

CPS Domestic Violence

Good Practice Guidance

*"It means a more sophisticated
approach to prosecuting hate crimes
such as domestic violence."*

Attorney General, Foreword to CPS Business Strategy 2005-2008

November 2005



Crown Prosecution Service

"The Government has set out a clear programme to modernise the Criminal Justice System (CJS) to rebalance the system in favour of victims, the community and the law-abiding citizen....."

Close partnership working by all criminal justice agencies is essential to improving the way the CJS operates....."

It means a more sophisticated approach to prosecuting hate crimes such as domestic violence."

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Domestic Violence Good Practice Guidance

BACKGROUND:

Government-wide priorities:

The Domestic Violence, Crime and Victims Act 2004 is the biggest overhaul in domestic violence legislation in over 30 years¹. In March 2005 the Government published its National Report on Domestic Violence which contained an outline of a National Delivery Plan², including the key objectives to:

- Increase the protection of identified victims of domestic violence;
- Increase the rate at which domestic violence is reported, either directly to the police services or through third-party reporting arrangements;
- Increase the rate at which domestic violence incidents result in sanction detections;
- Increase the rate at which sanction detections are converted into offences brought to justice.

The Government's strategic approach to tackling domestic violence recognises the dynamics of power and control that underpin this crime. It is generally acknowledged that it is predominantly women who experience domestic violence and almost always at the hands of their male partners or former partners³. However, it is recognised that domestic violence also takes place within same sex relationships and that men can be abused by women. The effects on children are also recognised⁴.

The Government measures success in domestic violence cases in relation to a long-term view of victim safety and preventative action and addresses the prosecution of cases within this broader framework.

The Government's action plan is supported by the **Government Domestic Violence Virtual Unit (DVVU)** advising the **Inter-Ministerial Group on Domestic Violence**. Members of the CPS National Domestic Violence Implementation Team actively participate in the DVVU.

It is against this background that the Good Practice Guidance has been produced.

Definition of domestic violence:

The new Government definition of domestic violence is:

“any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality⁵”.

1. The Act gained Royal Assent in November 2004, with implementation starting in 2005 onwards.

2. <http://www.crimereduction.gov.uk/dv01.htm>

3. Walby, S. and Allen, J. (2004) Domestic Violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office Research Study No. 276. London: Home Office.

4. Mirlees-Black, C. (1999) Domestic Violence: Findings from a new British Crime Survey self-completion questionnaire. Home Office Research Study No. 191. London: Home Office.

5. An *adult* is defined as any person aged 18 years or over. *Family members* are defined as mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or stepfamily.

The new definition also addresses forced marriage, so-called “honour crimes” and female genital mutilation.

In the CPS we apply our policy to all criminal cases, which fit this definition, irrespective of the age of the perpetrator or victim to address the safety of all DV victims. This is to ensure consistency of service to all victims of domestic violence. For monitoring purposes only the adult figures are used cross-Government.

Facts:

- Domestic violence accounts for 16% of all violent crime⁶;
- The repeat victimisation rate is 57% - higher than any other crime⁷;
- Although we are only just beginning to monitor domestic violence crime electronically within the CPS, we have already identified over 34,000 DV crimes during 2004/5; and 10,299 cases in the first quarter of 2005/06;
- Of all hate crimes recorded by CPS in 2004/5, domestic violence accounted for over 80%;
- From April 2004 – March 2005, 45% of domestic violence cases were recorded as unsuccessful as compared to an average of 20% for other crimes.

CPS priorities:

The Home Office and Department of Constitutional Affairs together with the Law Officers' Departments⁸ have developed a tri-partite strategy for criminal justice 2004-2008⁹ to ensure an effective justice system and to “secure public confidence”, working together across the criminal justice system.

The CPS Public Service Agreement (PSA) Targets 2005-08 are to:

- improve the delivery of justice by increasing the number of crimes for which an offender is brought to justice to 1.25 million by 2007-08; and
- reassure the public, by reducing the fear of crime and anti-social behaviour, and building confidence in the Criminal Justice System.

To fulfil these targets the CPS priorities include:

- strengthening the prosecution process;
- championing justice and the rights of victims;
- inspiring the confidence of the communities we serve.

Domestic violence (DV) work in the CPS aims to address all the above targets and, in relation to the rights of victims, the Business Strategy 2005-2008 specifically aims to: “*strengthen the prosecution of hate crimes and crimes of domestic violence*”.

Two new measures have been introduced to monitor the prosecution of hate crimes, including domestic violence – CPS Hate Crime Indicator and Government Domestic Violence Key Diagnostic Indicator (see Good Practice Point 10).

⁶. British Crime Survey 2000

⁷. Ibid

⁸. Law Officers' Departments include the CPS.

⁹. *Cutting Crime, Delivering Justice, CJS Strategic Plan 2004-2008, OCJR*

Sophisticated approach to prosecutions:

The balance within domestic violence prosecutions is indeed a sophisticated one –

- ensuring independence whilst working with victims professionally and sensitively;
- actively seeking and considering the needs and requests of the individual victim whilst addressing the wider public interest issues for existing and potential future victims;
- balancing the rights of the victim and any children against the rights of the defendant;
- meeting the shared needs of all victims whilst also ensuring that specific needs of different communities are taken into account;
- addressing value for money within a preventative as well as prosecutorial framework.

