

Domestic Abuse Referrals from the Police to CPS – Troubleshooting Guide

December 2017

Introduction

This troubleshooting guide has been produced for frontline police and prosecutor teams to help ensure the appropriate referral of domestic abuse cases to the Crown Prosecution Service (CPS). The guide has been prepared within the context of falling levels of referrals at a time where there have been increases in recorded incidents and crimes of domestic abuse, in part due to more people coming forward to report abuse. The guide reflects findings from Her Majesty's Inspectorate of Constabulary, Fire & Rescue Services' inspection report of November 2017: '[A progress report on the police response to domestic abuse](#)'.

The guide also consolidates and links to relevant advice from the [College of Policing Authorised Professional Practice on Domestic Abuse](#) and [CPS Domestic Abuse Guidelines for Prosecutors](#) - officers and prosecutors should ensure that they are familiar with these documents. Every police force and CPS Area has leads on domestic abuse or Violence Against Women and Girls respectively. If you have need for further assistance, or have any concerns, then you should contact your local lead.

1. Recording, Interpretation and Use of Data to Oversee Performance

All forces and CPS Areas should have processes in place to ensure accurate recording of domestic abuse incidents and cases. The effective interpretation of accurate data can help inform strategic assessments and important decisions around prioritisation. The data should also form the basis of discussions within relevant local groups, such as Specialist Domestic Violence Courts' Governance meetings, and be reported to the Local Criminal Justice Board. The police and CPS should work together to oversee and supervise domestic abuse investigations and prosecutions, meeting regularly to review performance.

Please click on the relevant box for further information. If you have need for further assistance, or have any concerns, then you should contact your local lead.

Where can I find data on domestic abuse related incidents and crimes recorded as well as on cases referred to the CPS which is recorded separately?

I am having difficulty in retrieving the necessary information from Police IT Systems. What do I do?
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It is not possible to compare police and CPS data. How can I make any meaningful conclusions?

I have looked at incidents/ recording/ arrests/ referrals/ charges/ prosecutions/ convictions in my force and there are significant variations over time and with other similar forces.

Which data might indicate a cause for concern around referrals?

How do I take forward out what the data is telling me?
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2. Initial Contact

The majority of domestic abuse incidents are reported via calls to the police. The role of the call handler is therefore essential in ensuring an appropriate assessment to inform important decisions around prioritisation and deployment. Call handlers should receive support in dealing with domestic abuse and forces should consider having system prompts for the call handler when a known victim flag is selected during a call (forces should, at a minimum be doing this). Staff working in contact and dispatch centres should be trained to identify and grade domestic abuse incidents appropriately. The College of Policing Authorised Professional Practice on Domestic Abuse provides a number of resources specifically for call handlers. See section '[Call handler and front counter staff response to a domestic abuse incident](#)'.

Please click on the relevant box for further information. If you have need for further assistance, or have any concerns, then you should contact your local lead.

I am unclear about what is meant by a 'vulnerable' person.
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I am unclear about what is meant by a 'repeat victim'.
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Call handlers need support in appropriately assessing domestic abuse cases to ensure that they are sufficiently prioritised.
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Call handlers need support around recognising and dealing with vulnerability within the context of domestic abuse. Where can call handlers access support?
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Calls from vulnerable people can take a long time to deal with. How can we make sure we deal appropriately with these calls while avoiding delays in the response to an incident?

3. First Response

The first priority of the police is to make people safe. At domestic abuse incidents it is particularly important that officers take positive action to make the victim and any children safe. This may mean arresting a person suspected of an offence, where the power to arrest exists, or taking other positive steps to ensure safety, such as organising refuge accommodation or organising the fitting of a panic alarm. Officers must be able to justify the decision **not** to arrest where the grounds exist and it would be a necessary and proportionate response. Remember that detection of domestic abuse is more likely to result if a victim supports police action and prosecution, but there are many reasons why a victim may not do so and it is important to extend the investigation beyond the victim.

Please click on the relevant box for further information. If you have need for further assistance, or have any concerns, then you should contact your local lead.

What is meant by taking 'positive action' in relation to domestic abuse?
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I have to tick all the boxes on the police / CPS evidence checklist before arresting someone. This is a big ask.
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How do I approach arrests when dealing with domestic abuse incidents?

Sometimes victims request that an arrest does not take place. Sometimes they just want support from third sector organisations.

Sometimes victims become hostile and disrupt policing activity to avoid an arrest taking place.

