service advisors asking questions to ascertain whether the caller is treated well/allowed to live their life without being controlled in the calls we listened to, whether the incidents were ongoing or not. This suggests that training and/or guidance in this area needs to be strengthened. In the calls we listened to we found variations in the level of questioning adopted by service advisors, with some being far more probing than others. The case study below illustrates the difficulties that can result if full information is not obtained.

#### **Case study 4**

Online report of sexual offences and threat to disclose intimate images without consent. The service advisor made contact with the reporter, who was abroad on holiday at the time. Through either a misunderstanding or lack of proper questioning, advice was given to contact foreign authorities and the incident was recommended for closure on the basis there was no jurisdiction for Police Scotland to investigate.

A number of reviews within C3 resulted in the incident being closed. However, a later review by DACU<sup>24</sup> revealed that offences of a domestic nature had occurred within Scotland; the incident was re-activated and full details obtained during a diary appointment, but some weeks had elapsed by this time.

Fortunately this incident was picked up by this specialist unit, resulting in a crime report being recorded, but it was very nearly missed.

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<sup>24</sup> The Domestic Abuse Coordination Unit (DACU) sits within Specialist Crime Division of Police Scotland and is responsible for all national policies in relation to domestic abuse.



## System checks and record keeping

120. Supporting checks of police systems are also important in the THRIVE assessment, to identify any vulnerabilities and grade the call appropriately. This requires C3 staff to check multiple systems, with varying levels of access. For instance, service advisors only have limited access to iVPD and different legacy crime systems are still being operated in different divisions across the country until the roll out of the new National Crime recording system (COS) has been completed. We recommended in the CAM Assurance Review that *“Police Scotland must improve the resilience and capability of its core police ICT systems to ensure C3 Division staff have efficient access to the information required to perform their roles”* (Recommendation 7). Police Scotland should, in addressing that recommendation, ensure it considers the system access required within C3 to assist THRIVE assessments for domestic abuse incidents.
121. Given the associated risks, most domestic abuse incidents will require either a prompt or immediate response and will therefore be passed to the ACR for enhanced checks/further THRIVE assessment. Some will be assessed as suitable for a diary appointment and these will be passed to the Resolution Team Co-ordinator for enhanced checks/further THRIVE assessment. The Resolution Teams sit within C3 and cover the north, east and west regions of the country. They cover a wide range of duties including the management of direct crime recording and telephone diary appointments. The strategic intention of the creation of the Resolution Teams was to remove 15 per cent of incident demand from local policing.
122. At the request of the DACU, a “deep dive” analysis of domestic incidents was conducted by C3’s Quality Assurance Unit (QAU) between December 2021 and January 2022. This was a reactive “end to end” quality assurance assessment of domestic abuse incidents created during the first week in December 2021. Fifty-two incidents were assessed across the 13 territorial policing divisions (16 from East command, 2 from North Command, and 24 from West command).
123. The QAU looked at/analysed the number of recorded checks carried out within each THRIVE assessment by:
- Service centre
  - ACR
  - Resolution Teams.



124. The QAU also analysed what other information had been recorded, looking holistically at what information would help guide and influence the THRIVE assessment.
125. Of the 43 incidents that contained an ACR THRIVE assessment, 35 (81 per cent) did not contain details of enhanced system checks. This resulted in the QAU recommending the ACR is reminded that standard practice involves recording all checks within THRIVE, including even if they are not applicable.
126. The QAU also analysed the checks included within THRIVE by the Resolution Teams. Of the six incidents that had recorded input by Resolution Team, one had no THRIVE recorded, two had a THRIVE but no mention of checks, and for the remaining three the checks did not include all of the relevant police systems.

### Case review

127. Although we found instances of good involvement/re-assessment by the ACR, we also found instances where there was either no input by ACR or where only a very minimal rationale was recorded. Similarly, we found instances where involvement of the Resolution Team Co-ordinator had impacted positively on the outcome, but there was one instance where a diary appointment was arranged but there was no record of enhanced checks or a review being conducted by the Resolution Team Co-ordinator. We also found that service advisors often simply logged “standard checks done” without providing details of the systems checked and the information gleaned from them.
128. We were told by officers and staff that checks by the ACR were not as detailed and thorough as they could be and that, due to time pressure, system checks are often not conducted, nor THRIVE assessments recorded until after officers have attended the incident (the priority being to dispatch officers). Thus, information recorded on systems is often very brief and recorded retrospectively. Some service advisors also told us that when they needed to transfer a call quickly to the ACR, only basic information was added to the system and further detail was added later.



129. The standard of record keeping on incident records, including system and enhanced checks and rationales for decision making needs to improve. This is good practice: where insufficient information is recorded there is a risk that this could impact further down the line when other incidents are reported as STORM records form part of the information upon which decisions are made.

#### **Area for development**

Police Scotland should implement improvements to incident log record keeping to ensure that they are accurate and appropriately reflective of system checks, decision making and rationale applied.

#### **Overall quality of THRIVE assessment**

130. Similar to the findings in our [CAM Assurance Review](#), we identified a common theme in THRIVE assessments of focus on the threat, harm and risk, and inconsistencies in consideration or mention of the investigation, vulnerability or engagement elements of THRIVE. HMICS appreciates the pressures that C3 works under, with the volume of calls received. We are also aware that, during the COVID-19 pandemic, C3 was operating at a reduced capacity due to the introduction of social distancing measures. We were told by some that they were confident that full THRIVE assessments were carried out, but that due to these pressures a reduction of standards in record keeping may have resulted.

131. HMICS considers it to be good practice that each individual element of THRIVE is considered and recorded on the incident record. To do otherwise runs the risk of overlooking or conflating some of the elements and, for instance, missing investigative opportunities. The case studies below illustrate the risks of not recording the fullest details on the incident record and not considering and recording each individual element of THRIVE:



### **Case study 5**

Call received from victim requesting help to get property back from an ex-partner, during which the caller disclosed assaults, including being spat on.

The incident log did not record the spitting and the THRIVE assessment only recorded the threat, risk and harm elements of THRIVE. There was no consideration of whether there was any investigative opportunity or possibility of forensic recovery of DNA from clothing, etc.

Although the call was graded for a prompt response, which was appropriate, given the incident did not record the spitting, there was a risk that the attending officers would not explore the possibility of forensic recovery.

### **Case study 6**

Call received from victim about online videos created by ex-partner and posts that asserted that the caller was an abuser. The caller was reluctant to report the matter but was re-assured by the service advisor, leading to an incident being created. The initial THRIVE assessment only considered the threat, risk and harm elements, which resulted in the call being graded for a diary appointment. This was despite the caller advising the incident had impacted significantly, and expressing safety concerns. The vulnerability element of THRIVE did not appear to have been considered initially.

132. HMICS is aware that, on completion of the CAM project, one of the risks identified by Police Scotland was the impact of Operation Talla<sup>25</sup> on CAM application - that an unintended consequence of incorporating additional questions to ascertain safety around COVID-19 may dilute confidence of staff in conducting the full THRIVE assessment.

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<sup>25</sup> Overarching operational name given to the police response to Covid 19 pandemic.



133. There is recognition within C3 of the need to re-visit THRIVE training and deliver a refresher package. Following the C3 deep dive exercise (and other reviews and dip sampling work conducted by DACU), a review was conducted into the training and guidance available to C3 staff. Consequently, face to face training packages are being prepared by DACU for service advisors, ACR and resolution teams. We consider that this needs to form part of a programme of ongoing support and training, provided with specialist input.
134. We also heard the CERP/MCE programme of work aims to increase the effectiveness of CAM and THRIVE assessments in public protection and other specialist areas of work. One avenue being considered is having PPU experts co-located within Resolution Teams to enhance the first point of contact in these more complex cases.
135. Service advisors are not police officers and may lack knowledge and experience to assess investigative opportunities. We heard that this can result in a lack of confidence in areas such as recovery of forensic/digital evidence.
136. The prevalence of harassing communications and online activity was a fairly common feature in the incidents we reviewed. We found some good examples where service advisors had advised taking screenshots of online posts/images, but there were also instances where opportunities to provide advice on preservation of evidence relating to communications and digital evidence was not given. It may be useful to boost the awareness of providing such advice (and the time critical nature of evidence capture for some digital platforms), to help inform the most appropriate police response and ensure evidential opportunities are not lost. HMICS considers it would be beneficial for any THRIVE refresher training to include awareness raising of such issues.

#### **Recommendation 4**

Police Scotland should implement an ongoing support and training programme for all C3 staff incorporating input from specialists within public protection, to ensure C3 staff are properly equipped to conduct and record thorough THRIVE assessments for domestic abuse incidents that include all six components.





## Police response

137. Notwithstanding the issues with THRIVE assessments identified above, we found that for the majority of calls, the initial grading applied by the service advisors was appropriate. There were a few where reviews within C3 resulted in the response being upgraded, demonstrating the value of the checks and balances incorporated within the CAM model. There were also a few incidents where the response was downgraded. With the exception of one, which was appropriately downgraded from immediate to prompt (taking account assessment of risk), the others resulted in diary appointments being made. The reasons and appropriateness of these are explored in the paragraphs below.

## Diary appointments

138. In the lead up to the introduction of the CAM model, Police Scotland held scenario based multi-agency training events incorporating inputs from advocacy/support groups. Feedback given by these groups supported the CAM approach of not having a default policing response based on a crime type, and that the views of victims should be a key consideration in deciding the most appropriate response. They advised that where there is no danger to the victim, use of a diary appointment (known within the organisation as a LPA) may be the better response. This could be arranged for a time and location suitable to the needs and circumstances of the victim, and allow them to arrange the presence of support. Nineteen of the calls we reviewed resulted in a diary appointment. For most, this was an appropriate response that met the needs of the victim. Some examples are provided in the following case studies:

### **Case study 7**

Report made of non-recent financial abuse involving ex-partner. Resolution Team Co-ordinator agreed with assessment that diary appointment was appropriate, having completed enhanced checks on the iVPD system, which disclosed entries not considered initially by service advisor. Victim wanted to attend police station rather than officers coming to their home.

### **Case study 8**

Report made of abusive e-mails and messages and possible sharing of intimate images without consent. The diary appointment was made for the same date but at a time that suited the victim, when children would be in bed



### **Case study 9**

Report of possible stalking and threat to share intimate images without consent. It was established that there was no immediate threat, that the suspect resided in England and that a diary appointment suited the victim.

139. Notably, we found seven incidents that had, at some point, been graded as requiring a prompt response, but where the final outcome was a diary appointment. For five of these, we had concerns that the decision had not been motivated by a need to meet victims' needs:

- Two were down-graded to a diary appointment due to COVID-19 safety concerns
- For two, no police resource was available to attend the call and, having re-contacted the victim, a diary appointment was used.
- For one, despite a good rationale being provided for a prompt response, confusion arose as a result of both domestic and non-domestic abuse being reported. This resulted in contact being made with the victim and a diary appointment being arranged.

140. Of particular concern were those incidents which were re-graded due to resourcing issues. The circumstances of one of these calls is set out below:

### **Case study 10**

Possible stalking by ex-partner was reported. The caller mentioned having suffered years of unreported abuse. This was initially assessed as suitable for a diary appointment and passed to the Resolution Team. Documented mental health vulnerabilities on iVPD were not considered in this decision.

Further telephone contact with the caller revealed details of unreported non-recent assaults and rape. Following a further THRIVE, where vulnerabilities were considered, a diary appointment remained as a back-up, but the call was passed to the ACR seeking an earlier prompt attendance.



No response units were available to deal with the call. The caller was re-contacted and intimated a preference that the diary appointment remain and it reverted back to that response.

Although the victim agreed with a diary appointment being made, the decision was partly informed by resourcing considerations. Ultimately the victim disengaged and failed to provide a statement.

141. We considered that a diary appointment was made inappropriately in another case, as the service advisor had not asked relevant questions to establish the whereabouts of the suspect or the likelihood of their returning to the locus, which was relevant to assessment of risk. In this particular case there was no evidence of this decision being reviewed within C3:

#### **Case study 11**

Report of ex-partner damaging property. Caller also mentioned that the ex-partner had previously forced their way into the caller's home and there was evidence to support this. Despite, the report of previous forced entry and associated risks, this did not alter the outcome of a diary appointment being arranged.

142. Again, this required a full and accurate THRIVE assessment by someone with the knowledge and experience to understand the full picture concerning risk and vulnerability, (in what is a complex area), and the engagement required to suit the victim's needs.
143. Support practitioners were generally in favour of the use of diary appointments. They cited examples where arrangements had been made for police officers to meet with the victim within their offices and where appropriate support could be arranged. Two of the victims spoke positively about being provided with diary appointments which allowed them to prepare mentally and to make work or childcare arrangements.



### **Survey results**

In our survey, 50 per cent (47 respondents) answered that they had either requested or been given the option of a LPA.

Of those, the majority 90 per cent (44 respondents) said that a LPA had then been arranged

Where a LPA had taken place:

- Over half, 52.9 per cent said it had taken place within 1-2 days
- 23.5 per cent said it had taken place within 2-4 days
- 23.5 per cent said it had taken place after 4 days or more.

144. There were mixed views among officers and staff we interviewed on the use of diary appointments for domestic abuse incidents. Some (primarily those involved in operational front line policing), welcomed their use, saying it could provide greater convenience and certainty for callers as to when/where police will attend, thus freeing up resources to attend urgent/ongoing calls.
145. Others, primarily those in tiers 2 and 3 policing, had some concerns that there was a lack of full understanding within C3 of the wider wellbeing issues and risk associated with victims of domestic abuse. They were concerned, in particular, that non-recent reports may be deemed suitable for a diary appointment, without taking into account the serious nature of the conduct being reported, the courage required to make that report, associated vulnerability, and the possible risks associated with the perpetrator being at large. The following is an example:

### **Case study 12**

Report of non-recent rape where victim confirmed there had been no recent contact with the perpetrator. As there was no ongoing conduct a diary appointment was arranged for two days later. This failed to recognise the serious nature of the report and the associated vulnerabilities of the victim. Following a further THRIVE by the Resolution Team, this was correctly upgraded for a prompt response.



146. HMICS considers there will be circumstances where diary appointments are appropriate for domestic abuse incidents, as evidenced in some of the examples provided above. They may provide greater certainty to a victim as to when police officers will attend and thus be the better response option where there is no risk or vulnerability. They may also allow the opportunity to arrange the presence of appropriate support for the victim. Some victims and practitioners were clear about the benefit that can be gained when there is early engagement with support services and where victims have the opportunity of support being on hand during the initial stages of engagement with the police. However, Police Scotland should guard against outcomes being influenced by other matters, such as resourcing considerations.

### **Compliance with meeting diary appointments**

147. Use of diary appointments, as a response, requires co-ordination with and input from Local Policing.

148. As highlighted in our CAM Assurance Review, we found that each division has a localised approach to management of diary appointments, resulting in a lack of consistency across Scotland. This is perhaps inevitable given the differing resources and geography. For instance, we were told that due to the large geographic area within the Scottish Borders (J Division), it is not possible to operate a dedicated diary car for these appointments.

149. In our review, we found examples where diary appointments had to be rearranged due to errors:

#### **Case study 13**

Report of non-recent financial abuse. Diary appointment made but only a single appointment was scheduled and the victim had to be re-contacted to arrange the required double appointment.

#### **Case study 14**

Report of threats being made via texts/social media. Diary appointment made, following THRIVE assessment.



Divisional supervisor identified only minutes before appointment was due to take place that there were no officers available to attend. Although contact was made to re-arrange the appointment, this was after the appointment time had passed.

When re-arranging, the wrong date was scheduled, which meant further contact had to be made to re-arrange again resulting in a poor standard of service for this particular victim.

150. Some officers and staff told us that often there can be a lack of available appointments within an acceptable time frame or a lack of resource available locally which is not always communicated to C3. This means that diary appointments may not be met or are cancelled and put back to the ACR or service centre to make contact with the caller to re-arrange.