There needs to be a fundamental understanding of the dynamics of domestic violence, so that prosecutions are more effective. Domestic violence victims are some of the most intimidated victims of crime; repeatedly victimised and made worse because of the closeness and intimacy they have, or have had, with the perpetrator. The prosecution of domestic violence cases has needed to recognise and address this. For example, it is now acknowledged that it is inappropriate to proceed with a case, or summons a witness, without considering first the effect of that decision on the safety of the victim and any children.

In considering the issues that arise in relation to victims of domestic violence from diverse backgrounds, it is recognised that there are different barriers to involvement in the prosecution process and that specialist support may be required. The CPS is now working towards the integration of equality and diversity issues to ensure that these different barriers are identified and addressed in a sensitive, supportive and appropriate way. As the work on domestic violence evolves, there are more issues being identified. Some of the more recently acknowledged manifestations of domestic violence include forced marriage¹⁰, female genital mutilation (FGM) and so-called “honour crimes”. Working with diverse local communities, drawing on their expertise, engaging them in consultation and joint working with the voluntary sector is becoming more important.

In order to deal with domestic violence effectively it is recognised that we need a multi-agency approach. CPS now actively works with other agencies to ensure an end-to-end response which ranges from increasing the number of cases being reported into the criminal justice system, prosecuting cases that are reported and preventing re-offending where possible.

“Our primary objective is to reduce crime and anti-social behaviour and to make people feel safer. We will achieve this....wherever possible by stopping crime from happening in the first place; when a crime does happen by catching the offender swiftly and bringing them to justice”

*Cutting Crime, Delivering Justice. CJS Strategic Plan 2004-2008
Office for Criminal Justice Reform*

¹⁰. Consultation paper on potential legislation available on <http://www.fco.gov.uk/Files/kfile/forcedmarriageconsultation%20doc.pdf>

GOOD PRACTICE RECOMMENDATIONS:

CPS Domestic Violence Project:

The CPS two-year DV Project was set up to gather evidence on the efficacy of measures that would:

- reduce attrition rates;
- bring more offenders to justice;
- improve victim and witness satisfaction and safety;
- address the equality, diversity and discrimination issues in relation to both victims and perpetrators;
- integrate the needs of children as victims and witnesses.

The project involved:

- a review and evaluation of the existing five specialist DV courts/fast track systems¹¹;
- work with the CPS/ACPO/OPSR/Home Office¹² victim/witness pilot projects¹³;
- establishment and evaluation of two CPS domestic violence pilots, within CJS to gather the evidence.

This Good Practice Report is based on the findings from the evaluation of the existing five specialist DV courts and the two pilots, in Caerphilly, Gwent and Croydon, London which provided evidence of good practice to deliver improved work on domestic violence cases.

- Caerphilly pilot was based in a more rural setting. It used an operational team of a dedicated prosecutor, police officer and independent DV Advisor within a multi-agency partnership fast-track system, which led to reduced victim retractions, more guilty pleas and convictions.
- Croydon pilot, based in an urban setting, used a specialist DV court, with trained staff, including a panel of dedicated magistrates, which led to improved evidence used in prosecutions, successful outcomes in cases where victims had withdrawn and improved penalties with compliance hearings¹⁴.



¹¹. Specialist DV court systems in Cardiff, Derby, Leeds, West London and Wolverhampton were evaluated. Good practice was drawn out from all the sites and used to develop the two DV pilots. www.cps.gov.uk/publications/docs/specialistdvcourts.pdf.

¹². ACPO – Association of Chief Police Officers; OPSR - Office for Public Service Reform.

¹³. Which have now developed into the No Witness, No Justice (NWNJ) initiative.

¹⁴. A hearing after the defendant has been sentenced to a community rehabilitation order to check compliance with the order.

Caerphilly (Gwent)	Pre-Pilot	Post-Pilot
Increased reporting and prosecution of cases	8.5 cases per month	12 cases per month
Early guilty pleas (up)	21%	27%
Late guilty pleas (up)	31%	35%
Found guilty after trial (up)	8%	19%
Retractions (down)	53%	27%
Withdrawn/discontinued (down)	32%	25%
No evidence offered (down)	46%	28%
Length of case (down)	86 days	76 days
Quality of service to victims		Increased
Confidence of victims		Increased
Adverse Outcomes		Reduced
Ineffective Trials		Reduced
Croydon (London)	Pre-Pilot	Post-Pilot
Increased reporting and prosecution of cases	8 cases per month	16 cases per month
Found guilty after trial (up)	0%	19%
Withdrawn/discontinued (down)	36%	20%
No evidence offered (down)	42%	26%
Numbers of successful outcomes following victim retraction		Increased
Quality of service to victims		Increased
Confidence of victims		Increased
Adverse outcomes		Reduced
Ineffective trials		Reduced