The custody sergeant told me that a suspect I arrested for domestic abuse could not be taken into custody and that the arrest I made was unlawful. So when is an arrest appropriate and when should a suspect be taken into custody?
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4. Charging Practice

Charge is the preferred option in domestic abuse cases which meet the evidential and public interest tests. While arrest must be considered in every case, there are occasions when there are insufficient grounds or when it would not be a necessary or proportionate response. In these circumstances officers should focus on protecting the victim and preventing further incidents by considering other forms of positive action. Cautions are rarely appropriate in domestic abuse cases. Similarly, restorative justice is rarely appropriate and not recommended in cases involving intimate partner abuse.

Please click on the relevant box for further information. If you have need for further assistance, or have any concerns, then you should contact your local lead.

Victims often disengage during the investigation and in the period between the police seeking and receiving a charging decision.
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The CPS is only focussed on the best cases and discourages referrals for charging. / The police are not referring appropriate cases.
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Civil interventions such as Domestic Violence Protection Orders and Harassment warnings are more effective than arrests or prosecution.

We have been told by the CPS that it is preferable to use out of court disposals to deal with domestic abuse cases.

Police civilian evidence review teams are rejecting many cases submitted to them on the basis that they do not satisfy the Code for Crown Prosecutors.
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All Questions and Answers

1. Recording, Interpretation and Use of Data to Oversee Performance

All forces and CPS Areas should have processes in place to ensure accurate recording of domestic abuse incidents and cases.

The effective interpretation of accurate data can help inform strategic assessments and important decisions around prioritisation. The data should form the basis of discussions within relevant local groups, such as Specialist Domestic Violence Courts' Governance meetings, and be reported to the Local Criminal Justice Board. The police and CPS should also work together to oversee and supervise domestic abuse investigations and prosecutions, meeting regularly to review performance.

Section 1. Questions and Answers on Recording, Interpretation and Use of Data to Oversee Performance

Q: Where can I find data on domestic abuse related incidents and crimes recorded as well as on cases referred to the CPS which is recorded separately?

A: Cases of domestic abuse should be flagged on Police IT systems and the CPS Case Management System. This should allow the retrieval and analysis of up-to-date data on domestic abuse. The Office for National Statistics has prepared an interactive tool for domestic abuse statistics. It allows users to explore a range of data (including police data, CPS data and data from Multi-Agency Risk Assessment Conferences) for their police force area in more detail and make comparisons with other similar areas. The tool is available here: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesdatatool>

If you are unsure, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: I am having difficulty in retrieving the necessary information from Police IT Systems. What do I do?

A: Cases of domestic abuse should be flagged on Police IT systems. This should allow the retrieval and analysis of data on domestic abuse. In addition, the Office for National Statistics has prepared an interactive tool for domestic abuse statistics. It will help users to explore a range of data (including police data, CPS data and data from Multi-Agency Risk Assessment Conferences) for their police force area in more detail and make comparisons with other similar areas. The tool is available here: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesdatatool>

If you are unsure, please contact your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

Q: It is not possible to compare police and CPS data. How can I make any meaningful conclusions?

A: Police data is based on offences; CPS data is based on suspects and defendants. While they are not directly comparable, they can be considered alongside each other to analyse trends and help build a picture of the criminal justice response to domestic abuse in your area. The Office for National Statistics has prepared an interactive tool for domestic abuse statistics. It allows users to explore a range of data (including police data, CPS data and data from Multi-Agency Risk Assessment Conferences) for their police force area in more detail and compare with other similar areas. The tool is available here: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesdatatool>

If you are unsure, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: I have looked at incidents/ recording/ arrests/ referrals/ charges/ prosecutions/ convictions in my force and there are significant variations over time and with other similar forces.

A: Significant variation over time or against the national average may not, on its own, be problematic. It might however highlight areas of best practice which can be shared or areas where investigative and/or prosecutorial practice might need further attention to ensure compliance with the [College of Policing Authorised Professional Practice on Domestic Abuse](#) and [CPS Domestic Abuse Guidelines for Prosecutors](#).

For further information, or if you would like to highlight areas of concern, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: Which data might indicate a cause for concern around referrals?

A: A range of data needs to be considered over a number of years and against the national average and other similar forces. You could begin by considering the datasets included within the Office for National Statistics interactive tool for domestic abuse statistics. The latest tool is available

here: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesdatatool>

Specifically, the types of data which might be particularly helpful to consider include:

- Police data: domestic abuse related incidents (numbers and rates); domestic abuse related crimes (numbers and rates); domestic abuse related referrals and charges (numbers and rates); domestic abuse related charges or summons, domestic abuse related offences that resulted in evidential difficulties; number of arrests per 100 domestic abuse related crimes
- CPS data: domestic abuse related referrals, charges, prosecutions and convictions (numbers and rates); domestic abuse related prosecutions as a percentage of all referrals

- MARAC data: percentage of repeat cases discussed at MARACs

For further information or if you would like to highlight areas of concern, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: How do I take forward what the data is telling me?