151. We obtained data on the police response for the period of our review, including where a diary appointment was arranged. Table 1 below shows the total breakdown of final graded responses for the period, including a breakdown for A, J and Q divisions:

Table 1

	Numbers of immediate response	Numbers of prompt response	Numbers of standard response (diary appointment)
<b>Police Scotland</b>	32,613	63,960	11,238
<b>A Division</b>	2,982	5,512	1,020
<b>J Division</b>	2,982	6,048	990
<b>Q Division</b>	4,249	8,120	1,860

152. Of the 11,238 diary appointments scheduled, 588 were either missed or cancelled. The breakdown for missed/cancelled diary appointments for the divisions that are subject of this review, and the recorded reasons, are shown in Tables 2 and 3 below:

Table 2

Diary appointment (LPA) not met by the police	Reason	Total Number	Divisional breakdown	
	Police failed to meet LPA / LPA not fulfilled by Division		132	A
J				18
Q				12
LPA cancelled by police		12	A	0
			J	0
			Q	0
			<b>Total</b>	<b>54</b>



Table 3

Diary appointment not met by reporter/public	Reason	Total Number	Divisional breakdown	
	Public failed to meet LPA		294	A
J				12
Q				36
LPA cancelled by reporter		24	A	0
			J	0
			Q	6
LPA not kept by reporter		126	A	0
			J	36
			Q	6
			<b>Total</b>	<b>108</b>

153. More detailed reasons for those diary appointments not met could not be provided. Although it is possible to extract data from STORM on compliance with diary appointments, we were told that this type of management information is not routinely captured or evaluated at organisational level.
154. Some work is being undertaken locally, within J Division, to better understand the use of diary appointments. As a result of the QAU deep dive exercise, other work is ongoing within C3 to understand the impact that not meeting a diary appointment has on victim engagement. However, Police Scotland does not currently have a clear picture of compliance and the success or otherwise of the use of diary appointments for domestic abuse incidents, or indeed other incident types. This is essential to properly understand failure demand and to improve service delivery.
155. For each policing response that has to be altered or diary appointment that needs to be re-scheduled, victims' expectations have to be managed. There is the potential for inconvenience to those involved and, in some cases, victim engagement may be affected. Such issues are highlighted in case study 10 above where, despite good work being done by the call taker to reassure the caller about reporting, engagement was lost following to-ing and fro-ing on the police response. This may ultimately have been the outcome anyway, but a quicker response when the caller had the right mind set to make the report could have materially altered the outcome.



156. There is always an inherent risk that, with the passage of time between a call being made and a diary appointment being met, victims may disengage. Although a report might concern non-recent conduct, it is vital that opportunities to engage with victims at a time when they are ready to report are not missed. Scheduling a diary appointment some days later may miss the opportunity of securing victim engagement.
157. Police Scotland needs to have a full understanding of the impact of using diary appointments.
158. Many officers and staff told us that, on occasion, calls are either re-graded or diary calls are brought forward locally. Within local policing divisions, domestic abuse incidents are subject to additional scrutiny. Domestic abuse reports are entered on to a daily overview report and relevant aspects such as risk, safety planning and the overall policing response are discussed/reviewed by those within specialist units and by supervisors, up to and including local/divisional commanders. This scrutiny allows the opportunity to accelerate a diary appointment to an earlier time or to escalate the response, where deemed appropriate. Inevitably such interventions will involve additional contact with victims.
159. Although this robust scrutiny is welcomed, where arrangements are changed this will result in multiple contacts being made with victims, which can impact on their level of confidence and/or engagement. HMICS considers that efforts should instead be focused on ensuring correct decisions are made in the first place through enhancement of the CAM model, (as set out in Recommendation 5).
160. We consider it would be of assistance if guidance were provided to officers and staff on what is an acceptable time frame (upper limit) for diary appointments in domestic abuse incidents. This would assist in reducing the number of diary appointments that need re-arranging, with the associated risks and additional victim contacts this involves.

#### **Area for development**

Police Scotland should provide guidance on what is an acceptable time frame (upper limit) for diary appointments in domestic abuse incidents.





161. There will of course be occasions where it is appropriate for Local Policing to challenge assessments. As highlighted in our CAM Assurance Review, local managers should be appropriately trained on THRIVE so they can challenge assessments, where appropriate. Such challenges should be made swiftly and should not necessitate multiple layers of additional scrutiny, other than in exceptional circumstances. The focus should be on making the right decision at the earliest possible stage, to avoid delay and any consequent inconvenience and/or disengagement of victims.
162. HMICS recommended in its CAM Assurance Review that *“Police Scotland must demonstrate that the management of Local Policing Appointments ensures the public receives a consistent level of service across Scotland”* (Recommendation 1). We re-iterate the importance of this recommendation within the context of domestic abuse. To meet victim expectations and maintain confidence, it is crucially important that mechanisms are put in place to meet diary appointments wherever possible and to ensure a consistently high level of service.

#### **Recommendation 5**

Police Scotland should streamline the policing response to diary appointments through promoting and embedding a “getting it right first time approach” and defining parameters of acceptable performance. It should also put systems in place to obtain data and management information on the use and compliance of diary appointments.

#### **Police attendance**

163. The vast majority of reports of domestic abuse will be dealt with in the first instance by uniformed response officers within local policing divisions (tier 1). Thereafter, most will be investigated by response officers through to conclusion, although they may receive some support from specialists or from Domestic Abuse Champions (DACs).
164. Incidents are reviewed on a daily basis within divisions to assess allocation of resources and to decide, for instance, whether a tier 2 response is needed. Generally, the criteria for consideration of a tier 2 response is the seriousness and complexity of the incident, the risks to the victim, and whether the perpetrator is a repeat offender. Resourcing and workload are also key considerations. Inevitably, due to the volume of domestic abuse incidents, some offences under DASA, which can be more complex, will be dealt with by response officers.



165. Police Scotland's SOP sets out the roles and responsibilities for those attending/investigating officers, which includes:

- Prioritising the safety and wellbeing of the victim, their family and other relevant persons
- Ensuring the victim is spoken to separately from potential perpetrators
- Affording the victim the opportunity to specify the gender of the officer noting a full statement, as required by the Victim and Witnesses (Scotland) Act 2014
- Completing the DAQ upon which the assessment of risk to the victim is based
- Conducting a full and thorough investigation, securing all available inculpatory and exculpatory evidence
- Establishing the safety of any children, and whether they are witnesses or have experienced domestic abuse
- Offering the victim access to victim support and advocacy services
- Completing a VCC for the victim.

## Safety planning and risk assessment

### Initial risk assessment

166. Ensuring the safety and well-being of victims of domestic abuse, their family and other relevant persons is front and centre of the police response. Safety planning should be considered at all stages of a domestic abuse investigation, from the initial call onwards; a crucial aspect of the work undertaken by initial attending officers, (usually at tier 1), is to review the level of risk and put appropriate safety measures in place.

167. Attending officers carry out initial risk assessment using DAQ,<sup>26</sup> a set of 27 tried and tested questions, based on extensive research, to identify, assess and manage risk in a standardised format. Officers must complete the DAQ at every domestic incident they attend and record answers on the iVPD system. Completion of the DAQ provides a score for each victim based on the answers provided and, from this, the incident is graded high, medium or standard risk. A score of 14 or above is automatically graded as high risk, meaning the victim is deemed to be at high risk of homicide and/or serious harm.

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<sup>26</sup> Domestic Abuse Questions (DAQ), list of 27 questions used as a checklist to assist in identifying and assessing levels of risk.



168. The accuracy of the score is dependent on a victim providing full answers to the DAQ. Issues can occur where a victim either refuses to answer the DAQ or where they are reluctant or not ready to provide full information on their circumstances. This can lead to a score being artificially lower and thus an inaccurate assessment of risk. The system therefore allows officers to raise the level of risk, using their professional judgement and experience from their observations at the incident.
169. Once officers have conducted this initial risk assessment they will complete the DAQ section on the iVPD system - the national database and repository for all incidents where a person may have experienced situational vulnerability, which includes domestic abuse, child protection and concern, and adult protection. Initial risk assessments are checked/ratified by a supervisor and within each division there is additional daily scrutiny of domestic incidents by supervisors and local commanders. This includes a review of risk assessment and safety planning.
170. Concern hub staff within each local policing division perform audit and assurance functions in respect of submissions put on the iVPD system. They will use information provided on the iVPD to share information and make referrals to partner agencies, where appropriate. Each division also has resources who consider iVPD entries for domestic abuse incidents on a daily basis and review the initial risk assessment and safety measures, to provide quality assurance. Where appropriate they can introduce additional safety measures. While initial risk assessments can be upgraded, these resources cannot downgrade the attending officer's initial assessment.
171. In our case file review, we found attending officers were completing DAQ although there were two instances involving non-co-operative victims where this was not done.
172. We found other instances where there was a DAQ score of zero due to victims either refusing to answer questions or providing a blanket "don't know" response to all questions. In some of these cases we found evidence of safety planning being considered, notwithstanding the DAQ score; unsurprisingly, the police were fairly restricted in what could be done in these circumstances.



173. Most of the officers and staff who expressed a view of the DAQ thought it was a good tool for risk assessment, however they recognised its limitations where victims were either not co-operating or were not willing to fully interact in answering questions. There was an awareness among officers we spoke to of the need to use their professional judgement and experience to supplement the DAQ. For instance, we were told that, where officers had concerns that a victim had not provided full information, they would use the free text box on iVPD to highlight this, prompting those in risk assessment roles to make additional contact with the victim and/or review the initial risk assessment/safety plan.
174. Many officers spoken to thought that response officers were aware of the importance of safety measures and understood the DAQ scoring matrix and usually completed this well. Feedback was less positive about the quality of safety plans and awareness of the need to review them when escalation or trigger points were reached. These aspects are considered in the safety planning and risk assessment section.
175. Two victims we spoke to were candid in saying that they were not initially as open as they could have been in answering the DAQ; both were, for instance, reluctant to disclose sexual offending had been a feature of the domestic abuse at this stage. One of these victims was very impressed with the compassionate and empathetic way officers approached the task of completing the DAQ and how they encouraged her to answer the questions more fully in order to provide the right level of support. Given the importance of the DAQ in assessing and thereafter managing risk, this considered and patient approach is to be commended.
176. Two other victims interviewed and one respondent in our survey expressed frustration at having to repeat the DAQ process each time officers attended. Factors influencing risk can be dynamic and therefore we consider that it is both necessary and important that the risk is reviewed for each incident, notwithstanding the issues this raises for victims.



## Safety plans

177. The outcome of risk assessment is a victim safety plan, which identifies the risk to the victim, their family or any other relevant person as a result of a domestic abuse report and implements appropriate safeguarding measures to mitigate any identified risk.
178. Officers are taught to use the RARA risk management model, which involves assessing how best to mitigate the risk by initiating safety measures to either Remove, Avoid, Reduce or Accept the risk identified. This may involve arresting the perpetrator and securing either a remand or strict bail conditions, re-housing the victim or use of additional safety measures.
179. Safety measures may include markers being placed on police systems in relation to a victim's address, or practical home safety measures such as additional locks, lighting and/or CCTV. It can also involve discussions with neighbours or appropriate support persons (often referred to as 'Cocoon Watch') to provide a support network around the victim and encourage others to contact the police should they have any concerns. In the most serious cases a TecSOS alarm can be issued to a victim.
180. There are a number of other mobile applications designed to enhance safety which officers can advise victims about.
181. Safety of the victim is absolutely fundamental and should be considered in all cases. The use of one measure, such as arrest of the perpetrator or issue of a TecSOS alarm, does not negate the need for other safety measures to be considered.
182. The Domestic Abuse Toolkit provides that all safety measures considered, whether implemented or not, and the rationale, should be recorded on the 'Contact' section on iVPD.

## Recording of safety plans

183. We found significant disparity in the scope and nature of information recorded on the iVPD system across the territorial divisions. Recording of safety plans was inconsistent, both within individual divisions and between them.
184. We were told of differing practices on how/where safety plans are recorded on systems within the divisions we reviewed.



185. In addition to safety plans being recorded on iVPD, we heard that in A Division safety planning was recorded on the crime recording system, Crimefile, which provides a specific task to be completed in this regard. There were concerns that, in changing over to the new crime recording system, the quality of safety planning could be compromised, as it was unclear the new system would have this tasking function.
186. In other areas we heard of safety plans being recorded on STORM, supervisor handover documents, divisional spreadsheets and domestic packages.
187. These practices have the potential to cause confusion and where double keying is required across different systems there is potential for things to be missed. Guidance clearly states that safety plans should be recorded on the iVPD system. As the iVPD system is a nationally accessible database for vulnerability with clear links to safety this does seem to be the most sensible place to record such vital information.
188. Even where officers mentioned recording safety planning on the iVPD system there was a degree of confusion as to which section it should be recorded in, the “Contact”, “Chronology” and “Police Action” sections being variously mentioned. Some of those interviewed were simply unaware where safety plans should be recorded.
189. Such inconsistencies carry significant risk. The requirement to search for information that is not in a readily accessible or identifiable place could result in delays that create a risk to the safety of victims. This is particularly so given that domestic abuse is not always confined to specific geographical policing boundaries.
190. The lack of consistency and the absence of formal rules and conventions relating to data contained on the iVPD is concerning. It is noted that the iVPD was a system introduced as an interim measure in 2013, but is still being used as the principal method of recording incidents where there are vulnerabilities.
191. We are aware that Police Scotland acknowledges the constraints of the system and is committed to scoping an efficient alternative capable of providing an improved analytical product, with more focus on vulnerabilities of individuals than on incidents. This will not only help in areas such as safety planning, but will help inform level of demand and consequent resource deployment. HMICS regards this as a key component of the ongoing Public Protection Development Programme work.



192. In the interim, HMICS considers it is vital that a consistent process is established to record safety plans. To ensure that safety planning is recorded suitably and is easily accessible, this needs to be reviewed urgently.

#### **Area for development**

Police Scotland should expedite the search for a permanent replacement for the iVPD system. This should provide greater efficiency in recording information relating to vulnerable individuals, greater consistency in recording safety plans, and enhance analytical capabilities to identify trends and patterns for strategic planning.

193. In our case file review we found a small number of cases where we were not satisfied with the quality of safety planning. In these cases, we identified limited consideration of safety planning (other than the addition of an occurrence marker to the victim's home address), and an absence of rationales being recorded for measures not utilised. We consider that a marker does not constitute a safety plan and, in the absence of any other information being recorded, safety planning was deficient in these cases. While it is accepted that not all available safety provisions will be relevant in every instance, it is best practice to record what measures have been considered and include a rationale should they not be deemed necessary. Indeed, this is what is specified in the Police Scotland Domestic Abuse Toolkit.

194. We did find some other cases that had particularly detailed safety plans as highlighted in the case study below:

#### **Case study 15**

Safety plan recorded by Safeguarding Team, Q Division, contained:

- Detailed assessment of risk
- A record of all safety measures considered and those put in place (referencing the RARA model)
- A safety plan that included safety measure options that had been considered/discussed but were not deemed necessary
- A rationale for those safety measures not considered necessary



195. It would be beneficial for Police Scotland to include in continuous professional development (CPD) and domestic abuse training examples of comprehensive safety plans to ensure there is a shared understanding of the expected standard.
196. A number of officers indicated they thought the quality of safety plans could be improved. Some Divisional DAIU staff/risk assessors also advised that they found basic safety measures were missed by attending officers, which had to be followed up the next morning. We were told there had been local initiatives to address such issues, where divisional DAIU staff and some partner agencies had collaborated to visit shift briefings to enhance officers' awareness of the safety measures and support available to victims. Such initiatives are to be encouraged. Support agency practitioners told us they had experience of inaccurate information being recorded on safety plans and that they had concerns that plans were often very basic and generic.
197. Of the victims we interviewed, some provided positive comments on the safety measures and support that had been put in place by Police Scotland. Two advised us that the police had called from time to time to check on their safety, which gave them additional reassurance. One victim had a very positive experience as highlighted in the following case study:

### **Case study 16**

Victim of very serious domestic assault while pregnant and with other children present within the house. The following approach was taken to provide her with support and appropriate safety measures:

- Two specialist female domestic abuse officers were allocated the investigation
- A referral was made to Women's Aid and arrangements made to have a support worker present during interview
- While the suspect was being traced, police officers regularly checked on the victim's safety, which gave her "peace of mind"
- An object marker was put on her address
- A panic button was installed in the victim's house
- A full safety inspection of the victim's house was carried out
- Additional lighting was installed at the back of her house.





This victim advised that the compassion and understanding she had been shown by police had made her feel “*validated, supported and believed*”.

198. However, a number of victims felt that limited emphasis was given to safety. In particular:

- One victim was worried the perpetrator posed a significant risk to her and her children, having heard they were wanted for another serious domestic related crime in another country. On advising the police of this, no additional safety advice was provided
- One victim, having been informed the perpetrator had been released without charge was left extremely frightened. Nothing was discussed in relation to safety.