The final report from Caerphilly and Croydon recommended that the **CPS**:

- develop good practice guidance for CPS Areas and HQ based on lessons from this evaluation;
- further develop performance management of DV cases, including performance data on victims and witnesses with diversity monitoring;
- monitor and evaluate the implementation of the CPS domestic violence policy in the following areas:
 - assessing evidence requested and used;
 - applications for special measures;
 - use of Victim Personal Statements and retraction statements;
 - cases proceeding following victim retractions;
 - involvement of children as witnesses; and
 - consultation of victims regarding bindovers¹⁵ and bail conditions;

¹⁵. Note bindovers are recommended only as a last resort in the CPS DV Policy and Guidance

- monitor the implementation of the training of all CPS prosecutors and caseworkers;
- ensure CPS DV Coordinators¹⁶ play a lead strategic role in domestic violence, working in multi-agency partnerships to develop further specialist DV courts;
- consider the development of lead prosecutors¹⁷ to prosecute in specialist DV courts, review case files and participate in operational teams;
- ensure that consistent information on the role of the CPS is routinely provided to victims;
- address equality and diversity issues within DV community engagement activities.

The overall work of the DV Project focused on a partnership-based response to domestic violence, especially specialist DV courts, as they are at the forefront of pioneering work across the CJS to improve the response to DV cases. In line with the Attorney General's quote, the research was aimed at developing "a more sophisticated approach to prosecuting hate crimes such as domestic violence". Most of the findings are transferable across the CPS, irrespective of whether local specialist DV courts exist or are planned in Areas.

The Good Practice is drawn from the findings of the project to help Areas in the meeting of their Hate Crime targets and in the development of their Business Plans 2006-2008. A National DV Implementation Team has been set up, consisting of the CPS DV project staff, DV Policy leads and a lead from the Business and Development Directorate. The Team will consult with external agencies through a Consultation Group; internally through a Project Assurance Group and report to a Board consisting of Directors of Policy, Business Development and Equality & Diversity. The Team will support Areas in this work from November 2005 over the following three years in the incremental implementation of the plans. Contact details are at the back of this document.

The following table illustrates the potential business benefits, drawing on the experiences of the recent pilots that can accrue from adopting the good practices outlined in this guidance:

Improvements	% pilot improvements
Increased reporting and prosecution of cases	30 - 50%
Reduction in victim retractions	26% ¹⁸
Increase in cases continued following victim retractions, with successful outcomes	14 - 23%
Increase in guilty pleas	6% ¹⁹
Increase in convictions	11 - 19%
Reduction in discontinuances	7 - 16%
Reduction in cases where no evidence is offered	16 - 18%
Reduction in time taken for cases to be completed	12% ²⁰

The pilots illustrated ways to help in the delivery of CPS PSA targets in relation to both bringing more perpetrators to justice and improving public confidence.

¹⁶. CPS DV Coordinators work specifically within CPS and differ from Crime and Disorder Reduction Partnership DV Coordinators working in, and usually coordinating the work of local DV Fora.

¹⁷. In some Areas, the Domestic Violence Co-ordinator may be the lead prosecutor or share this role.

¹⁸. Only Caerphilly illustrated good practice in relation to reduced victim retractions, however in Croydon good practice was illustrated in relation to building successful cases when victims withdrew.

¹⁹. Caerphilly model illustrated good practice in relation to increased guilty pleas.

²⁰. Caerphilly model illustrated good practice in relation to speedier case management.

Financial implications:

More effective prosecutions will address reducing costs of domestic violence homicides and ensuring more effective use of CJS funds in dealing with DV cases.

- Two women each week are killed by a partner or former partner, a total of over 100 deaths each year. The cost of the domestic homicide of adult women is an estimated £112 million each year²¹.
- In 2001, £3 billion was spent on dealing with domestic violence by public services, including £1 billion by the Criminal Justice System, nearly a quarter of its budget for violent crime and over £300 million in civil legal services²².

Within CPS, DV cases account for over 80% of hate crimes. In first quarter of 2005/6 the average % of unsuccessful domestic violence cases was 40%, down from 45% in the previous year. The target by 2006/7 for unsuccessful prosecutions in all Hate Crime cases is 36% which would represent a total reduction for DV cases of 9%. Reducing ineffective DV trials by 9% could produce estimated savings of approximately £2 million across the CJS²³.

Further savings could potentially be made in relation to reduction of repeat victimization – according to the British Crime Survey 2000, 57% of domestic violence cases are repeat victims. A reduction of only 10% of repeat victimizations could save just under another £4 million²⁴ across CJS. However, these savings would need to be counterbalanced by any increase in number of cases. Both pilots indicated that improved policing and partnership working increased reporting of DV cases. In conclusion, there may be no actualization of savings but in the longer term there could be improved and more effective use of CJS spending.