199. Some victims considered that proper safety measures were only put in place by support organisations such as Scottish Women’s Aid. This included discussing potential for door cameras, floodlights and fire proof letterboxes. One victim had privately funded additional lighting to improve safety. The Joint Protocol between COPFS and Police Scotland<sup>27</sup> outlines that, where appropriate, local specialist domestic abuse services are available, and a partnership approach should be considered for ongoing safety planning. Such partnership involvement is a positive feature, but the victim perception was that this was often done in isolation, rather than as a co-ordinated approach. HMICS is clear that there is a benefit to having a co-ordinated approach to victim safety, but, ultimately, the police must be involved as they will be responsible for managing any associated risk for the victim and the wider community.

200. At times, the onus for safety planning was placed on the victim with officers remarking “*why don’t you move home*” or “*why don’t you change your number?*”. While it is legitimate to discuss possible additional measures that can be taken to promote safety, care should be taken to phrase these discussions appropriately otherwise the victim may feel the focus is being placed on changing their behaviours, rather than tackling those of the perpetrator.

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<sup>27</sup> Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service: In partnership challenging domestic abuse.



### Survey results

More people said that they were not informed about safety measures that may have been available to them (59.6 per cent), than those who said they had been informed (30.9 per cent).

The largest number of people who described safety measures that had been put in place for them described markers and/or alarms (12 people), sometimes in conjunction with other measures.

One respondent stated *“I was only given an incident number and told to change the locks. There was no support”*.

201. It is clear to us that there is inconsistency in the quality of safety planning for victims. This is a fundamental and critical aspect of Police Scotland’s responsibility in responding to domestic abuse and therefore requires urgent attention.
202. A number of officers suggested that a pro-forma safety plan detailing safety measures that should be considered would be beneficial, and would improve the quality of safety plans overall. To supplement this, HMICS considers additional training and awareness raising is needed. Police Scotland needs to ensure there is clarity and consistency across the organisation on:
- What safety provisions/options are available
  - What information should be contained with a safety plan
  - Where safety plans should be recorded so they are accessible to those who may need to review/access them.

### Recommendation 6

Police Scotland should urgently take steps to ensure there is a clear and consistent process for recording victim safety plans, supported by additional training in risk assessment and safety planning for all relevant officers, staff and supervisors. This should be accompanied by guidance and pro-forma documentation to ensure all aspects are considered and to achieve consistency across the organisation of:

- What safety provisions are available to officers
- What information should be contained with a safety plan
- Where safety plans should be recorded so they are accessible to those who may need to review/access them.



## Review of risk assessment and safety plans

203. There are resources within each division to review initial risk assessments and safety measures put in place by front line officers. These reviews are conducted within 24 hours of the incident being reported and usually involve additional contact being made with the victim. This provides an additional safeguard that victims' safety needs are being met, as these personnel generally have more time and scope to look at the bigger picture of risk than front line officers.
204. Police Scotland has also introduced an escalation protocol to instigate additional review processes where certain criteria are met. The protocol covers all individuals identified as victims (including victims of domestic abuse), subjects of concern, and perpetrators on the iVPD database. Under the Protocol guidance, Concern hub staff should use their professional judgement to identify where incident requires escalation, either because of the severity of the incident, or where an emerging pattern or escalation of abuse (specifically 3, 6 or 9 incidents within a 30 day period) warrants further action. Where there is such a pattern or escalation of abuse this should trigger a supervisor review to consider whether additional or specific support or safety measures are required.
205. At present, the means of identifying such cases are reliant on the vigilance of Concern Hub staff. Police Scotland had planned that the most recent upgrade of the iVPD system (version 9) would include an automated escalation trigger facility but this did not go ahead and it is now planned for the next update. We regard this as a missed opportunity to improve the robustness of processes to mitigate vulnerability. However, we note that there will likely always need to be professional judgement for incidents that do not fall neatly into the 3,6 or 9 category but that, nonetheless, escalate vulnerability or risk. For instance, a perpetrator who is released having served a custodial sentence may re-offend outside of the 30 day trigger threshold, but still escalate risk.

### Area for development

Police Scotland should ensure that data systems flag escalation of incidents automatically.



206. Some of the cases highlighted above related to repeat incidents of domestic abuse, including breach of bail. While in one of these cases we did find evidence of the escalation process being used, no comprehensive safety plan existed. Another case, as shown in the case study below, raised clear vulnerability concerns following a perpetrator's release from prison. Again we found a lack of evidence of comprehensive safety planning. This indicates that supervisors need to be included in additional training for risk assessment and safety planning.

### **Case study 17**

iVPD records showed this domestic assault was the seventh incident involving the victim and her partner.

The victim was pregnant which was relevant to considering vulnerability, and the perpetrator had just been released from prison.

Although the perpetrator was arrested at the scene and kept in custody giving some protection, there was no comprehensive safety plan.

There was a subsequent breach of bail.

### **Risk assessment structures**

207. We found variations across divisions as to how the function of reviewing risk is delivered. The three divisional functions we reviewed each had a different name and there were also slight variations in their remit, although each had victim safety as a core function, along with partnership support. In A Division, this function is conducted by the Partnership Co-ordination Unit (PCU). In J Division it is conducted by the Domestic Abuse Risk Assessor (DARA). In Q Division, it is conducted by the Safeguarding Team.

208. Police guidance indicates that good practice dictates victim planning (beyond that put in place by initial attending officers) and ongoing victim contact should be managed by a dedicated resource experienced and trained in dealing with domestic abuse, with good working relationships with local victim support and advocacy services. However, it is left to individual local policing divisions to devise their own models to deliver this.



209. While local divisions have this flexibility, we consider that a clearly defined specification for this role may help improve quality of safety planning and service for victims.
210. We were advised that staff conducting these roles attend the Domestic Abuse Investigator's training course. Days one and two of this training cover victim safety planning and perpetrator management plans, a critical component of this work. None of the officers we spoke to in these roles had completed this training, nor were they awaiting attendance on the course. In addition, there was no mechanism for officers in these roles to communicate or share ideas/best practice with colleagues conducting similar roles across the territorial policing divisions.
211. Risk assessment, safety planning and onward referrals for support play a vital role in protecting victims of domestic abuse, therefore a more robust structure needs to be implemented to support this role. Officers performing this function must be provided with appropriate training and support to equip them to perform their duties to the highest standards. The introduction of a more consistent structure would enhance awareness of the role and improve communication and the sharing of information and learning to assist continuous improvement.

### **Recommendation 7**

Police Scotland should review the role of officers involved in risk assessment and safety planning for domestic abuse incidents to provide national consistency, based on the optimum model, and ensure that they are given the appropriate training and support.

### **Investigation**

212. In our case file review 58 of the 70 incidents we reviewed were investigated by officers within tier 1. The remainder were allocated to specialist units, with the exception of three, having initially been attended by response officers. Many of the victims we spoke to had experienced numerous domestic abuse incidents and had made multiple reports to Police Scotland, resulting in police attendance on a number of occasions.
213. Some of the incidents we reviewed highlighted instances where victims received a high standard of service. We heard about some officers being "really helpful", "empathetic", "understanding", "hugely supportive", "brilliant and professional", "good" or "very good". However with the exception of two incidents, all had some negative experiences and, for a small number, their whole involvement with the police had been negative.



214. We recognise that the victims who chose to participate in our inspection are perhaps more likely to have been motivated to do so because their experience was less than positive in some way. We also acknowledge that there may be many other victims who chose not to participate, who have had a positive experience. Nonetheless, it is vitally important to listen to and learn from the experiences shared by victims in this inspection, to ensure negative aspects are not repeated for others. We found the lived experience of victims to be particularly compelling evidence. In part, this was because many had both good and bad experiences and, as a service user, were able to provide a comparison and explain the impact on them as individuals.
215. An overwhelming theme that emerged from those we spoke to was a lack of consistency in the service provided; resulting in somewhat of a lottery, depending on which individual officer(s) attended. Some of the recurring features were:
- Lack of empathy/interest
  - Inappropriate or judgemental remarks
  - Approach not trauma informed
  - Lack of understanding or knowledge of dynamics of domestic abuse
  - Lack of awareness of background where previous reports had been made
  - Different officers attending and dealing with each incident in isolation and not seeing the bigger picture “not joining up the dots”.
216. In some instances there had been a complete breakdown of trust as a result of negative experiences and/or perceived failures in the investigation.
217. It is vitally important that the response provided by attending officers is professional, thorough and empathetic, providing reassurance and confidence to any victim. Victims of domestic abuse may be suffering from trauma as a result of conduct experienced over a prolonged period of time. Thus, in order to build trust and enable them to make a full report, patience and understanding is required. In addition, a common feature of domestic abuse is the recurrence of abusive, controlling or stalking behaviours. If a victim loses confidence in the police there is a risk they will disengage and/or fail to report other incidents, leading to investigative opportunities being lost and risks not being effectively managed.



218. HMICS was extremely concerned to hear the extent of the negative experiences of victims. It is simply unacceptable for basic standards of professionalism not to be met and some examples of remarks made by officers reflected outdated attitudes which need to be eradicated as a matter of urgency. Some examples are provided below:

- Asking why a victim was still married to the perpetrator
- Asking whether a victim was only reporting to discredit the reputation of an ex-partner
- Remarks that an officer could not put a man out of his house
- Remarks that children should spend half their time with their father
- Inappropriate remarks about extra-marital relations
- Inappropriate remarks about mental health issues.

219. Other examples of inappropriate remarks were provided by some of those who completed our online survey:

### **Survey results**

When asked whether the police had provided the appropriate response to the incident, 55 people (58.5 per cent) responded no.

The main theme in free text replies by respondents was that they often felt that they were not being taken seriously, or that they received a dismissive response (28).

It was felt that different types of abuse were taken more or less seriously than others, with some feeling that, unless the abuse was physical, it would be dismissed.

Not being taken seriously meant some said they had not reported incidents of domestic abuse, or would not in the future.

*“They failed to do anything, two male officers were sent and one took my phone, read the abusive messages and stated “looks to me like these are from a dad that misses his child, I can’t see what the problem is. We don’t like to get involved in domestics”.*

*“Had a comment from police when attempting to report and explain, if the financial abuse actually happened, and are you sure you didn’t forget to take a tablet that day?”*

*“As a man I wasn’t believed.”*



*“It was mixed, some officers took it seriously, another accused me of wasting their time.”*

*“It’s pointless. Your officers ridicule victims, make crass comments and don’t actually care. They don’t even bother charging, even with a dossier of evidence. So what’s the point?”*

220. Significant investment has been made in training officers and staff to provide a sound platform for the introduction of domestic abuse legislation and, to ensure officers have the right skills to deal appropriately with domestic abuse, a national training programme took place between 2018 and 2020 to prepare officers and staff for the introduction of the [Domestic Abuse \(Scotland\) Act 2018](#). This programme (delivered with the assistance of Scottish Government funding) provided one-day core training to 13,510 officers and staff from a wide range of roles.
221. It is, therefore, particularly disappointing to hear such negative experiences from victims, albeit a small number, and persisting problematic attitudes (which are particularly impactful for victims). It is critical to ensure the right attitudes and behaviours are displayed to avoid victims disengaging with the reporting process. We are clear that further training is required to ensure a consistently high quality of engagement is provided to victims and to eradicate the kind of attitudes and behaviours highlighted earlier in this report.

### **Police response to children present**

222. Domestic abuse has far reaching and harmful effects not only for victims, but often for the wider family unit and, in particular, children (who may also be victims, or who may have witnessed/been present during the perpetration of domestic abuse). The Domestic Abuse SOP is clear in instructing that all domestic incidents where a child is present have to be considered from a child concern perspective and a child concern report should be submitted on the iVPD system. There is also a clear focus within training (including the probationer and domestic training courses) on the effects and impact of trauma on children. We found that, by and large, the concern and welfare of children who are present or experience domestic abuse is well understood and considered by officers.





223. Section 5 of the [Domestic Abuse \(Scotland\) Act 2018](#) directs that where behaviour captured by the legislation is committed in the presence of children this will be an aggravation of the offence. Thus, when a child has been present this has to be flagged up in any standard police report (SPR) submitted to the Procurator Fiscal, so that the relevant aggravation is included in any charge in court documents.
224. There is a requirement for officers to tick a child aggravation box on the iVPD system. In our case file review, we reviewed iVPD records that revealed a number of DASA cases where the child aggravation box was not ticked.
225. Our inspection did not include a review of SPRs and therefore we were unable to ascertain whether the unticked box on the iVPD system impacted on the information provided to the Procurator Fiscal. Our findings do however indicate a lack of awareness of this issue, which Police Scotland should review to ensure there is no negative impact on child aggravations being applied, and, if necessary ensure further training is provided in this regard.
226. There were very few negative comments in our survey or victim interviews regarding how officers engaged with children when investigating domestic abuse and, overall, there was a positive level of satisfaction with the quality of police engagement with children (60.7 per cent - 28 survey respondents), which is pleasing.

### **Course of conduct offences**

227. The [DASA](#) legislation makes it an offence to engage in a course of behaviour (conduct on at least two occasions) that is abusive of a partner or ex-partner where it is likely or intended to cause harm or where the perpetrator is reckless as to whether it causes harm. Abusive behaviour is defined widely and encompasses any form of physical, verbal, sexual, psychological or financial abuse.



228. The [Scottish Crime Recording Standard](#) and Crime Recording and Counting Rules (SCRS)<sup>28</sup> explains that it will not always be appropriate to use this offence simply because there have been two incidents and that what is required is a unity of purpose behind the conduct, which makes it appropriate to treat several incidents as part of one course of conduct. Thus, regard should be had to the overall circumstances, nature of the behaviour and any relevant information that might demonstrate a connection between the behaviours. This might include the underlying dynamic, context, history and background of the relationship and any previous incidents and offending.
229. Where DASA does not apply, either because the conduct occurred prior to 1 April 2019 (when the legislation came into force), or there is not an underlying unity of purpose, then the relevant crime will be dictated by the circumstances of the individual conduct.
230. Scots criminal law requires that in order for there to be sufficient evidence to prove a criminal charge, each essential element must be proved by corroborated evidence (evidence from at least two sources). For a DASA offence, however, the courts have recently clarified that, provided there is a unity of purpose in the behaviour and there is corroborated evidence of at least two episodes of abusive behaviour, other instances of abusive behaviour that have taken place as part of the overall conduct can be proved without the need for corroboration.<sup>29</sup>
231. Section 39 of the [Criminal Justice and Licensing \(Scotland\) Act 2010](#) created the offence of stalking. It is an offence for a person to engage in a course of conduct (two or more behaviours) towards a victim that causes or, is intended to cause the victim to suffer fear and alarm, or where the perpetrator's behaviour is reckless as to whether it causes the victim to suffer fear and alarm. "Conduct" has a wide definition and may cover a variety of behaviours. Unlike the DASA legislation, there is no requirement for there to be a domestic relationship (partner or ex-partner).

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<sup>28</sup> SCRS is a set of rules designed to encourage a victim oriented approach to crime recording and ensure consistency in how the police record incidents and crimes. The rules are updated and published by Scottish Government each year to take account of changes in legislation and practice.

<sup>29</sup> Stephen v HMA 2007 JC 61; DF v HMA unreported 10 August 2021; PF Livingston v JH [2021]SC EDIB 54; CA v HMA [2022]HCJAC 33.



232. When attending a domestic abuse incident one of the responsibilities of the attending/investigating officer is to complete the DAQ. This includes questions to establish whether there is a course of conduct and whether there has been an escalation of behaviours. This should prompt an officer to ask relevant questions to establish if there is a possible DASA or stalking offence, both of which are likely to require a more protracted investigation.

233. In our case file review we found:

- Most of the incidents involving a DASA offence and/or sexual offences were dealt with by a specialist unit (DAIU or DRIU)
- A few that had been dealt with by a tier 1 response were assisted by either tier 2 or CID
- For three incidents dealt with by tier 1 there was some information provided by the victim either in the call or in the answers provided to the DAQ of a course of behaviour that did not appear to have been investigated as a possible DASA offence.

234. This gave us some level of confidence that, in the main, DASA offences are being investigated by specialists or with specialist input, which is right and proper. However, the three incidents that were not investigated as a possible DASA offence indicate to us there is more work to be done to ensure officers recognise all the different forms of domestic abuse that comprise a DASA offence, to ensure the legislation is utilised fully.

235. Our analysis identified that a particularly strong theme from both victims and practitioner groups was the tendency for officers to deal with each incident in isolation. We were told that officers had often not taken the time to make themselves aware of the background of previous incidents and failed to see the bigger picture and “join the dots” when victims recounted what had happened. We note that a similar theme, of dealing with incidents in isolation, also featured in the survey results in our [Thematic Inspection of Hate Crime](#).