Priorities 2006 –2008:

During 2005/6, Areas have already carried out an Area DV audit, developed training plans 2005-2008 and started more detailed performance management through the Hate Crime performance indicator. The lessons that have been learnt from the two successful DV pilots are transferable across other key priorities and have demonstrated their added value to the CPS in terms of time saving and value for money. Recognising that Areas are under pressure in relation to a range of key priorities and initiatives, our focus has been to add value to those initiatives through the dissemination and implementation of DV Policy & Guidance for 2006-8. This includes:

- all prosecutors and caseworkers to be trained;
- performance of DV cases to be evaluated quarterly, from the Hate Crime Indicator;
- local participation in partnership working with CJS, local communities and specialist support services, including specialist DV court systems in identified Areas²⁵.

If we are to achieve a sustained improvement in performance, it is important that Areas follow basic good practice. The following guidance has been designed to help Areas develop this work.

21. http://www.womenandequalityunit.gov.uk/domestic_violence/interim_findings.htm.

22. http://www.womenandequalityunit.gov.uk/research/cost_of_dv_Report_sept04.pdf.

23. Based on 2005/6 projected DV data, using HMCS performance directorate data for costs of ineffective trials.

24. Based on same DV data, using average costs for criminal offences Home Office research study 217:economic and social cost of crime.

25. 25 Areas identified for specialist courts by April 2006.

1. Good Practice Partnership Working:

The CJS Strategic Plan 2004-2008²⁶ identified the goal of a service that is “*joined up in a modern and efficient process that works*”. The evaluation of Caerphilly and Croydon identified the complexities of developing and sustaining multi-agency partnerships, especially the equal involvement of voluntary and other statutory agencies as well as the CJS agencies. The report recognised that operational partnerships need to address the “*conflicting priorities (of agencies), managing and co-ordinating different initiatives and working out roles and responsibilities*” – which needs strong infrastructures and time to build working and effective relationships. Partnerships including independent DV advisors (IDVAs, previously known as advocates) were identified as the most significant factor in affecting attrition rates, improving victim participation, safety and satisfaction. These advisors are independent from the justice system and local government, located in the voluntary sector. The domestic violence victim tool kit provided by the Office for Criminal Justice Reform OCJR²⁷ for Local Criminal Justice Boards (LCJBs) issued in 2005 particularly addressed the role of LCJBs and Crime and Disorder Reduction Partnerships (CDRPs) in improving partnership working on DV.

Good practice on partnership work will involve Areas in developing a range of partnership working - with the police, across CJS and with broader multi-agency partnerships:

- consider setting up local **Service Level Agreements** with the Police (www.cps.gov.uk/publications/national_protocols/DV);
- recognise the need for, and allocate time to establishing, and participating in, **operational** multi-agency DV partnerships with agreements across **CJS, statutory and voluntary agencies** and develop methods of identifying and tracking cases and ongoing communication;
- develop domestic violence local strategies and action plans with the **LCJBs** in line with the OCJR domestic violence victim toolkit (http://www.cjsonline.gov.uk/secure/localboards/documents/VW_Delivery_Toolkit_7-Feb2005.pdf);
- link into the local **CDRP** DV strategies and action plans, coordinating with the LCJBs (guidance on www.cjsonline.org to be released autumn 2005);
- actively participate in local strategic **Domestic Violence Fora**, locally and regionally;
- actively develop **local protocols** for inter-agency working including outlining the roles and responsibilities of each agency (links to Caerphilly and Croydon protocols through www.cps.gov.uk/publications/national_protocols/DV; Coordinated Response and Advocacy Resource Group (CRARG) <http://www.crarg.org.uk/library/index.htm#protocols>);
- develop **information sharing agreements** (Caerphilly information sharing agreement at www.cps.gsi.gov.uk/publications/national_protocols/DV; <http://www.crarg.org.uk/library/index.htm#protocols> and in relation to child abuse www.cps.gov.uk/publications protocol);
- ensure through local partnerships, links to **Independent Domestic Violence Advisors (IDVAs)**²⁸ and any other specialist DV services working with **diverse and/or minority communities**;
- encourage appropriate sharing of **domestic violence data** across partnerships.

26. *Cutting Crime, Delivering Justice, CJS Strategic Plan 2004-2008, OCJR.*

27. "Local Criminal Justice Board Victim & Witness Delivery Toolkit 7: The Needs of Victims of Domestic Violence are met and repeat victimisation is tackled". For a password/username, email ocjrenquiry@cjs.gsi.gov.uk.

28. Development of further IDVAs and their training is underway with the Home Office and the Coordinated Response and Advocacy Resource Group (CRARG).

2. Good Practice Community Engagement:

The evaluation of Caerphilly and Croydon indicated further improvements needed to involve specialist domestic violence voluntary agencies on an equal basis within local DV partnerships working within the CJS. A community engagement measure is now included within Area Performance Reviews.

In relation to domestic violence, Areas would:

- as part of the general community engagement strategy ensure the Domestic Violence Co-ordinators and Witness Care Units (WCUs)²⁹ have up-to-date **information** on local communities/demographics and specialist DV agencies, including those working with communities whose needs may not be met through standard service provision, through local DV Fora and Area Communications Managers;
- **consult** local specialist DV agencies in the development of local DV policies, practices and service delivery;
- set up **operational** links to specialist DV groups, especially those providing advocacy support and other support for victims;
- work in **partnership** with local community groups including those representing communities whose needs may not have been traditionally addressed, e.g. involve in local DV training;
- work with local agencies in developing public awareness **campaigns**, press coverage and **publicity**;
- ensure that Area Communications Managers are kept informed of local initiatives and high profile cases at an early stage so that they can advise on publicity and media handling issues.