236. A lack of understanding of legislation was cited by victims and practitioners as reasons for failing to recognise a DASA or stalking offence. Victims were commonly told there was insufficient evidence to progress the investigation. This left them feeling frustrated and that their reports were not being treated seriously. Some victims cited examples where they reported instances of perpetrators staring at them, following them, controlling their finances or otherwise abusing them, which were not recognised or actioned as being criminal. One victim said the police *“are only interested in physical incidents and not emotional or psychological conduct”*.

237. Our Survey told us:

### **Survey results**

The most common forms of domestic abuse reported by the respondents were emotional/psychological abuse (78.7 per cent), coercive control (77.7 per cent), followed by physical and verbal abuse (both 61.7 per cent).

The difficulty of evidencing abuse was a theme identified by some respondents.

Several people described how despite having evidence, they felt they were not taken seriously when they reported.

*“Officers have not been made appropriately aware of the new abuse laws.”*

One report was compared with ‘more severe’ cases, e.g. *“some people are being attacked with an axe and not taken as seriously.”*

There was frustration at being told nothing could be done *“two years of abuse and harassment and still nothing can be done to stop him and his partner.”*

The main theme in free text responses about how reporting domestic abuse could be improved, focused on the need for police to have better knowledge, awareness and understanding of domestic abuse, which might indicate the need for better or more training and more specialist domestic abuse officers. Having the same officers assigned to individuals to save repetition and to build up knowledge was also cited.

*“I want to highlight that my first report was dealt with fantastically with two of the most supportive officers I’ve ever met. This was following a physical assault. They helped me the whole way. I have since made a further 5-10 reports which have been dealt with horrifically...”*



*“Victims reporting domestic abuse should be offered contact and support directly from officers specifically trained in domestic abuse. The officers I have met with were not very familiar with the terms of the 2018 Domestic Abuse Act and were unwilling to look at it in more detail.”*

*“Police officers need to have a true understanding of the complexities of domestic abuse.”*

It was also mentioned that training needs to be trauma-informed and address possible unconscious bias.

*“You need to learn the different forms of abuse and how they affect different people. Not everyone reacts/acts/looks the same even with the same type of abuse.”*

*“Make sure no officer ever asks “why didn't you just leave?” or “why didn't you tell them to leave?”. Instantly puts blame on the abused.”*

238. We heard differing views among the officers we spoke to about investigations into DASA offences. Some were confident that officers have sufficient knowledge and skills to recognise and deal with DASA and stalking offences. Others advised they thought the legislation was confusing or that there would be benefit in some clarity in what could be included in a DASA charge. There were also mixed views on whether it was appropriate for a DASA to be investigated by response officers.
239. It is clear to us that the nuances of what is required to prove and what can be included within a DASA offence are not well understood among all officers, and it is therefore likely the legislation is still being underutilised. This is, to some extent, understandable given DASA is relatively new legislation that has only recently been tested in the courts.
240. Responding officers receive support from supervisors and may seek the assistance of specialists in domestic abuse for such investigations.<sup>30</sup> However, if officers do not recognise the possibility of a DASA in the first place and do not ask the right questions to establish whether there is a course of behaviour, there is a risk of missing investigative opportunities.

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<sup>30</sup> Evidence of this in case file review case 16 PR and case 13 SM, Q Division focus group DAIU/DRIU sergeants.



241. In August 2021, the Suzy Lamplugh Trust<sup>31</sup> delivered a pilot training package to 32 Police Scotland officers from across the country and from a variety of roles and specialisms. The aims were to:
- Improve understanding of stalking as a crime within the police service
  - Train police at all levels on how to better investigate, evidence and bring to court the crime of stalking
  - Improve recording rates and charging rates of stalking
  - Build on best practice in the DA sector.
242. Police Scotland has also recently re-vamped its guidance on stalking. This is comprehensive and includes information on the behaviours that may amount to stalking and, the impact of trauma on victims, and explains that this may occur both within and outside domestic relationships.
243. In addition, the DACU regularly refresh training materials and guidance on domestic abuse. For instance, we are aware that probationer training materials have been refreshed in this regard. The probationer training materials include information on the behaviours that may amount to domestic abuse, the impact of trauma on victims, and the legislative requirements of DASA. A video of a real-life domestic abuse scenario illustrates the experience of victims, to encourage discussion.
244. HMICS welcomes the recent refreshes to guidance and training, in particular, the input from specialists from outside policing and the use of the video. However, it is clear that experiences of victims highlight the need for more training. Some officers also thought refresher training, including case law, would be helpful. HMICS recognises that some training has stalled during the pandemic, which may have had a negative impact. However, we consider that there are some training gaps that need to be filled.
245. To address some of the attitudinal issues raised by victims and to ensure officers have a good understanding of the dynamics and behaviours of abuse, which is trauma informed, HMICS considers that it is essential all domestic abuse training should incorporate an element of lived experience of victims. Given the evolving understanding of domestic abuse and associated legislation, domestic abuse training should be incorporated into regular CPD, which should also incorporate the lived experience of victims.

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<sup>31</sup> The Suzy Lamplugh Trust is the UK's personal safety charity and leading stalking authority, established in 1986, following the disappearance of 25-year-old Suzy Lamplugh, an estate agent and lone worker who went to meet a client and never returned.



### **Recommendation 8**

Police Scotland should:

- (i) Ensure that all domestic abuse training incorporates an element of lived experience of victims.
- (ii) As a matter of priority, introduce a programme of mandatory CPD on key topics for all operational officers, supervisors and managers. Key topics for the first year should include: DASA offences, to improve officers' understanding and use of the legislation; trauma informed practices, to improve engagement with victims; and lived experience of victims, to address problematic attitudes and behaviours.

### **Capacity**

246. It takes time and patience to get the full picture of an incident, to provide a quality service and to identify whether a DASA offence is relevant and engagement with victims may be affected by pressures on officers to meet the demand of attending calls.

247. There is tension between meeting demand of calls and providing a quality service. A memo issued on 31 May 2022 by DCC Local Policing reinforced that:

*“Where Contact, Command and Control (C3) staff direct a resource to attend an incident, the resource is required to do so unless they can evidence the requirement to attend an incident of higher risk.*

*All officers, including officers from departments or specialist units who are involved in ongoing incidents or carrying out enquiries may be contacted and expected to divert to incoming calls where circumstances dictate there is a threat to life, property or an ongoing incident that requires a dynamic policing response.*

*All supervisors must ensure this is being complied with at all times and all deployable resources are allocated timeously and attend as soon as possible”*

248. We heard from some officers and staff, and also from practitioners that officers can be required to attend the next call rather than spend more time with a victim. These tensions may also affect the ability to conduct follow up investigations.



249. In general, the victims we spoke to who had had involvement with specialist officers had a more positive experience. This included the only victim who, overall, had a positive experience throughout. The case studies below highlight the potential for investigative opportunities to be missed where those investigating do not have the relevant expertise and the difficulties that can arise where there is lack of ownership of repeated instances of domestic abuse:

### **Case study 18**

Report made by 101 of domestic abuse perpetrated by ex-partner which included stalking, so called “revenge pornography”, harassment and financial control.

Attending officers arrived and spoke to the victim. Thereafter, the victim was contacted and told by the officers and by their supervisor that there was no criminality.

Some months later, following a counter complaint made by the victim’s ex-partner, the victim submitted an online complaint which led to involvement of the DATF. A thorough criminal investigation then took place and a detailed statement was taken from the victim. The perpetrator was subsequently charged with multiple offences.

### **Case study 19**

Long running domestic abuse, including stalking behaviours, verbal abuse, threats, so called “revenge pornography” and breach of bail perpetrated by an ex-partner.

The victim told us that over the course of 4 years the police had been contacted between 30-40 times and, in recent times, something had been happening every month, in a clear escalation of conduct.

The victim felt there was no joined up approach across the incidents reported and she was made to feel like a nuisance. The victim was of the view that the experience would have been better if the police had a team of officers available locally, with the relevant expertise, who could provide a consistent point of contact and understand the background.

A prosecution is currently awaiting trial but there was a clear sense that matters would have been progressed quicker and potential risks mitigated had someone taken ownership of this investigation at an earlier stage.





250. Victims also told us that where there are repeated instances of domestic abuse their experience would have been better if there had been a single point of contact, or perhaps a team of specialist officers to contact (so that there was always cover for periods of annual leave). This would have provided continuity and understanding of the background circumstances and would have avoided them having to repeat themselves.
251. Such specialist teams already exist within divisions and are considered later in this section. We found evidence in our case file review that specialists are dealing with DASA offences or providing input to response officers dealing with such enquiries. However, our sample was relatively small and the victim experience shared with us was that where there are repeat instances of domestic abuse it is, by and large, response officers who are dealing with the investigation; different officers attend each time; there is no cohesion to the investigation; and no single point of contact is provided. Again this may be because the repeated reports are not being recognised as a potential DASA offence requiring specialist input.
252. It is assessed that the pressures on tier 1 officers to respond to calls creates difficulties in investigating course of conduct offences expeditiously and to good effect, since these can involve protracted investigations. Some victims told us that, where they had occasion to make repeated reports, they sensed fatigue or loss of momentum from the police. This sometimes included reports of breach of bail conditions following the arrest of a suspect. We heard of officers being “great” to begin with but then “it fizzled out”. Another victim was made to feel like “an inconvenience”.
253. HMICS is aware of the ongoing work within Police Scotland to undertake a holistic review of its public protection structures and systems. “The Public Protection Development Programme” will be split into four phases:
- Discover - review of current response and structures
  - Define - identify the problems that need to be addressed
  - Design - find solutions
  - Deliver.



254. We were told that this work is still at the “discover” phase. Domestic abuse forms a large part of this business area and there is therefore an opportunity to consider whether existing models and ways of working are aligned to risk and, meet victims’ needs, and to design and deliver what is required to improve quality of service. This is considered further within the Leadership and Vision section.

### Overall standard of investigation

255. The [Joint Protocol](#) between Police Scotland and COPFS sets out the general approach to investigating incidents of domestic abuse:

- The police will ensure that all possible lines of enquiry are rigorously pursued and all available evidence is secured
- Where a crime has been committed, consideration will be given to the arrest and interview of suspects in order to secure further evidence
- Where the suspect is not traced and is at large, he/she will be actively pursued until arrested

256. In our case file review, we assessed the overall standard of investigation by examining:

- The outcome in relation to tracing and arresting the suspect
- Whether any investigative opportunities were missed
- The effectiveness of supervisory input
- The timeliness of concluding the investigation.

257. For the 58 investigations conducted by tier 1, the outcomes were as follows:

- 23 released on undertaking
- 18 kept in custody
- 11 suspects released with no charge
- 3 released for report to the Procurator Fiscal
- 1 investigation transferred to England where the suspect resided
- 1 found not to be a crime
- 1 ongoing at the time of the review.

258. For 6 of the 11 where the suspect was released without charge the victim was non co-operative which would have presented significant challenges for the police establishing a sufficiency of evidence.



259. Despite these relatively positive outcomes, we found a number of incidents where potential evidential opportunities were missed, such as:

- Potential witnesses not traced/followed up
- No record of door to door enquiries being conducted
- No record of CCTV being checked
- Photos of injuries not taken/medical evidence not obtained
- Potential physical/digital evidence not seized or cyber examination request not made.

In six of these, the suspect had been released without charge.

260. In most instances the capture of this evidence would probably not have produced a different outcome. That said, given the evidential difficulties that exist in establishing domestic abuse - a crime that by and large happens in a private setting and the potential for victim disengagement further down the line, it is important that all evidential avenues are explored, regardless of whether the threshold for a sufficiency of evidence has been met.

261. For instance, in four investigations there was no record of CCTV having been checked, despite at least part of the incident occurring in public spaces. Three of these involved non co-operative victims and therefore this type of evidence would be important to strengthen the case and may have helped support the victim to engage.

262. In addition to the three cases highlighted at paragraph 233 above where there may have been a possible DASA offence to investigate, we found a further three cases where there appeared to be additional charges that had not been investigated, which is a concern. Also of concern were four cases where potential witnesses were not traced/followed up. Three of these featured non co-operative victims and, again, this would have been important to strengthen the case evidentially. For at least some of these incidents the information relating to possible additional charges or potential witnesses was available from records on STORM and, as such, should have been picked up at supervisory level but was not.

263. In addition to what we were told about DASA and stalking behaviours, some victims shared experiences where they had made the police aware of sources of evidence that had not been followed up or captured and, at times, they felt the onus was on them to drive the investigation forward.



264. HMICS considers that in order to enhance investigative opportunities and ensure nothing is missed it would be helpful if Police Scotland introduced tools to assist supervisors identify what evidential avenues have been explored and whether there are any gaps that need to be filled by investigators.

265. We understand that the legacy crime management system Crimefile has tasking functions that must be completed, which provides a safeguard to ensure all necessary investigative steps have been taken. The current version of Unifi, the new national crime management system that is being rolled out across Scotland, does not have such a tasking function although it is possible to introduce this via an upgrade to Unifi.

#### **Area for development**

Police Scotland should introduce measures to assist supervisors identify that all necessary tasks and investigative opportunities have been explored and completed.

#### **Use of Cyber/digital evidence**

266. In our case file review, 17 of the incidents featured either online or communication offences or involved breaches of bail or non-harassment orders where communications were a feature in the conduct. Screenshots or phone examinations occurred in 4 of these incidents. We considered that investigations into 4 other reports would have benefitted from capture of digital evidence or requests for cyber examinations that had not occurred (as highlighted in paragraph 261).

267. Victims reported that additional stress was caused by the capture of digital evidence from devices, including communications and online posts. They told us they were asked to submit evidence of messages/online activity that would assist the investigation. As some of these domestic abuse incidents spanned a number of years this meant victims having to trawl through a vast amount of information, some of which was deeply unpleasant, to identify what they thought was relevant. They found this re-traumatising. The exercise was also very frustrating, as often there were technical difficulties in providing the evidence to the police. For instance, one victim had to purchase a printer, which due to the volume of material being printed broke down, the police then provided a USB stick. Other victims had had to re-submit evidence when the police were unable to access it (for whatever reason). Having gone to these lengths, some had either been told the evidence would not be used or were unclear whether it would be used.



268. Often victims and witnesses are understandably reluctant to hand over phones for examination, as they are essential for conducting their daily lives and contain private information that would not be relevant for an investigation. That said, one of the victims we spoke to had offered to provide her phone, but officers declined; another was told that “they don’t take phones any more”. We recognise that there may be safety considerations in taking a victim’s phone away for examination, but this was certainly not explained to these victims.
269. We consider that to ask victims to trawl through and upload or print off significant volumes of messages does not provide a quality service; it is not good practice and risks triggering trauma for victims. HMICS considers that it cannot be right that victims are potentially being re-traumatised to provide evidence, particularly when that evidence is not even used.
270. We also consider that it is dubious whether such evidence would be admissible in court proceedings without a full examination of any potential exculpatory evidence held on devices (to meet disclosure obligations). This is an area of interest for HMICS and we will look into it in greater detail in future phases of work on domestic abuse, which will incorporate wider criminal justice issues.
271. We are aware of the resourcing and capacity challenges for the organisation in undertaking examination and analysis of vast volumes of information, not just for domestic abuse investigations but many other investigations. Intrusion of privacy issues and the proportionality of such examinations also present challenges for investigators.
272. Police Scotland’s Cyber Strategy 2020 [‘Keeping People Safe in a Digital World’](#) was approved by the [Scottish Police Authority \(SPA\)](#) on 30 September 2020 and an Implementation Plan was presented to the Strategic Leadership Board and SPA in February 2021. The Cyber Strategy Implementation Programme aims to transform the way Police Scotland deals with the threats presented by cybercrime. Two specific aims are to:
- Focus on an improved victim experience
  - Deliver an effective investigative response.



273. Police Scotland completed its roll out of cybercrime kiosks in August 2020, as a standalone solution to enable trained staff to quickly review data stored on mobile phones or tablet devices (and any associated SIM cards) at the initial stages of an investigation. There are currently a total of 41 cybercrime kiosks across the country.
274. These kiosks facilitate triage of devices to establish whether any material of evidential value is stored on them. Where no such material is found this allows devices to be quickly returned to the owner, without needing a full examination by one of the digital forensic hubs.
275. The cybercrime kiosks mean that the evidential significance of devices can now be ascertained more swiftly, freeing up the digital forensic hubs to undertake examinations that are necessary. This triage examination can also allow enquiry officers to make informed decisions as to whether it is legal, necessary, proportionate and justified to retain a device. However, police officers told us that there remained major issues with the timescales for conducting evidential cyber examinations and there were significant delays caused by the volume of requests, resourcing and workloads. As a result, screenshots of information held on phones were often taken, rather than taking the phone itself. There was a sense of frustration by officers trying to investigate incidents where such digital evidence was a feature. Police Scotland and the SPA need to ensure, as part of the ongoing Cyber Strategy Implementation Programme, that digital investigative opportunities are maximised for domestic abuse offences and that the experience of victims is improved so that additional trauma is avoided.

### **Recommendation 9**

Police Scotland and the SPA need to ensure that investigative opportunities for digital evidence capture are improved and maximised for domestic abuse offences.



## Counter allegations

276. The Joint Protocol also sets out the approach to be taken where a counter allegation is made in a domestic abuse incident:

- The police must thoroughly investigate the full circumstances of the incident in order to identify and report the principal perpetrator to the Procurator Fiscal
- In determining the identity of the principal perpetrator, the circumstances of the domestic abuse incident should not be looked at in isolation; officers must also have regard to the history and nature of any relationship and the criminal history of both parties.
- A list of factors is provided to assist officers to assess who is the principal perpetrator, which includes consideration of any previous history of domestic abuse between the parties or with other partners.

277. Counter allegations did not feature to a sufficient extent in our case file review to draw any conclusions. However, a particularly strong theme that emerged from the victims and practitioners we spoke to was the prevalence of counter allegations and how they are handled by the police. Of the 17 victims we interviewed, 7 had experienced what they described as a counter allegation being made against them. Six made complaints to Police Scotland about aspects of the police response.

278. Some people spoken to told us they had felt traumatised as a result of having to attend a police station and/or be put in a cell following what they described as a malicious counter complaint being made against them. They explained that officers did not listen to their efforts to explain the background to the complaint or check records when this was requested. There was also a perception that the counter allegation was treated differently/better than the complaints made by the victims.

279. Practitioners told us it was becoming more common for perpetrators to use malicious reporting as a further way to exercise control over victims and that officers did not seem to recognise this or look at the bigger picture of previous incidents, or the background of involvement with support agencies. We were also told that a lack of awareness of the impact of trauma meant some officers sometimes found a perpetrator more credible either because they knew how to “play the system” or because the victim did not come across as well due to suffering lasting impacts of trauma.



280. The SWRC informed us the number of calls they receive about malicious reports/counter allegations has been increasing recently, to the extent that they are now capturing data on the frequency of this issue. No definition is provided within the Joint Protocol, domestic abuse toolkit or the domestic abuse SOP on what amounts to a counter allegation.
281. It is likely that many officers would understand a counter allegation to be when two parties immediately make allegations against the other when the police become involved in an investigation. However, some of the victims we spoke to who raised issues about the police response to counter allegations described a time gap of days, or even months, occurring between the reports. Thus, it is likely there is a disconnect between what officers would understand to be a counter allegation and the perception of victims.
282. Some victims had, due to their experiences with the police, conducted their own research to inform themselves and to help them navigate through the criminal justice system. They were particularly well informed. For instance, the phenomenon of Deny, Attack, Reverse, Victim and Offender (DARVO) used by perpetrators to shift the focus from the original issue and attack the victim was cited by them. Awareness of this phenomenon is not something that is currently included within probationer training. Such issues illustrate the continually evolving understanding of domestic abuse and associated behaviours and the challenges faced by officers.

### **Survey results**

Counter allegations were a theme raised by several respondents, who described being subjected to these when they made a report of domestic abuse, either with both partners being arrested/accused, or being accused instead.

Some felt that a counter allegation made against them prevented their own report from being taken seriously.

*“Wasn’t taken seriously as my abuser made a complaint about me. He knew I was leaving him and he planned to destroy me.”*

A small number of respondents wanted to see better investigation of both parties:

*“Police Scotland should also consider reported person as potentially a victim of domestic abuse. False allegations is form of domestic abuse!”*





283. Of the officers we interviewed most were not aware of any issues in dealing with counter allegations. Some acknowledged there can be challenges, in which case advice is sought from supervisors or specialists. However, we also heard that sometimes conflicting advice is provided by supervisors on how to deal with these. HMICS considers this is another area where further training would assist officers' understanding, so that they are equipped to recognise when a malicious report is potentially being made, ensure they conduct thorough research into the background circumstances, and seek appropriate guidance from supervisory officers.

284. The domestic abuse SOP provides responsibilities for attending officers to ensure supervisory officers are kept updated throughout the initial response and investigation; and also that supervisors must ensure that a full and thorough investigation and appropriate safety planning has been considered and undertaken. HMICS considers there would be benefit in Police Scotland strengthening this to include a specific duty to ensure supervisors approve actions when there is any suggestion that a counter complaint/malicious complaint is being made, providing and recording a full rationale for decision making. Ideally, such decision making should include discussions with relevant partner agencies, where appropriate. This should promote a full consideration of whether the report amounts to a counter allegation and support a "getting it right first time approach" rather than creating further work down the line in dealing with potential complaints.

#### **Area for development**

Police Scotland should strengthen existing guidance to include a specific duty that supervisors approve actions when there is any suggestion that a counter complaint or malicious report is being made, and that they provide and record a full rationale for decision making. This should promote a full consideration of whether the report amounts to a counter allegation and support a "getting it right first time approach".



## Tracing suspect

285. In the vast majority of domestic abuse cases, where legally competent, the expectation is that a suspect will be interviewed in order to conduct a thorough investigation and secure all available evidence. Thus, on attendance at a domestic incident where the suspect is at the scene and there is evidence a crime has been committed, the suspect will most likely be arrested and thereafter be interviewed. Where, however, the report is non-recent in nature or the suspect has left the scene, police will need to investigate the circumstances to establish if a crime has been committed and, where they have a named suspect for a crime, efforts will be made to trace the suspect for interview. If a sufficiency of evidence exists they may submit a report to the Procurator Fiscal for a warrant but, in most cases, including where there is insufficient evidence to report a case to the Procurator Fiscal, officers will continue enquiries to trace the suspect.
286. Where such investigations continue, officers must compile a domestic abuse investigation package to allow investigations to be expedited. The packs will contain documentation and statements relevant to informing the approach/strategy to interviewing a suspect. Storage and administration of these packages is the responsibility of each local policing division. They are often stored on a divisional shared drive; however, with such an approach there is a risk that, if a suspect is traced in another territorial area, there may be challenges in accessing the relevant information.
287. We are aware that Q division recently undertook a trial in which all documents and statements were instead uploaded to the national PRONTO system, thus allowing them to be accessible across the service. Those involved in this pilot were unclear whether the new national crime recording system, Unify, has similar capabilities. We consider that for greater effectiveness and to manage risks effectively domestic abuse investigation packages should be capable of being accessed across the service area. Rather than have information stored on different systems it would be beneficial to have such information stored on the national crime recording system.



288. Domestic packages are reviewed for quality assurance and risk assessment by a supervisor and will be graded either high, medium or standard risk. It is thereafter the responsibility of Sergeants, Inspectors and Local Area Commanders to ensure that these investigations are progressed diligently. Those identified as high risk are usually progressed by specialist units within divisions, such as the DAU. However, decisions on allocation and subsequent investigation rest within each local division. Each Local Area Commander oversees the number of domestic packages sitting in their area, with regular tasking and co-ordination meetings taking place.

289. Despite these governance arrangements, we found some instances where there were significant delays in tracing suspects, following the creation of a domestic abuse investigation package. Often the enquiry was passed from shift to shift, with no evidence of progress being made, and there was a sense of lack of ownership overall. In some of these cases the commission of further offences was the accelerating factor in the suspect being dealt with, as highlighted in the case study below:

#### **Case study 20**

Report made in mid-August 2021 of vandalism, and information provided of a previous incident where the suspect had tried to force their way into the victim's home.

Incident not ongoing and dealt with by diary appointment.

The suspect was not traced/interviewed for almost four months (December 2021). Two further domestic incidents were recorded just prior to this, which likely accelerated the suspect being interviewed for the original report.

290. Such delays are not in keeping with the Joint Protocol which states that "*where the suspect is not traced and is at large, he/she will be actively pursued until arrested*" and fails to recognise and address the risk posed to victims and the wider community.



291. Numerous officers told us of concerns about progression of domestic packages and that, due to resourcing challenges and court abstractions, it can be challenging for officers to get time to progress enquiries. Practitioners and victims also told us of delays in tracing the suspect. One victim couldn't understand why it was taking so long and was of the view the police were not trying very hard as they saw the suspect regularly.
292. We were made aware of local initiatives that periodically take place to target and progress outstanding packages. One such initiative in J Division, "Operation Haltwhistle" took place in West, Mid and East Lothian command areas between 6 December 2021 and 9 May 2022. During this time we were told that domestic common assault crime reports reduced from 271 to 184, while also dealing with new crimes already recorded during this time. This was achieved through the creation of a small short-term operational team to take ownership and progress the outstanding packages. An added advantage of having this dedicated team was that they became the main point of contact for victims of domestic crimes, providing continuity in communication and updating victims on the progress of their enquiries.
293. While this initiative has some positive impacts, short-term operations such as this do not provide a sustainable solution. It is of concern that, on the conclusion of Operation Haltwhistle, J Division still had 184 open domestic assault crimes. Extrapolated across the country, there is the potential for a significant number of domestic perpetrators to be at large with all the risks that brings. A more systemic shift is needed to improve these outcomes.

### **Recommendation 10**

Police Scotland must, as a priority, introduce a robust system for allocation and monitoring progression of domestic abuse investigation packages at local, regional and national level to ensure there are clear channels of ownership and to improve service to victims. With the introduction of the new national crime recording system, Police Scotland should introduce a consistent national standard for domestic abuse packages, to include storage in an accessible and auditable format.



## Bail/undertakings/investigative liberation

294. The Lord Advocate's guidelines on liberating accused and the Joint Protocol set out the approach to be taken by the police following the arrest of suspects. Also relevant are various pieces of legislation and internal guidance for officers. A person "not officially accused"<sup>32</sup> may be released by the police on investigative liberation with conditions, where there are further enquiries to carry out the proper conduct of the investigation and there is a reasonable prospect these enquiries will be completed within 28 days.

295. For those in police custody, having been arrested without a warrant and charged with an offence,<sup>33</sup> there are three options:

- Release without an undertaking<sup>34</sup>
- Release with an undertaking<sup>35</sup>
- Keep in custody for court appearance.

296. There is a general presumption of liberty; however, the Guidelines and the Joint Protocol both recognise the particular risks associated with domestic abuse and that, in some cases, it will be both reasonable and necessary to hold a person in custody pending submission of a report to the Procurator Fiscal. If it is considered that there is a likelihood of a person re-offending, failing to comply with undertaking conditions, or where there is significant risk that cannot be managed by the imposition of proportionate conditions, then they should be detained in custody.

297. Where it is proposed to release a suspect in a domestic abuse case on investigative liberation, a full assessment of any risk to the victim, witnesses or the investigation must be carried out. The views of the victim should be taken into account in respect of any conditions that may be appropriate. Likewise, where a suspect is to be released on an undertaking, consideration must be given to imposing appropriate conditions, having regard to risk and safety considerations. The views of the victim should also be taken into account.

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<sup>32</sup> Criminal Justice (Scotland) Act 2016 A person not arrested on warrant or charged with an offence.

<sup>33</sup> Persons officially accused.

<sup>34</sup> Released from police custody with a report sent to the Procurator Fiscal as an accused person.

<sup>35</sup> Person released having agreed to appear at a specified court at a specified time and that they will comply with certain conditions.



298. Where a person is kept in custody and appears before the court, the Procurator Fiscal may oppose bail but, ultimately, it is the court's decision whether or not to grant it. If bail is being granted there are certain conditions attached by the court as standard. In addition, the court may impose "special conditions". These can be anything deemed necessary, but often include conditions not to enter specific places or approach/contact or attempt to approach/contact named individuals (most commonly victims). In seeking special conditions the Procurator Fiscal will rely on information provided by the police, who will have sought the views of victims.

299. Where conditions are attached to a suspect's release on investigative liberation or undertaking, victims must be notified by the police as soon as possible after the decision is made and, wherever possible, before the suspect is released. There is a similar obligation on the COPFS Victim Information and Advice (VIA) service to notify victims of any special conditions imposed by the court, on the same day or within 24 hours. Where a suspect fails to adhere to conditions (in other words, breaches conditions imposed), they commit a separate offence for which they may be prosecuted, where there is sufficient evidence to do so.

300. In our case file review we found:

- Most of the suspects were released on undertaking (25)
- When suspects were released on undertaking there was good use of special conditions to protect victims
- Twenty-one suspects were kept in custody
- There were two instances where investigative liberation had been used (both of which were tier 2 led investigations).

301. Fourteen cases involved breach of conditions, as follows:

- Nine cases involved reports which included alleged breach of bail
- Four involved reports which included breach of non-harassment orders
- There was one report alleging a breach of undertaking conditions.



302. Of the 14 cases which involved breach of conditions, some involved extensive repeat victimisation. Although all were investigated, we found instances where there were delays in tracing/interviewing the suspect. Four of the suspects were released with no charge, although one was subsequently reported for a warrant. In one, the initial decision had been to close the incident as not being a crime, however, following representations made by ASSIST and an intervention by the DAIU, the incident was resurrected and a full investigation then took place. There was one other case that was correctly marked as no crime, following investigation.
303. Some officers advised us that it had recently been identified that investigative liberation was being under-used for domestic abuse incidents, either due to a lack of confidence or misconceptions about when it was appropriate to use. This was addressed by release of an awareness package, which included posters, a PowerPoint presentation, a memo, use of a screen saver on computers and information on the domestic abuse landing page of the force intranet.
304. In its 2021/22 Quarter 3 performance report, Police Scotland reported there had been a slight improvement in the use of investigative liberation, across all crime types, against the same period the previous year, which may have been the result of this communication drive. The benefits of using investigative liberation are highlighted in the case study below:

### **Case study 21**

Report of non-recent rape where there was video footage of the incident, essential to the case.

Police seized the suspect's electronic devices by warrant and he was released on investigative liberation to allow examination of the devices and progress the enquiry. This time was also used to trace previous partners, which identified an additional victim of similar conduct.

The suspect was subsequently kept in custody for court appearance.



305. We are pleased to note the work done to raise the profile of using investigative liberation; a useful tool to progress investigations while offering some protection to victims. We were told by officers that during/since the pandemic there has been increasing use of undertakings with special conditions (instead of keeping a suspect in custody), and that the courts have increasingly granted bail, even when there has already been a breach of conditions. Practitioners shared similar views about bail. They also advised that victims often felt bail conditions were not worth anything as nothing gets done about them.

306. Five of the 17 victims we spoke to specifically advised us that special bail conditions had been put in place. One other had asked for bail conditions but was later advised there were none, which contributed to a negative experience. Of the five who mentioned bail conditions existed:

- Three had issues with the conditions attached. They either allowed the perpetrator to reside near to the victim, access garden areas, or failed to identify all of the areas that should be avoided. Of concern, one of these victims advised that the bail conditions had the effect of disclosing the area where they lived, having moved house to avoid the perpetrator
- One was concerned that a child had not been included in the special conditions
- Another said the conditions provided reassurance and a feeling of safety.

307. Despite bail conditions (and in the case of one victim the existence of a non-harassment order), four of these five victims experienced further domestic abuse. One had to seek assistance from the SWRC to obtain a restraining order to feel safe. The granting of bail by the courts, and the conditions attached, is not something that falls under the remit of Police Scotland, and, as such, is outside the scope of this inspection. However, as mentioned in our Terms of Reference, we do plan to conduct further phases of work on domestic abuse, including wider criminal justice issues. HMICS will consider whether bail should form part of that phase of work in its scoping and planning.