3. Good Practice Specialist Domestic Violence Courts (SDVCs):

Two types of specialist DV systems have been set up across England and Wales – cluster courts³⁰ e.g. Leeds, West London, Croydon and fast track³¹ e.g. Cardiff, Caerphilly (Gwent). The report on the evaluation of these types of courts³² has shown that both are effective in improving DV prosecutions, victim participation in cases, victim safety and increasing public confidence. From these evaluations and the best practice identified at each of the pilot sites, the Department for Constitutional Affairs/Her Majesty's Court Services (DCA/HMCS), Home Office (HO) and CPS have produced guidance and a model for the further development of such courts (www.crimereduction.gov.uk/domesticviolence55.htm). Plans are underway to extend the number of courts in England and Wales to 25 by April 2006 and help in identification of local IDVAs. The first pilot of an integrated civil and criminal DV court is planned in Croydon for 2006.

The evaluation of Caerphilly and Croydon specifically recommended an expansion of DV court models using the lessons from the pilot sites, in relation to independent advisors, partnership protocols, operational teams, data collection systems, monitoring, work with minority communities, training and “specialism” of posts.

29. WCUs to update Contact Directories; also refer to NWNJ Starter Pack community consultation guidance.

30. **Cluster courts** – all cases are grouped into one court session to deal with pre-trial hearings – bail variation, pleas, Pre-trial reviews, pre-sentence reports and sentencing. Some cluster courts also hear trials in a specific DV session.

31. **Fast-track courts** – specific pre-trial review sessions are allocated for DV; with 1 in 4 court slots allocated to DV for all further hearings/trials.

32. Evaluation of specialist domestic violence courts and fast-track systems, Cook et al 2004.

In relation to CPS, Area good practice would:

- explore, with regional Government Offices, local LCJBs, Justices' Issues Group (JIG), CDRPs and DV Fora the possibility of **setting up** such a court locally, following the guidance from HO/DCA/CPS (www.crimereduction.gov.uk/domesticviolence55.htm) and protocol for dedicated court lists in magistrates' courts (sent out by HMCS to courts on 30 September 05);
- work with the same agencies to ensure the provision of local **IDVAs** acknowledged as precursors necessary before courts are developed, reflecting the profile of the local communities;
- consider, with the same agencies, the appointment of a **project manager** to ensure adequate overview and coordination of a court (www.cps.gov.uk publications/national protocols/DV for job description of project manager);
- explore the setting up of **local partnerships**, including criminal justice, statutory and voluntary agencies, in preparation for such courts – local protocols and governance structures need at least six months to prepare, involve all agencies and identify key personnel;
- ensure all **protocols**, including safe information sharing protocols are agreed at senior levels (see para 1);
- consider the development of **dedicated prosecutors** for specialist DV courts and to participate in operational teams³³;
- ensure, as far as possible that **agents** are not used in specialist DV courts; however, if necessary, agents should have undertaken CPS DV training;
- ensure **extended training** for prosecutors working or planning to work in specialist DV courts³⁴;
- develop **monitoring systems** and personnel to track DV cases across all agencies involved.

4. Good Practice role of CPS Domestic Violence Coordinators:

The pilot in Caerphilly (Gwent) focused on the local CPS DV Coordinator playing a lead strategic and operational role. The evaluation found that “the role was key in:

- providing a single point of contact for police and advocate (IDVA);
- providing a consistency of approach to prosecution;
- improving liaison between the CPS and police; and
- especially improved the review and management of the case files”.

Good practice for Areas would:

- ensure Area DVCs play a **strategic role** in the overall Area domestic violence work, supporting Area management in the development, delivery, monitoring, evaluation and performance management of DV actions as part of the overall Area Business and Training plans (www.cps.gov.uk publications/national protocols/DV for tasks of DVCs);
- ensure that **adequate time** is allocated to DVCs to carry out these tasks;

³³. In some Areas the DVC could be the lead dedicated prosecutor working with other specialist prosecutors.

³⁴. Two day training sessions are recommended in CPS Training and Development Guidance for Areas.

- ensure that DVCs work in **multi-agency partnerships**, especially in Areas developing further specialist DV courts (**SDVCs**).

5. Good Practice Prosecutions:

The HMCPSI report “*Violence at Home*” and the evaluation of the five specialist DV courts (March 2004) identified good practice, which was incorporated into the revised CPS Domestic Violence Policy and Guidance on “*Prosecuting Cases of Domestic Violence*” (Feb 2005). Detailed advice and guidance on prosecuting cases of domestic violence is provided through these documents and reinforced through the joint CENTREX/CPS modules which form part of the CENTREX Domestic Violence Modular Training programme “*Responses to Domestic Violence*”.

The evaluation of Caerphilly and Croydon found that each site illustrated different strengths in implementing improvements, such as those recommended in the revised guidance. Caerphilly illustrated support of IDVAs reducing victim retractions and leading to more guilty pleas. Croydon improved their evidence gathered by the police and used in prosecutions – with an increase in case exhibits, especially photos, medical statements and other witness statements, leading to successful outcomes in cases where victims had withdrawn. The qualitative aspects of the revised guidance, to improve the safety of victims, were identified for further improvements at both sites – e.g. use of special measures, consultation of victims, specific support for victims from minority communities and the consideration of children as witnesses.

In line with the DV Policy, Guidance

(<http://www.cps.gov.uk/publications/prosecutions/domestic/index.html>)

and Training, Area good practice would ensure:

- file **endorsements** and management monitoring indicate compliance with the DV Policy and Guidance;
- DV cases are identified, with methods to **track** cases across Police and CPS and **flagged** on COMPASS;
- duty prosecutors request the police gather **evidence** in accordance with ACPO Guidance on Investigating Domestic Violence
<http://www.acpo.police.uk/asp/policies/policieslist.asp>, local SLAs and CPS policies, ensure appropriate **charging decisions** are made (in accordance with the Tests of the Code and using Annex A of DV Policy);
- **appropriate bail conditions** and applications for remands in custody are made which take into account the safety of victims and children without placing unreasonable or inappropriate restrictions on them;
- prosecutors actively consider **building a case**, especially in situations where the victim has withdrawn their support for the prosecution process, through the use of other evidence;
- prosecutors ensure **appropriate information exchange** with the police and through the police with IDVAs to inform case progression and management;
- **safety** issues are considered fully in deciding when an application for a witness summons would be appropriate, as outlined in the Guidance;
- prosecutors give consideration, in cases meeting the Code Tests, to **balancing** the desire to proceed using evidence other than that of the victim, wherever possible, against the need to reduce the number of cases where no evidence is offered on the day of trial;

- prosecutors make use of **Victim Personal Statements** in deciding how to proceed and also ensuring the victim's views are heard by the court. If no VPS is available, prosecutors should ask the police to offer the victim the opportunity to make one;
- consideration is given to the use of domestic violence **expert witnesses** in appropriate cases (<http://www.cps.gov.uk/publications> reports);
- in line with the Code for Crown Prosecutors, the Law Society and Bar Codes of Conduct and any internal guidance, prosecutors should assist the court in **sentencing**. They should draw the courts' attention to any case law, VPSs, challenge any derogatory, inaccurate or unfair mitigation, highlight DV as an aggravating feature and ask, where appropriate, for any compensation or restraining order³⁵ (www.sentencing-guidelines.gov.uk for sentencing guidelines on domestic violence due 2005).

6. Good Practice Training:

The evaluation of both pilot sites found that trained, specialised prosecutors excelled in the prosecution of cases of domestic violence. Victims, witnesses and other agencies commented that these prosecutors had a fuller understanding of the complexities involved in prosecuting these cases. The report recommended that Areas “*monitor the implementation of the training of all CPS prosecutors and caseworkers*”.

To ensure improved prosecutions, in line with the revised DV Policy and Guidance, Areas were requested to plan training for all prosecutors, caseworkers and designated caseworkers from June 2005 to March 2008 using the CENTREX/CPS Training Modules (CD-Rom). Joint training modules were produced with CENTREX in CD-Rom and hard copy formats. All prosecutors, case workers and designated case workers received copies of the CD-Rom and the Training is available on the Intranet. Guidance on the development of Training Plans was provided to Areas in April 2005, outlining ways to prioritise staff training. In the light of overall CPS revised training priorities (2005-6) providing case analysis workshops, the starting date of DV training in Areas has been amended. Domestic violence issues are being addressed within the case analysis training, especially in relation to clarification of the interpretation of the Code for Crown Prosecutors. Training of specialist prosecutors within specialist DV courts will still proceed in 2005/6. In relation to Hate Crime performance management, Areas have already been requested to monitor the implementation of training plans.

Good practice training would ensure Areas plan, deliver and monitor the following:

- **awareness training** for all relevant staff through individual e-learning using the CENTREX/CPS CD-Rom;
- prioritised workshop training on prosecutions for **specialist court prosecutors**;
- workshop training for **all prosecutors and caseworkers** by 2008 including local DV specialist trainers;
- training on identification and flagging of DV cases for staff who are responsible for **data entry**;
- training on children and DV for staff with **child protection** leads;
- training on DV for **Witness Care Unit staff**;
- **multi-agency DV training** within local DV Fora, CDRPs and LCJBs;
- inclusion of **diversity and equality** perspectives across all training.

³⁵. Currently available under Protection from Harassment legislation and will also be available under DV Crime and Victims Act 2004 when implemented.