308. However, it is relevant in this inspection to consider the policing response where a breach of bail is reported by a domestic abuse victim. Victims told us that despite reporting further instances of abuse after bail was granted they felt nothing further was done by the police. One victim felt that once the perpetrator had been arrested and charged the police thought their “job was done” and there was no momentum to deal with the subsequent breaches of bail. In our case file review, we found that breaches of bail or other conditions were investigated, but it is easy to understand that, where there are delays in tracing suspects, (as highlighted at paragraph 289), this may give rise to such perceptions.
309. The Joint Protocol rightly makes clear that a breach of bail is a serious offence, which the police will investigate thoroughly. By their very nature, such reports involve repeat victims and, as such, should be prioritised. There would be benefit in using internal communications, similar to those used recently for investigative liberation, to emphasise the importance of progressing such investigations swiftly. In order to report a suspect for a breach of bail, a sufficiency of evidence must exist and the usual rules of corroboration apply. However, given the issues raised by victims where repeat instances of domestic abuse occur despite the existence of special conditions of bail, we consider there could be greater exploration of using bail reviews by police officers.
310. Where an accused person has broken, or is likely to break, any condition of bail imposed, they can be arrested and kept in custody to be brought before the court for a bail review. In such circumstances, corroboration is not required. Thus, bail reviews can be used to strengthen existing bail conditions to protect victims. Or to at least put the matter before the court for further consideration.

## **Tier 2 - Investigations by specialist teams**

311. Operational tier 1 and 2 responses to domestic abuse sit within local policing divisions. Localised, tier 2 specialist teams for domestic abuse (DAIU) and rape and sexual crime (DRIU) were established at the inception of Police Scotland in 2013 to provide a consistent, quality response to those investigations that were protracted or particularly complex. The domestic abuse SOP states that each local policing division must have specialist officers within the division to support the tier 1 response. Their role being to *“ensure effective victim safety planning, maintain an overview of the divisional response and undertake complex or protracted investigations. They will work cooperatively with tier 1 and tier 3”*.



312. Notwithstanding this national policy, Divisional Commanders have autonomy at a local policing level to shape service delivery to meet the demands and needs of local communities. The distinct geography and demography factor into decisions on local structures required to meet these demands and needs. Such considerations have resulted in diverging structures across the service to respond to policing business including domestic abuse and sexual crime. This was the case in the three police divisions we reviewed in this inspection; North East (A), Lothian and Scottish Borders (J), and Lanarkshire (Q). All three divisions had diverse structures in place to address service delivery, local leadership, governance and scrutiny which were bespoke to the individual policing area.
313. Specialist teams were evident in both J and Q Divisions, whereas A Division has moved from this original model in 2016 to a singular Public Protection Unit staffed by multi-skilled specialist officers who deal with all aspects of public protection including domestic abuse, sexual crime and child protection. The A Division structure was designed to provide sufficient flexibility of resource and experience, and to prevent silo working.
314. Regardless of individual local structures, thematic oversight of both domestic abuse and sexual crime at division sits with the local Detective Superintendent, a role that is common to all Police Scotland divisions. Thereafter, supervisory responsibility rests with either a Detective Chief Inspector or Detective Inspector who has portfolio responsibility. J Division operates with a variation to this model where the responsibility of the Detective Inspectors is aligned to a geographical area rather than a business area. They therefore have a multi-faceted responsibility to all public protection business within their geographical area. In A division, a divisional oversight group sits monthly attended by local area commanders and DCIs, where protracted domestic abuse investigations are monitored and scrutinised. It was clear to us that, in each of the divisions reviewed, there was local thematic ownership at supervisory and leadership level for both domestic abuse and sexual crime.



315. Arrangements for allocation of investigations are determined locally. The allocation arrangements in J and Q divisions are similar, where decisions are made to allocate to tier 2 specialist teams based on the seriousness of the offence, level of risk posed and the complexity of the enquiry. Other factors also influence decisions such as resource availability and workload. In these divisions, typically domestic abuse investigations with a sexual element, including rape, would be allocated to DAIU, and DRIUs will provide assistance where necessary. Due to the different structures in A Division, domestic abuse incidents with a sexual element and complex DASA enquiries will be dealt with by the PPU. Tier 1 response officers deal with the majority of domestic abuse investigations, although CID officers may assist to provide guidance. While in J and Q divisions the DAIU will generally investigate domestic abuse incidents with a sexual element, this may not be replicated across the organisation and it may be that, in some divisions, such investigations will sit within DRIUs.
316. We found in our case file reviews that supervisory oversight and case management aspects of domestic abuse investigations were more robust when they were allocated to tier 2 specialist teams. This had a resultant impact on the overall quality of the investigations. We found no evidence that the different local arrangements within A division had diluted service delivery, however, it should be noted that the scope of our case file review did not permit a more detailed examination of local outcomes.
317. As explained at paragraph 233, most of the incidents involving DASA and/or sexual offences in our case review were dealt with by specialist units or with specialist input, in line with the domestic abuse SOP, although we did find some potential DASA offences that had not been investigated as such.
318. The finding in our case review that oversight, management and overall quality of investigation was better when allocated to tier 2 specialist teams matched the experience of victims we spoke to. Several victims we interviewed and who completed our survey told us that the availability of more specialist domestic abuse officers and/or consistency of officers assigned to individual victims would help to improve the service. The case study below highlights the positive impact specialist teams can have on a victim's experience:



## Case study 22

Serious domestic assault while victim was pregnant. Suspect fled the scene prior to arrival.

Two specialist female domestic abuse officers were allocated the investigation (tier 2). They arranged for a support worker to be present while the victim gave a detailed statement.

The victim found the officers to be *“empathetic, supportive and understanding, which made her feel empowered and believed”*. Their approach encouraged her to report offences she had previously been reluctant to disclose.

The perpetrator was apprehended a week later.

Throughout the investigation the victim was updated and supported by officers.

The support organisation (which was involved early on by the police) also referred her to the Freedom Programme which allowed her to make sense of what had happened and to aid and support her recovery.

319. Officers interviewed told us of resourcing challenges in each division and that Police Scotland had identified resourcing issues were more acute in some divisions than others (J, E and Q divisions). For the divisions we reviewed we were told the following:

- **J Division** - a conscious decision had been made to increase numbers of officers within DAU and DRIU but they were still struggling to manage workloads and officers were facing “burn out”. The shift in resources inevitably also had a knock on effect to response resources within the division
- **Q Division** - insufficient officers within specialist teams leading to burn out. Thirty officers had been moved from the front line to public protection work, but it was still not enough and response officers were being allocated more complex cases to deal with due to volume of demand. A safeguarding team has been established to support investigations by focusing on victim’s safety needs (as outlined at paragraph 207), but in order to do so resources were moved from the DAU, increasing pressure on them.
- **A Division** - resources were sufficient within PPU, although divisional resources were struggling.



320. While the ability of local commanders to flex resources to meet local demands is vital, it is clear that in order to meet the volume of demand of domestic abuse incidents and maintain a high quality service that meets victims' needs, a more fundamental review of resourcing structures is required. Police Scotland has recognised this, leading to the commission of the Public Protection Development Programme work. What is required to produce the best results from this programme of work is considered further at Leadership and Vision.
321. In general, from what we were told, the resourcing issues did not seem to be as acute in A division as they were in J and Q divisions, although it was less clear whether this was as a result of the departure from use of DAIUs/DRIUs.
322. We would caution that where there is dispersal of specialist teams, care should be taken to ensure this does not adversely impact on the quality of service delivery at tier 2, particularly given the ancillary role they have in supporting the local tier 1 response in terms of providing advice and expertise, and in setting standards. While increased use of specialism can risk deskilling large sections of the workforce engaged in providing a first response, conversely, enhanced skills and expertise at a local level by specialist resources can serve to assist in upskilling those officers.

### Tier 3 response

323. Unlike tier 1 and 2 responses to domestic abuse, which sit within local policing, tier 3 is provided at national level by the DATF and NRTF, which sit within Specialist Crime Division (SCD). The DATF is *“responsible for investigations into serial perpetrators who are identified as posing the greatest risk of harm”*. Domestic abuse with a sexual element at tier 3 is typically allocated to the DATF. Organisational guidance stipulates that each tier of the policing response, including tier 3, should work co-operatively with the other tiers.
324. Within the DATF is the Multi Agency Tasking and Coordination (MATAC) Research and Assessment Unit (RAU). On a weekly basis, using the Recency, Frequency and Gravity (RFG) model, they identify those perpetrators who score highest in each territorial division, indicating they pose the greatest risk of harm.



325. Tier 2 teams within local policing divisions complete a form in respect of all perpetrators they consider to meet the relevant criteria, in part informed by referrals from relevant stakeholders. The division submits these forms to the RAU which completes an assessment, in discussion with the DI within the DATF. From this assessment, a maximum of five perpetrators are identified to be taken forward to the next MATAAC meeting, where a partnership approach is taken to information sharing, and tasking and co-ordination activity is identified to investigate perpetrators. MATAAC meetings are held four weekly, within each local policing division. Those perpetrators not selected for discussion at the MATAAC are effectively returned to the division for investigation and management of associated risks.
326. This process establishes a clear relationship between tiers 2 and 3. Guidance also sets out the general criteria for investigations being conducted at tier 3 level. However, the position on how the respective tiers are expected to co-operate with each other is less clear. Communication between local and national responders is vital for management of risk, appropriate allocation of investigations, and to ensure investigations are progressed efficiently without evidential opportunities being missed.
327. We were told by some within tier 3 that the DATF prepare briefings to outline to divisions any perpetrators it is investigating, should officers come across them while conducting their duties. We were also told that communications between the national units and divisions had improved, all of which is encouraging. However, some officers described relations with divisions as a “mixed bag”. Some thought divisions made contact only when they had insufficient resources, in the hope national teams would provide assistance, rather than when there was a clear role for their involvement.
328. Some officers within tiers 1 and 2 told us there was a lack of understanding about the function and remits of national units, and the rationale for enquiries they agree to undertake. Some thought there would be benefit in national units explaining their role and what support they can offer to divisions, to provide greater clarity. However, there was an awareness among some tier 2 officers of the sort of enquiry tier 3 would assist with; for instance, where there were multiple victims of the same perpetrator and/or enquiries had a large geographical spread.



329. It is clear that the role, remit and criteria for allocation of investigations to tier 3 resources is not widely understood, which creates mistrust between local and national resources.
330. Guidance issued to staff outlines that, in consultation, the RAU will agree the number of perpetrators to be taken to the MATAC, the maximum number being 5 unless by exception. While there is a margin to exceed the prescribed limit, the directive of a maximum of 5 high risk perpetrators to be taken forward to MATAC meetings is somewhat arbitrary. Further, it presents a risk that local policing will be discouraged from proposing any further high risk perpetrators, despite the fact the criteria for referral has been met.
331. Despite the prescribed criteria, we did not find a clear understanding among officers of investigations being allocated to tier 3 on the basis of risk and it is relevant that investigations can be rejected by the DATF on the basis of resource capacity. Such investigations will, however, remain at divisional level, where capacity issues present similar difficulties.
332. The lack of detail in the criteria for those selected for tier 3 investigations and those that are not, lacks transparency and may add to the mistrust between local and national resources.
333. Of those cases that are allocated to the DATF, safety planning and risk management remains at a local level within the division. This is to ensure the provision of a 24/7 response and therefore effectively manage dynamic risk. However, any lack of robust and meaningful communication between local and national resources as a result of this arrangement could be detrimental to the safety of victims. The disconnect between tier 3 and tiers 1 and 2, as outlined above, also has the potential to be significant.

#### **Area for development**

Police Scotland should develop a process for the allocation of investigations to tier 3 that is transparent. It should devise and implement a communication package to improve the understanding of the role of tier 3 across the organisation, setting out clearly how tiers 1, 2 and 3 should co-operate with each other.



334. The tactic employed in DATF investigations of pursuing serial and/or high risk perpetrators and proactively searching for investigative opportunities to secure corroborative evidence from additional victims/witnesses has proved extremely successful. We acknowledge the commitment of Police Scotland to tackling domestic abuse in this manner. We did not review any specific DATF cases in our case file review as the sample was drawn from reported incidents, however, the successes of this approach are well documented. We did note, however, some tier 2 investigations in our case review where proactive investigations were conducted to trace and approach ex-partners of suspects to good effect, a tactic used in tier 3 investigations. As serial perpetrators present the greatest risk to victims and communities, HMICS considers Police Scotland should be mindful of the additional success this approach has brought and explore ways to maximise opportunities to use it.
335. The impact of proactively approaching previous partners of perpetrators contains inherent risks as it can be extremely distressing for a victim to have unsolicited contact perhaps long after the abuse and when they may have moved on from their experience. The Domestic Abuse Toolkit outlines the trauma informed method that should be adopted as part of any proactive approach to an ex-partner or potential victim of an abuser. DATF officers we spoke to had a good awareness of the potential triggering effect of such approaches and the need for advanced risk assessment and safety planning. We welcome the inclusion of the relevant advice in guidance. Police Scotland may wish to consider, perhaps as part of the introduction of formal feedback processes for victims of domestic abuse, how it can capture the lived experience of victims who are approached in this way. This will ensure organisational learning is captured and improve practices to reduce trauma wherever possible.

### **Communication and engagement with victims**

336. Regardless of which tier leads the investigation, the importance of keeping the victim regularly updated during the investigative process is clearly outlined in police guidance documents.





337. Many of the investigations in our sample were concluded fairly quickly but, where there were prolonged investigations, we found some instances where victims had not been regularly updated. This included cases where domestic packages had been created and the suspect had to be traced, or where packages were transferred to other divisions. We found a more structured approach to contact with victims when investigations were conducted by specialist units, particularly at tier 3 level and/or when a SIO was appointed to lead the investigation.
338. Many of the officers and staff we spoke to told us that contact with victims during an investigation was victim led, in that discussions would take place with victims as to how/when they wanted to be updated. In addition, we were told victims would be updated at key stages of the investigation, for example when a suspect was arrested and the outcome following that arrest. However, others acknowledged there was work to do to improve the police response in this area. For instance, some were aware of victims having to make contact to chase an update on progress rather than the police providing this information.
339. While a few victims told us that they were provided with updates, most of the victims and practitioners we spoke to identified a lack of ongoing communication as a significant issue:
- “Women give their statement and feedback that that they feel ‘abandoned’ afterwards by police”.*
340. We were provided with one example where the victim hadn’t been contacted by police for more than a year and the victim had started the process of moving on from the experience. When police did make contact this then had the effect of re-traumatising the victim. There was a degree of confidence among both officers/staff and victims/practitioners that, when cases were being investigated by specialist units, communication was more regular and adequate, whereas this was not the case when tier 1 was leading the investigation. Of the officers and staff that identified improvements were needed, a common theme was that uniformed officers have less time to devote to contacting victims (due to workload) and that shift patterns made ongoing contact problematic.



### Survey results

Most respondents said they were not asked of a preferred method of contact by police (64.4 per cent, 56 individuals). However, of those who did express a preference, 57 per cent (16) confirmed that the police had used their nominated favoured method.

341. Different methods are used to record victim contact, depending on which tier the investigation falls under and which division is involved:

- Where rape and serious sexual crime is reported as part of a domestic abuse incident a SOLO officer will be appointed and contact with the victim will be recorded in the SOLO contact book
- Where investigations are being conducted by the DATF, victim contact is recorded on a bespoke spreadsheet for each enquiry
- A Division - the crime management system (Crime File) has a bespoke task, which is used to record victim contact. A crime report cannot be closed on this system without this task being completed. This helps to provide a safeguard that records of victim contact are kept and acts as a prompt to officers to make contact, though the records can be updated retrospectively, so long as they are completed before closing the crime record
- J Division - we were told that, generally, victim contact is recorded on the crime record and perhaps also on the iVPD system, but for CID led enquiries this is recorded on a shared drive that cannot be accessed by others
- Q Division - we were told that victim contacts are recorded on the crime management system (which is not particularly user friendly in this regard).

342. While the mechanisms outlined above all provide a means to record a victim contact, albeit in different ways, it was less clear where or how officers record victims' preferences for ongoing contact within local policing divisions. Having a clearly set out communication plan (which is accessible) is important to meet victim expectations, but it is also key to ensuring all communications are linked in with safety considerations and assessment of risk. For instance, if a perpetrator has access to e-mail accounts this will not be a safe way to communicate with a victim.