7. Good Practice links with other CPS priority projects:

The Centre of Excellence is developing cross-project dependencies centrally, however Areas may also wish to address such dependencies at a local level. The recommendations identified by the project give added value to some of the major projects within the CPS. It adds to the knowledge from Charging, No Witness, No Justice (NWNJ) and Effective Trials Management Project (ETMP), on successful ways to reduce attrition, bring offenders to justice and increase public confidence. Improvements are identified to ensure victim safety, their confidence in the CJS and their willingness to participate in the prosecution process.

In support of **NWNJ**, the DV project has identified further improvements for cases involving some of the most intimidated and at-risk witnesses - ways to reduce retractions and ways to proceed in cases using other evidence.

In support of **ETMP** the pilot in Caerphilly has identified ways to ensure effective trials whilst reducing both the length of the trial and the number of hearings. Lessons can be used in other non-DV cases.

In **Charging**, training of Duty Prosecutors on DV policy and guidance will enhance the prosecutors' skill in relation to case analysis and case building, especially in relation to effective evidence gathering and the selection of appropriate charges, reviewed in accordance with the Code for Crown Prosecutors. This will lead to better prepared cases overall and more effective early interventions in DV cases.

The lessons and the interactions are two-way.

Good practice would ensure:

- DVCs support Area management in **identifying crossover issues**. Areas are requested to address domestic violence issues within other mainstreamed work as well as addressing other CPS prioritised issues within DV work.

Good practice would also:

- Address domestic violence prosecutions within an overarching **framework** of human rights and violence against women, with links into other areas of work such as rape and other sexual assaults, so-called "honour crimes", child abuse, prostitution, trafficking, forced marriage and female genital mutilation.

8. Good Practice Support for Victims and children:

The evaluations of specialist DV courts, and of Caerphilly & Croydon, identified the importance of emotional **and** practical support for DV victims in ensuring their safety, confidence in the CJS, participation in prosecutions and therefore overall improved outcomes. **The Victims' Code of Practice** outlined in the Domestic Violence, Crime and Victims Act 2004, is being developed and estimated date of publication is Spring 2006.

"The CPS aims always for safe convictions in which the public can have confidence and which delivers justice for victims, witnesses and defendants....."

The CPS must ensure that witnesses are supported to enable them to give their best evidence".

*Director of Public Prosecutions and the Chief Executive,
CPS Business Strategy 2005-2008*

In line with DV Policy and Guidance, good practice would ensure that Areas:

- work in partnership with **IDVAs** and any specialist domestic violence service providers, including those working with minority communities;
- develop local **protocols** (see para 1) which clearly define roles and responsibilities of the Witness Care Unit, dedicated police DV Officers and IDVAs. Witness Care Units do not replace existing local arrangements for dedicated DV officers/Units which will remain the primary point of contact for victims of DV. NWNJ Minimum Requirements define the standard of care which must be provided. Witness Care Units should liaise with dedicated DV officers to agree arrangements to provide information and support for victims AND witnesses in each DV case;
- ensure that charging lawyers are pro-active in addressing the security and **safety** of the victim and any children;
- ensure that prosecutors are familiar with the provisions for vulnerable and intimidated witnesses, including children, and give early consideration in all cases to the need for **special measures and reporting restrictions**³⁶, as appropriate in court;
- in line with both the HMCPSI Reports on the Inspection of Safeguards for Children within the Crown Prosecution Service³⁷ and the draft CPS Policy statement on children as victims and witnesses (for public consultation autumn 2005), ensure the prosecutor considers carefully the rights, safety and wishes of the **child victim or witness**³⁸. Consider specialist support needed by child victims or witnesses including support services and special measures;
- ensure that prosecutors help victims and witnesses, including children, to feel more confident in giving evidence by providing **general advice and information on the services and facilities** that are available to them, including special measures. Information that relates specifically to their case may also be useful e.g. on remand, bail or requests for changes of bail of the defendant;
- develop systems with the court and police to ensure that the **results of court hearings**, including bail hearings, are communicated to victims and witnesses as soon as possible and, **wherever possible, before the defendant leaves court**;
- ensure that prosecutors **introduce themselves** to witnesses before trial, where possible, and **explain their role** to clarify common misconceptions of victims, for example to clarify that the prosecutor is not *their* lawyer and cannot act on their behalf in the same way that a defence lawyer acts on behalf of a client (http://www.cps.gov.uk/victims_witnesses/treatment.html);
- ensure prosecutors **support the pre-court familiarisation process/witness support**, conducted by the Witness Service - explaining details of what to expect from the court process and possible outcomes of cases may reassure victims and witnesses;
- **consult** with victims on bindovers³⁹ and bail conditions;
- request, where appropriate, **retraction and VPS statements** from the police and ensure file endorsements record the standard of them;

36. S 46 of the Youth Justice and Criminal Evidence Act 1999.

37. Available at www.hmcp.si.gov.uk "A review of the role and contribution of the Crown Prosecution Service to the safeguarding of children" Aug 2005 and "Safeguarding Children. The second joint Chief Inspectors report on Safeguarding Children" July 2005.

38. CPS may be invited to co-operate with other public bodies to safeguard children and young people (Section 13(5) of the Children Act 2004). Locally CPS may wish to be part of local Safeguarding Children Boards and be included in appropriate information sharing mechanisms.