343. In all enquiries where rape and serious sexual offences feature, including those that are domestic abuse related, there is a requirement for police to complete a victim strategy to fully inform COPFS regarding a victim's vulnerability, and support mechanisms. This victim strategy includes details of the victim's expectations and their preferred method of communication. From this, COPFS completes its own victim strategy that includes detail of the frequency and method of contact that will be made to meet victim needs. We consider this good practice.
344. We acknowledge that the high volume of domestic abuse incidents make it impractical to include a comprehensive communication plan/strategy for every such incident, nor would many investigations require such a detailed response. However, we do consider that there would be benefit in Police Scotland considering a similar approach where there are repeat victims, or where significant vulnerabilities are identified, perhaps aligned to the level of risk and vulnerability identified on completion of the DAQ. We also consider that, in general, the level of victim contact provided by Police Scotland during a domestic abuse investigation, and the means by which contact is recorded, needs to improve.
345. Similar to the issues we identified earlier in safety planning, work is needed to ensure there is consistency of approach in identifying the nature/frequency of communication required to meet victims' needs, and in the recording of such information so that it is accessible. While the responsibility for keeping victims updated during an investigation belongs with Police Scotland, there will be occasions where a victim may wish to make contact. As highlighted at paragraph 250, the clear preference of victims is to have a single point of contact, or at least a dedicated unit with which they can make contact, rather than having to call 101.
346. In tiers 2 and 3 the structures allow victims to obtain information from dedicated teams, which can improve the standards of communication and engagement. However, outside of these structures, the methods and frequency of communication to update victims are ad hoc and sporadic, and fail to meet the required level, or the expectations of victims.



347. The failure to provide victims of domestic abuse with either a single point of contact or an identified central contact point causes frustration and distress, particularly for repeat victims, who have to repeat the same story to a number of different people.
348. Aside from providing a means by which to keep victims informed, ongoing open and constructive dialogue plays a key role in ensuring continuing risk is accurately and timeously assessed and that relevant safety plans are updated appropriately. Police Scotland therefore needs to explore how its structures can better meet the needs of victims and how communication with victims can be improved.

### **Recommendation 11**

Police Scotland should develop and implement effective processes for communication with victims of domestic abuse that are victim focused and include acceptable timeframes for providing updated information. Such processes should include clear recording of preferred methods of contact, which can be accessed by relevant personnel.

349. Good quality engagement can also be gauged by how advanced an organisation is in receiving feedback from its users, to learn and improve the quality of its service. There is currently no formal feedback process in place to routinely capture the lived experience of victims of domestic abuse, although informal feedback is provided on an ad hoc basis via local and national partnership arrangements. Consequently, organisational learning on domestic abuse is limited and unstructured.
350. This is in sharp contrast to well established feedback processes facilitated by Rape Crisis Scotland for victims of rape and serious sexual crime, whereby all such adult victims are referred by police to the Rape Crisis Scotland Helpline. This feedback facility is mature, having been in place since 2010, and both positive and negative feedback is disseminated to local Detective Superintendents through the NRTF.



351. The absence of the victim voice in the form of structured feedback inhibits Police Scotland's ability to shape services to address the needs of those who experience domestic abuse. A structured feedback process would also provide the opportunity for staff to be made aware when things are done well and for Police Scotland to re-enforce good practice.
352. One group of officers and staff told us they only received feedback when things had gone wrong or when a complaint had been made against the police. This is not constructive and risks impacting negatively on morale. Many officers and staff acknowledged the value of feedback and welcomed the development of such an approach.
353. HMICS is aware that Police Scotland has established a multi-agency short life working group to develop a victim survivor feedback process that will incorporate domestic abuse and other gender-based crime types. This work is fairly advanced. A relevant question set has been agreed and the IT is in hand. A pilot of the feedback process was due to take place before the end of the 2021/22 financial year, but this is still in development.
354. While we acknowledge the reliance on the involvement of partner organisations to achieve project delivery, and the impact the pandemic has had on developing new business models, it is important to progress this work, not least to put domestic abuse and other gender-based violence crime types on an equal footing with sexual offences.

**Area for development**

Police Scotland should expedite the implementation of a formal feedback process for victims of domestic abuse.



## Training

### Domestic abuse champions

355. DACs were given a one day training session to equip them with additional skills in preparation for the implementation of the DASA legislation. This was part of a comprehensive training package rolled out across Police Scotland, assisted by Scottish Government funding. The aim was that they would provide support to others across the organisation. This resulted in the creation of some 700 DACs across Police Scotland. It was envisaged that they would receive regular refresher training to maintain their skills and expertise.
356. We heard that DACs are not being used as well as they could be, that the cadre had reduced in number and that training needs to be refreshed. While we found an awareness of the role of DACs among officers and staff, few knew the identity of the DACs within their local policing division. The DACs we interviewed told us that they were not really being utilised.
357. We are pleased to hear that Police Scotland has been reviewing the DAC resource to ensure they are located in the right places to make best use of them. Work is also underway to refresh training for DACs, with the development of six modules with input from a number of partners, including SafeLives (a domestic abuse charity).

#### **Area for development**

Police Scotland should ensure DACs are provided with regular refresher training to maintain their skills and knowledge and ensure they are utilised to their full potential within local policing divisions.



## Sexual Offences Liaison Officers (SOLOs)

358. A specially trained SOLO is deployed to engage with victim/survivors of rape and serious sexual crime. This is clearly outlined in guidance for rape and sexual offences, for domestic abuse offences and within the First Responders' guide. The role of the SOLO is multi-faceted and includes responsibility for obtaining a statement from the victim/survivor, investigative liaison with the Senior Investigating Officer (SIO), and acting as the single point of contact for the victim/survivor during the police investigation and following initial report to the Procurator Fiscal (where applicable). SOLO training includes detailed input on the effect of trauma and use of trauma informed practices.
359. The requirement to deploy a SOLO officer also applies to those domestic abuse cases that are reported and have a sexual element. For this reason SOLO officers are predominantly based in specialist domestic abuse and sexual crime teams at both tier 2 and 3 levels. We found a clear understanding of the requirement to ensure that there is a SOLO capability within the teams engaged in specialist domestic abuse roles.
360. Recorded Group 2 crimes (sexual offences) have consistently increased over recent years. Yet despite the clear requirement for consistent levels of SOLO trained officers, our inspection found that there was a significant reduction in the number of trained and available SOLOs across the organisation in recent years. This has resulted from a number of factors including redeployment to other roles and a backlog in training courses. In addition, Police Scotland conducted a proactive exercise to remove those SOLO trained officers from the cadre that had not been deployed for some time or never at all with a view to maintaining a highly skilled and experienced cadre. At the time of our inspection, there were 786 SOLOs across the organisation, a significant reduction from the figure of 1254 in 2019.
361. The pandemic has undoubtedly impacted on training obligations within Police Scotland and SOLO training is no exception. This has been compounded by the need for the force to retrospectively train the existing cadre of SOLOs in visual recorded interview (VRI) techniques as a result of associated wider criminal justice reform. Further, the course for new SOLOs has increased from 5 to 10 days to facilitate VRI training, although existing SOLOs are only required to complete a 1 day VRI component.



362. We were also told of other difficulties. While the majority of SOLOs are appropriately deployed in specialist roles, this can impact on their availability in some divisions. For instance:

- In divisions that cover a large geographical area (such as the Scottish Borders within J Division) it can be challenging to identify sufficient coverage of SOLOs from the specialist cadre
- Not all divisions provide 24/7 specialist team cover and assistance is therefore needed from other neighbouring divisions at certain times of the day, which can add delay to attendance.

363. In such areas, we heard there would be benefit in having a SOLO capability within Response Teams to prevent any unnecessary delays that are not victim focused. However, we were also told that SOLO courses are difficult to secure for non-CID or specialist officers, as the requirement to complete access courses to meet the criteria for a SOLO course (and the time involved), would take response officers away from their front line duties. The accessibility, co-ordination and timing of SOLO training should be reviewed as part of Police Scotland's wider strategic training review (which aims to produce a 10-year delivery plan), and its Public Protection Development Programme work, to ensure there are sufficient numbers of SOLO trained officers, and coverage across the force. This is further considered at paragraphs 393 - 399.

364. Notwithstanding the proactive measures taken to reduce the SOLO cadre to a more appropriately skilled level, we were told that there was a lack of SOLO availability. A lack of SOLOs inevitably results in the same officers being deployed repeatedly, which can have an adverse impact on the welfare of those officers

365. We heard that SOLOs were experiencing "burn out" and were taking longer to recover from incident deployments. (similar to the evidence given to the Criminal Justice Committee on 'policing and mental health'). The SOLOs did not consider themselves as well looked after as Family Liaison Officers.

366. We note there are currently no set parameters for acceptable numbers of SOLO deployments within set timescales and there is an absence of any welfare strategy relating directly to SOLOs and their deployment.





### **Area for development**

Police Scotland should review the deployment rate of the SOLO cadre, setting clear parameters of what is an acceptable number of deployments within clearly defined timescales, and should develop a welfare strategy to prevent over exposure of those deployed in this difficult area.

367. HMICS commends the focus on trauma informed practices and the victim centred approach contained within the refreshed SOLO course and considers this to be an essential element of training for all VAWG offences. However, the current shortage of officers with this skill set needs to be urgently addressed.

### **Recommendation 12**

Police Scotland should ensure that the cadre of trained SOLOs across the organisation is sufficient to meet demand and to ensure the wellbeing of these officers.



## Leadership and vision

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### Strategic prioritisation of domestic abuse

369. Police Scotland and the Scottish Police Authority jointly agree the strategic direction for policing - the Joint Strategy for Policing (2020) 'Policing for a safe, protected and resilient Scotland'. The joint strategy identifies five strategic outcomes. As highlighted at paragraph 32 outcomes 1 - 3 are the most relevant to domestic abuse:

<b>Outcome 1</b>	Threats to public safety and wellbeing are resolved by a proactive and responsive police service
<b>Outcome 2</b>	The needs of local communities are addressed through effective service delivery
<b>Outcome 3</b>	The public, communities and partners are engaged, involved and have confidence in policing

370. Police Scotland produces an APP which outlines 15 strategic objectives and a number of operational and change activities required to deliver against the joint strategy. Of particular relevance to domestic abuse are:

- **Objective 1** - *"We keep people safe in the physical and digital world"* includes activities designed to protect people considered vulnerable and to prevent all forms of abuse, neglect and exploitation, including domestic abuse, child sexual abuse and exploitation, rape and sexual crime, hate crime and human trafficking.
- **Objective 8** - *"Protect, the public and promote wellbeing across Scotland by providing services that are relevant, accessible and effective"* includes activities designed to improve public engagement and service delivery, in particular to improve public and stakeholder confidence to enhance reporting (including third party reporting) of crime, especially domestic abuse, sexual crime, hate crime and human trafficking.

371. Underpinning the APP are Local Policing Plans produced for each of Scotland's 32 local authority areas. There are 13 local policing divisions in Police Scotland, 10 of which cover 2 or more local authority areas. These plans describe local priorities, outcomes and performance measures, and policing arrangements based on local engagement with partners. We found evidence that within these Local Policing Plans domestic abuse is incorporated as a priority either under the overarching priority of public protection or under protecting vulnerable people from harm.



## VAWG strategy work

372. Although domestic abuse is mentioned in the APP and forms part of local planning priorities, to date, Police Scotland has no overarching strategy setting out its response to domestic abuse. However, as part of its strategic commitment to tackling all forms of gender violence and aligned to the Scottish Government's "Equally Safe" Strategy, Police Scotland has now established its violence against women and girls Stakeholder Engagement Forum (SEF). This forum is chaired at senior executive level and includes membership from a variety of external partners, stakeholders and academia. The SEF will provide the platform for a collaborative approach to formulating a VAWG strategy. This strategy will inform the policing approach to VAWG, including domestic abuse. It aims to place victims at the heart of the policing response.
373. HMICS observed the inaugural meeting of the SEF and considered there was a genuine willingness of Police Scotland to receive feedback from the partners, stakeholders and members of academia to help shape this strategy. This is the first time such a proactive approach has been taken and it demonstrates the level of commitment of the Senior Executive Team of Police Scotland to this area of policing, and a growing maturity within the organisation. The plan is to develop this strategy by October/November 2022.
374. Police Scotland has launched a public engagement exercise to support and inform this work and, ultimately, to help shape the strategy. "VAWG: Your Stories" and "VAWG: Your Ideas for Change" seeks the views of those aged 16 or over on violence directed towards women and girls to help understand the victim experience. It asks:
- How can Police Scotland make a difference?
  - How can you and your community work together to make a difference?
  - What is needed for a society and culture where women and girls live free from all forms of violence, abuse, exploitation and harassment?
375. This initiative is accompanied by a short video from ACC Major Crime and Public Protection, showing commitment from leaders within the organisation. While the strategy is targeted at women and girls who are disproportionately affected by violence, the introductory information on the Police Scotland website acknowledges the importance of understanding intersectionality between gender and other characteristics; that many men and boys are also victims of violence and abuse and that they play a critical role in challenging violence and breaking down gender norms.



376. HMICS welcomes both development of the strategy and the engagement taking place to help shape its terms. Such a strategy is long overdue and it may surprise some that this has not been done before. HMICS would urge Police Scotland to consider (as part of its VAWG strategy) including an outline of minimum service level standards that can be expected by victims of domestic abuse, such as the means and frequency of contact with victims throughout an investigation. This will be helpful to inform victims and could thereafter be tailored to individual needs, where appropriate.
377. We heard from practitioners that they considered there was a good understanding of the issues about domestic abuse at a senior level, and at a strategic level there was good engagement with partners/stakeholders. However, they felt this was not filtering down to front line officers. Police Scotland needs to ensure that strategic commitments are embedded throughout its management structures, specialist units and its frontline policing response. HMICS will take a keen interest in the progression of this work in future phases of domestic abuse inspection work.

## **Governance structures**

### **Domestic Abuse Co-ordination Unit**

378. The Domestic Abuse Co-ordination Unit, which sits within tier 3 police response, is the national lead for the governance of the policing response to domestic abuse and leads on development and dissemination of policy relating to domestic abuse. Part of its role is to:
- Seek to improve future police response through review of internal processes and identification of more effective ways of working
  - Identify emerging issues, trends and problems and ensure appropriate steps are taken to address issues, so that learning can be identified and shared
  - Identify and promote best practice.
379. A central plank of its governance and scrutiny role is achieved through a programme of rolling reviews of territorial policing divisions. For instance, in 2019/20, the DACU completed divisional reviews in all 13 local policing divisions to ensure that the three tier approach was operating capably and efficiently, to the optimum level and with victims at the heart of every decision and process.



380. In 2020/21, the DACU planned on completing reviews within all local policing divisions, C3 and Criminal Justice (CJ) Divisions, however, due to the pandemic, it was unable to complete the 2021/21 or the 2021/22 review for all divisions. It is planned that in 2022/23 the DATF (supported by DACU) will complete a review of the divisional response to, and recording of, domestic abuse. The review will highlight whether the divisional governance in place is in accordance with national guidance in the SOP, Toolkit and Joint Protocol. This review will include:

- Pre-review checks - conducted remotely across all the relevant national police systems and crime recording systems to establish whether divisional practice is in line with national guidance
- Feedback - obtained from relevant key partners that normally participate in divisional multi agency meetings (such as the Multi Agency Risk Assessment Conference (MARAC) and MATAC) to establish service delivery and victim/survivor engagement
- Feedback from divisional representatives with supervisory responsibility for domestic abuse who will complete a questionnaire.

381. The outcome will be a report for each local policing division, which will identify areas for improvement and make recommendations. Thereafter, the local policing divisions will prepare an improvement plan and the DACU will track progress and, where necessary, conduct follow up reviews.

382. DACU also carry out reviews on areas of business where it has identified learning and risk. Such reviews are primarily identified through daily reviews of domestic abuse incidents, but can also be identified through its work with the Domestic Abuse Forum (DAF), the Domestic Abuse Working Group (DAWG), or from direct contact from partners. The findings of reviews are fed into the domestic abuse “4 Risk 4 Action” action plan which is the repository managed by DACU for the capture and progression of recommendations, areas for development and organisational learning. The DACU cascade any identified national learning through the DAF and DAWG.



383. In the event of a domestic homicide, an initial domestic homicide review (IDHR) is undertaken and completed by the DATF or the DACU within a period of seven days. Where the circumstances merit a subsequent domestic homicide management review, it is conducted by a Detective Superintendent, with a requirement to report back within eight weeks. Any resultant learning is disseminated and monitored by the DACU via its 4 Risk 4 Action structure. The domestic homicide review process, unlike some other critical incident reviews, is not currently on a statutory footing and is undertaken by Police Scotland on an internal basis. While statutory and non-statutory partners contribute to the process, this is on an ad hoc basis and is restricted to the provision of material and evidence to inform the review, rather than being part of the actual review process and structure. Police Scotland acknowledges that learning from these reviews would benefit from a more structured approach to inform organisational learning, demonstrating a desire to learn and avoid such tragic events re-occurring.
384. HMICS welcomes the various structured approaches adopted by Police Scotland to capturing learning and good practice across different disciplines such as local policing, C3 and Criminal Justice Division. This should provide a holistic view of issues. We also welcome the stated commitment to reinstate the local policing division review schedule in 2022/23.
385. In addition to the DACU reviews, the National Rape Review Team (NRRT) (which sits within the NRTF), is responsible for conducting regular reviews of the divisional response to rape, including those that have a domestic element. The reviews conducted by both the DACU and NRRT are intended to be supportive in nature and provide Police Scotland with opportunities to identify issues and common themes across the service.
386. However, the absence of an established feedback process to receive information relating to the lived experience of victims of domestic abuse (as highlighted at paragraph 349), does restrict the capture of knowledge and we view this as an essential element to enhance organisational learning and assist in shaping its strategic direction and service delivery.