39. Note that CPS DV Guidance recommends that bindovers are only a last resort.

- comply with the **Direct Communication with Victims** scheme, in line with recommended DV guidance, to send a letter from an experienced prosecutor to victims where decisions have been taken to drop or substantially alter a charge. Suggested paragraphs are on the Intranet (legal guidance/DCV para 4). Consideration should be given to DCV meetings in non-mandatory situations, at the discretion of the prosecutor, especially if victims have withdrawn often, in serious cases or if IDVAs recommend a meeting (<http://www.cps.gov.uk/publications/prosecution/witnesseng.html>);
- work in partnership with **local courts to ensure safety** of victims and witnesses in court through, where possible, separate entrances and waiting areas, alerting security staff to any potential conflicts and court provision of any special measures such as screens;
- consider the **evaluation** of victim support and safety through victim consultation via Witness Care Units.

9. Good Practice integration of equality and diversity issues:

The evaluation of Caerphilly and Croydon indicated further improvements were needed to address issues in relation to DV victims/witnesses and defendants from all communities, including those whose needs are not normally addressed through standard service provision. Together with improved monitoring of equality and diversity data (see Good Practice section 10), these issues need to be integrated into mainstream working.

The CPS DV Policy & Guidance explores some of the barriers faced by different communities and the impact of discrimination and disadvantage.

Good practice would:

- ensure **recording, monitoring and evaluation** of data from DV cases in relation to the equalities profile of victims, witnesses and defendants, e.g. ethnicity, gender, age, (within Witness Management System WMS⁴⁰ and COMPASS);
- identify, and seek to address, **barriers** faced by members of all communities and specialist support needed by victims;
- **integrate** equality and diversity issues within cross-cutting initiatives, e.g. charging, NWNJ, ETMP.

10. Good Practice performance management:

The evaluation of Caerphilly and Croydon recommended the further development of performance management of DV cases, including data on victims and witnesses with diversity monitoring. Quantitative and qualitative performance management on domestic violence will be reported quarterly as part of the overall Area performance review system. Proposals on data collection in relation to victims will aid more detailed analysis of improvements in prosecutions in relation to victim safety. The aim is to provide data and analysis to help Area management improve DV prosecutions.

Good practice for Areas to improve their monitoring and evaluation of DV cases both quantitatively and qualitatively include:

⁴⁰. Disability is to be added in the near future.

- **Quantitative** evaluation is undertaken through two new performance indicators:
 - a) Hate Crime Indicator
 - b) DV Key Diagnostic Indicator
- Hate Crime Indicator:
 - The Hate Crime indicator aims at improving successful prosecutions of hate crime cases through a target of decreasing the % of unsuccessful outcomes, moving towards a level more in line with other comparable crimes;
 - The overall CPS target is to reduce the % of unsuccessful hate crime cases initially from 43% to 36% by March 2006, noting that DV accounts for over 80% of hate crimes (according to 2004/5 monitoring). Each Area is given their own appropriate local target, which is reported on quarterly;
 - For DV - identify and flag all DV cases,
 - cross flag with child abuse for under 18 victims;
 - cross flag with youth offenders or persistent youth offenders for under 18 defendants;
 - cross flag as appropriate with rape or other hate crimes;
 - cross flag with child abuse, youth offenders or persistent youth offenders for under 18 defendants *and* victims.
- DV Key Diagnostic Indicator:
 - This indicator is a government measure to inform the Police Performance Assessment Framework based on:
 - % of successful prosecutions of adult DV offenders and
 - % of successful prosecutions of adult DV offenders out of total number of cases where arrests were made.
- **Qualitative** evaluation is undertaken in relation to the Hate Crimes Indicator:
 - For each Area, fuller reports on analysis of the data will be produced twice a year and meetings held once a year with the Director of Public Prosecutions, Chief Executive and Director of Business Development. In some Areas there will be more frequent review meetings, in some instances quarterly;
 - In relation to DV, fuller evaluation addresses:
 - successful flagging of cases;
 - monitoring of staff training;
 - management of file endorsements;
 - individual staff performance through Casework Quality Assurance.
 - The National DV Implementation Team will work with local Areas in advising and supporting more detailed analysis of DV cases.
- **Annual detailed snapshot analysis** of DV cases will continue to be monitored once a year, until further notice.
- **NWNJ monitoring of victim data** needs to specifically address the profiles of and response to DV victims/witnesses, including diversity monitoring.

CPS Domestic Violence Publications

*All accessible on <http://www.cps.gov.uk/publications/reports/index.html>
under "Reports" or "Equality and Diversity"*

- Evaluation of Specialist Domestic Violence Courts/Fast Track Systems
- The Use of Expert Witness Testimony in the Prosecution of Domestic Violence
- Evaluation of Domestic Violence Pilot Sites at Gwent and Croydon 2004/5
Interim independent report
- Evaluation of Domestic Violence Pilot Sites at Caerphilly (Gwent)
and Croydon 2004/5
Final independent report
- CENTREX/CPS DV Training - CPS Intranet Training section.

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