## Domestic Abuse Forum

387. The DAF, chaired by the Detective Chief Superintendent for Specialist Crime Division Public Protection, is a multi-agency forum. It meets quarterly and its membership is drawn from statutory and non-statutory partners including Scottish Government, COPFS and victim partner agencies such as Abused Men in Scotland (AMIS), ASSIST, Hematt Gryffe, SafeLives, Scottish Women's Aid and Shakti Women's Aid. It provides a platform for discussion and assists Police Scotland in deciding its strategic direction for domestic abuse. Input is encouraged from partners on any ongoing work or issues experienced and it provides an inclusive platform for partners to build relationships and share ideas.

388. From the documentation we reviewed, we saw some repetition in the updates and, at times, progress appeared to be slow, although, this is probably in part because it only meets quarterly. For instance, we noted that issues and challenges about problems with 101 calls being answered and breach of bail offences were raised on two occasions, but no progress had been noted in the minutes.

389. However, we saw evidence of good engagement and dissemination of information relating to:

- Plans to better use DACs SafeLives developing a 6 module eLearning package
- The campaign to raise awareness of use of investigative liberation
- Implementation of a new stalking toolkit to help officers recognise reports and incidents of stalking
- Discussion of research papers setting out the approach to move towards domestic homicide reviews in Scotland, and to create a Domestic Abuse Advisory Group
- Discussion and inputs on work to address perpetrator behaviour.

## Domestic Abuse Working Group

390. The DAWG is an internal structure, which meets quarterly and is attended by representatives predominantly at Detective Inspector level from all territorial divisions (as well as British Transport Police). It provides a forum for national units to share information and updates with local policing divisions and for peer to peer sharing of best practice and learning.



391. The insights and work from the DACU, NRRT, DAF and DAWG are fed into governance structures within Police Scotland, such as Regional Delivery Boards and the Public Protection Governance Board.

### **Public Protection Governance Board**

392. The Public Protection Governance Board promotes positive and proactive practice across the public protection business area of Police Scotland. It is chaired at Senior Executive level by ACC Major Crime and Public Protection and it meets quarterly, with membership largely drawn at a senior level across the different areas of public protection work, resourcing, training and finance (with others being co-opted or invited as necessary to address specific identified issues). The Detective Superintendent heading the public protection review work currently being undertaken by Police Scotland is also a member of the Board, which will ensure the Board is aware of developments in the Public Protection Development Programme of work. The Board's Public Protection Delivery Plan is aligned to the APP and its remit is to:

- Provide strategic overview and consideration of the development, consistency and delivery of public protection business areas on behalf of police Scotland
- Approve national policing strategy developed by public protection strategic working groups on behalf of police service of Scotland
- Identify and promote best practice through organisational learning and development to provide a consistent approach to public protection nationally
- Consider and approve reviews and audits of existing practice, policy and training to promote CPD
- Liaise and collaborate with government partner agencies and other interested parties to promote the prevention and detection of crime, and support for victims
- Consider proposed procedural, policy and legal changes having national implications
- Ensure there is a process in place for self-evaluation in line with the care inspectorate framework of quality indicators
- Identify and strengthen links between and across public protection work stream and safer communities, public protection and criminal investigation arena
- Implement improved public protection awareness throughout police Scotland
- Identify relevant groups or people to progress particular issues for the progression and delivery of specific projects or pieces of work.





393. The Public Protection Governance Board reports to DCC Crime and Operations and Crime Direction Board.

### **Public Protection Development Programme**

394. In papers provided to the SPA board and the SPA policing performance committee, Police Scotland has highlighted the shifting and increasingly complex landscape within public protection, the resulting growing demand and the challenges this presents for resources, prioritisation and funding. In response to these challenges, Police Scotland has recently commissioned a comprehensive review of the national policing response to public protection, its first comprehensive review in this area since its inception in 2013. The result is the establishment of the Public Protection Development Programme governed by the Public Protection Development Programme Board. The aim is to conduct a holistic review of the response to public protection incidents including, not only the response of public protection departments, but also uniform response and prevention activity.

395. We were advised that this work is still at the early discovery stages to establish the “as is” position, using demand analysis across the whole range of work undertaken in this area, including partnership working and prevention activities. Once this stage is completed the work will move onto the define stage, to identify the problems that need to be addressed, before moving to the design phase and finally the delivery phase.

396. We hope that the findings in this inspection report will assist in identifying some of the issues that exist within the domestic abuse public protection area of work. In particular, we would urge Police Scotland in assessing how structures can be re-aligned to meet the needs of victims, to listen to the wishes expressed to us by victims, repeat victims in particular, that they wish to see increased use of specialists and, wherever possible, to be given either a single point of contact or a specialist team with whom they can make contact.

397. The issues we have identified with domestic abuse capacity and resourcing for tiers 1 and 2 also need to be considered, to establish a model that re-aligns resources to the threat risk and harm presented in this area, and to enhance the ownership of investigations and improve communication with victims.



398. In our Strategic Workforce Planning Assurance we highlighted:

- The limitations in alignment of the current Strategic Workforce Plan to support the achievement of strategy and objectives, or ensure there is sufficient capacity and skills in place to deliver these
- The general lack of concrete data on demand and the limited progress in development of a forecasting approach to meet demand
- The need for a clear Target Operating Model, which should demonstrate how it will inform major restructuring reviews and service design activities (Recommendation 3)
- The need for consideration of service level standards to effectively plan resources to meet a defined level of service
- The need for a clearly set out transformation programme that will deliver the required workforce changes, including major re-structuring changes (such as the Public Protection Development Program), which will result in a significant workforce change
- The importance of Police Scotland including the outcome of its strategic training review in its workforce planning.

399. We would re-iterate the importance of all of these factors to the Public Protection Development Programme work currently being undertaken, of which domestic abuse is a large component part. As part of this review Police Scotland should:

- Establish an accurate picture of current and forecasted demand levels
- Set out clearly defined service level standards to meet victims' needs
- Establish the resource level needed to meet demand
- Implement the best model nationally and locally to effect the change needed to support the concept of investigative ownership and continuity of contact/engagement with victims
- Ensure the resources within that model are empowered and have the requisite skills and training to equip them in the complex area of domestic abuse.

400. We consider that a crucial component of this work should be a focus on having the right structures in place to support the concept of investigative ownership and the provision, where possible, of a single point of contact particularly for victims of DASA offences or other repeat victims.



### **Area for development**

The Public Protection Development Programme must include in-depth demand analysis to ensure Police Scotland has the right structures in place to meet these challenges and effectively manage risk.

### **Role of the Scottish Police Authority**

401. The SPA has a statutory duty to scrutinise Police Scotland and to hold the Chief Constable to account for the policing of Scotland. The SPA asserts its scrutiny role at regular meetings of the SPA Board and committees such as the Policing Performance Committee (PPC) where, for instance, Police Scotland's quarterly performance reports are considered.
402. Police Scotland has engaged with the authority and the PCC in the VAWG sphere recently through provision of briefing papers for discussion. This has included updates on collaboration and partnership working, feedback processes on performance, the increasing complexity of demands in public protection, and the Public Protection Development Programme.
403. We consider that, given the high level of risk inherent in public protection and the increasing demands faced by Police Scotland, the SPA should ensure it exercises its scrutiny role in relation to the ongoing Public Protection Development Programme work, since this is critical in ensuring the correct structures are in place to meet demand and risk.



### **Recommendation 13**

Police Scotland should incorporate the findings and recommendations from our Strategic Workforce Planning Assurance Review in its approach to the Public Protection Development Programme. It should review its structures holistically and for its response to domestic abuse:

- Establish an in-depth and accurate picture of current and forecasted demand levels
- Set out clearly defined service level standards to meet victims' needs
- Establish the resource level needed to meet demand
- Implement the best model nationally and locally to effect the change needed to support the concept of investigative ownership and continuity of contact/engagement with victims
- Ensure the resources within that model are empowered and have the requisite skills and training to equip them in the complex area of domestic abuse.

### **Recommendation 14**

Police Scotland and the SPA should put in place measures to monitor progress against the areas for development outlined in this thematic review.



## Appendix 1 - Glossary

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ACR	Area Control Room
AMIS	Abused Men in Scotland
APP	Annual Policing Plan
ASSIST	Advocacy, Support Safety and Information Services Together
C3	Contact Command and Control
CAM	Contact Assessment Model
CERP	Police Scotland's Contact, Engagement and Resolution Project
CID	Criminal Investigation Department
COPFS	Crown Office and Procurator Fiscal Service
COS	Police Scotland's new national crime recording system
COVID-19	Coronavirus
CPD	Continuous professional development
Crimefile	One of the crime management systems used by Police Scotland
CSIP	Cyber Strategy Implementation Programme
DAC	Domestic Abuse Champions
DACU	Domestic Abuse Co-ordination Unit
DAF	Domestic Abuse Forum
DAIU	Domestic Abuse Investigation Unit
DAQ	Domestic Abuse Questions
DARA	Domestic Abuse Risk Assessor
DARVO	Perpetrator strategy of Deny, Attack, Reverse, Victim, Offender
DASA	Domestic Abuse (Scotland) Act 2018
DATF	Domestic Abuse Task Force
DAWG	Domestic Abuse Working Group
DRIU	Divisional Rape Investigation Unit
DSDAS	Disclosure Scheme for Domestic Abuse Scotland
HMICS	His Majesty's Inspectorate of Constabulary in Scotland
IBR	Initial briefing report
IDHR	Initial domestic homicide review
iVPD	interim Vulnerable Person's Database
LAC	Local Area Commander
LPA	Local Policing Appointment, also known as diary appointment
MARAC	Multi Agency Risk Assessment Conference
MATAC	Multi Agency Tasking and Co-ordination
MCE	Police Scotland's Modernised Contact and Engagement Programme
NPF	Scottish Government's National Performance Framework



NRRT	National Rape Review Team
NRTF	National Rape Task Force
OLR	Order of Lifelong Restriction
PCU	Partnership Co-ordination Unit
PPC	Policing Performance Committee
PPDP	Public Protection Development Programme
PPU	Public Protection Unit
PRONTO	Police Scotland national electronic data storage and retrieval system
PTT	Power to Tell (DSDAS)
QAU	Quality Assurance Unit
RARA	Risk management model (Remove, Avoid, Reduce or Accept)
RCS	Rape Crisis Scotland
RFG	Recency, Frequency and Gravity model of risk assessment
RT	Resolution Team
RTA	Right to Ask (DSDAS)
SCRS	Scottish Crime Recording Standard
SEF	Stakeholder Engagement Forum
SOLO	Sexual Offences Liaison Officer
SOP	Standard Operating Procedure
SPA	Scottish Police Authority
SPR	Standard Police Report
SWA	Scottish Women's Aid
SWRC	Scottish Women's Rights Centre
TEC(SOS)	Technical SOS mobile alarm system
THRIVE	Threat, harm, risk, investigative opportunity, vulnerability and engagement
Unifi	One of the crime management systems used by Police Scotland
VAWG	Violence against women and girls
VCC	Victim Care Card
VIA	Victim information and advice
VRI	Visual recorded interview
VSS	Victim Support Scotland



## Appendix 2 - Key findings from survey

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For context, these key findings should be read in their entirety and in part with the overall findings of the survey report. Please refer to the HMICS website to read the full report.

As stated earlier in this report, HMICS recognises that this is a self-selecting group that may have been more motivated to provide a response having had a negative experience. 94 responses, from over 60,000 recorded domestic abuse incidents per year, is not representative, but we have used the data to ensure the voices of those victims, who participated in the survey, are heard. Of the sample surveyed, 52.8 per cent were unsatisfied / very unsatisfied with Police Scotland's over-all response.

Key themes within the free text questions of the survey included:

- Lack of confidence that reporting would help
- Fear that reporting would make situations worse
- Lack of action or follow up
- [previous] negative experiences of reporting domestic abuse
- Response depended upon the individual officer
- Out-dated attitudes from some attending officers
- Process not being explained clearly (with some people relying on third party agencies)
- Counter allegations [being made against the initial reporter]

These findings, as previously mentioned, cannot be taken out of context; however, it is imperative to highlight the significance of these findings.



## Appendix 3 - methodology and sampling

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### Dates and areas selected for review

HMICS selected a date range of 1 July to 30 September 2021, being sufficiently recent to produce relevant results and allowing enough time for police investigations to have reached a conclusion.

To ensure a local policing division was included from East, West and North of the country and that both urban and rural areas were included, A, J and Q divisions were selected. The numbers/incident rates for domestic abuse for each division was also a factor in the consideration<sup>36</sup> with all three divisions, and, in particular, J division, having a high volume of domestic incidents reported.

### Identification of records and sample selection

When an incident is reported to the police, an incident record is created. The incident record is assigned an initial (opening) code and a disposal code. For domestic incidents the opening code is PW-40. We used this primarily as a basis to identify the records for analysis.

For sample 2, which formed our case file review, to ensure we could assess the end to end journey of the investigative process, Police Scotland gave us a list of all domestic incidents where at least one crime/offence was recorded within the criteria set (the population data). Police Scotland also identified within this population data, those incidents that had a sexual element or involved a course of conduct<sup>37</sup> to allow us to include some of these types of incidents in our sample.

From the total population, the incidents to be assessed were randomly selected, with some element of oversampling being adopted to ensure that at least 10 per cent of incidents from each division were course of conduct offences, and likewise for sexual offences. Scottish Government's Justice Analytical Services assisted us in this exercise. Police Scotland was not informed which incidents had been selected in advance for assessment.

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<sup>36</sup> [Scottish Government statistics - domestic abuse recorded by the police in Scotland 2020-21 published 30 November 2021.](#)

<sup>37</sup> Course of conduct behaviour that occurs on at least two occasions. Relevant for stalking offences (s.39 Criminal Justice and Licensing (Scotland) Act 2010) and for domestic abuse offences under the Domestic Abuse (Scotland) Act 2018.





As the volume of incidents reported to the police varies across Scotland, the number of records assessed in each local policing division selected also varied. Thus, a proportionate, random sample for each division was selected as shown in table 4.

Table 4

Division	Total number in sample	Number of course of conduct offences in sample	Number of sexual offences in sample
A Division	22	2	2
J Division	23	2	2
Q Division	25	3	3

### Methodology for call handling sample

The review team conducted an audit of calls made to Police Scotland via the 101 and 999 systems.

STORM is the organisational command and control system. Each STORM incident created under CAM should include THRIVE assessments at each stage of its progression from the Service Centre to Area Control Room (ACR) or Resolution Team (RT).

To provide an indication of the manner in which the model was being applied across the organisational area, calls were audited from C, K and N Divisions.

In preparing for the audit, the review team was supported by statisticians from the Justice Analytical Services team within Scottish Government. A random selection of 360 calls (60 of which were identified as domestic abuse related calls) was made from the total number of incident calls to C, K and N Divisions in the 7 days of the week commencing 22nd November 2021. This date range was selected to replicate a week with no extraordinary events, thus representing a week as close to 'business as usual as possible.

The associated margin of error for the sample size of 360 calls is +/-5 per cent. This is calculated at the 95 per cent confidence level. This means that, if the sample found 8 in 10 calls were of a particular standard, we could be 95 per cent confident that between 74 per cent and 86 per cent of all calls met that standard.



The review team listened to the calls made, examined information that was subsequently recorded on STORM and considered:

- The quality of service provided to the caller
- Whether a THRIVE assessment had been undertaken and, if so, whether it reflected the incident
- The quality of THRIVE assessment carried out and whether this was appropriately recorded on the incident
- Whether the priority grading was appropriate for the incident, taking account of the THRIVE assessment
- Whether the correct supporting checks had been carried out to assist with the THRIVE assessment
- Any issues arising relating to the availability of police to respond to the call
- Referrals to partnership agencies and issues associated with partnership working
- Whether service advisors were making appropriate decisions based on their assessment of the circumstances of the call.



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### **About Her Majesty's Inspectorate of Constabulary in Scotland**

HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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