A: We would encourage the Police and the CPS to work together to look at the cases that are not being referred to or taken forward by the CPS. CPS staff cannot see police systems so a planned joint audit of a sample of cases can work well to look at decision making and identify any issues for training or organisational change. For further information or if you would like to highlight areas of concern, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

2. Initial Contact

The majority of domestic abuse incidents are reported via calls to the police. The role of the call handler is therefore essential in ensuring an appropriate assessment to inform important decisions around prioritisation and deployment.

Call handlers should receive support in dealing domestic abuse and forces should consider having system prompts for the call handler when a known victim flag is selected during a call (forces should, at a minimum be doing this). Staff working in contact and dispatch centres should be trained to identify and grade domestic abuse incidents appropriately. The College of Policing Authorised Professional Practice on Domestic Abuse provides a number of resources specifically for call handlers. See section '[Call handler and front counter staff response to a domestic abuse incident](#)'.

Section 2. Questions and Answers on Initial Contact

Q: I am unclear about what is meant by a 'vulnerable' person.

A: There are many definitions used to describe someone who is 'vulnerable'; the following is used as part of the police THRIVE methodology: *'a person is vulnerable if as a result of their situation or circumstances, they are unable to take care or protect themselves, or others, from harm or exploitation.'* The College of Policing Authorised Professional Practice explores the definition of a vulnerable adult in the section '[Understanding risk and vulnerability in the context of domestic abuse](#)'. In addition, the CPS Domestic Abuse Guidelines for Prosecutors provides advice on [Issues relevant to particular groups of people](#). If you are unsure, please contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Section 2. Questions and Answers on Initial Contact

Q: I am unclear about what is meant by a 'repeat victim'.

A: The following national definition of a 'repeat victim' has been developed by the police: '...someone that has reported two incidents or more to the police within a 12 month period (accepting that could be incident and/or crime)'.

However, within the context of domestic abuse, and in line with the College of Policing Authorised Professional Practice on Domestic Abuse, it might be unhelpful to apply this to cases of domestic abuse. This is because domestic abuse is an under-reported crime with most victims and perpetrators experiencing or engaging in domestic abuse multiple times before a first report is made so, in reality, they are already repeat cases. Therefore, an assessment of a repeat victim in domestic abuse cases solely based on number of times a report has been made in a twelve month period can be inherently unreliable. Instead, the focus in individual cases should be on an up-to-date risk assessment based on any relevant history. For further information, see the following section within the College of Policing Authorised Professional Practice on Domestic Abuse's '[Victims and perpetrators of domestic abuse](#)' or contact your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

Q: Call handlers need support in appropriately assessing domestic abuse cases to ensure that they are sufficiently prioritised.

A: Any delay increases the likelihood of the victim changing their mind or being intimidated in the meantime and it is common for victims to fail to attend. An immediate response should be sent to a domestic abuse incident, subject to any risk indicators to the contrary. It is not normally appropriate to make an appointment for a victim of domestic abuse to attend the police station instead. For further information please refer to the following within the College of Policing Authorised Professional Practice on Domestic Abuse: '[Checklist on deployment](#)'.

If you are still unsure, please contact your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

Q: Calls from vulnerable people can take a long time to deal with. How can we make sure we deal appropriately with these calls while avoiding delays in the response to an incident?

A: The majority of domestic abuse incidents are reported via calls to the police. A call handler may need to spend longer on a domestic abuse call than other calls. Providing a high-quality response should take priority over any pressure to move on to other calls. Domestic abuse victims might not identify an incident as such or may appear hysterical or overly calm. This should not be taken as an indication of the level of seriousness of the incident, as all victims respond differently.

An effective response to a domestic abuse incident depends on understanding the context in which the report has been made. The call handler needs to be able to find this information easily. The information that should be requested when taking an initial report of domestic abuse is detailed in [Checklist: Information gathering](#). For further information about effective call handling, refer to the [College of Policing Authorised Professional Practice on Domestic](#)

Section 2. Questions and Answers on Initial Contact

[Abuse](#) or contact your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

3. First Response

The first priority of the police is to make people safe. At domestic abuse incidents it is particularly important that officers take positive action to make the victim and any children safe. This may mean arresting a person suspected of an offence, where the power to arrest exists, or taking other positive steps to ensure safety, such as organising refuge accommodation or organising the fitting of a panic alarm. Officers must be able to justify the decision **not** to arrest where the grounds exist and it would be a necessary and proportionate response.

Remember that detection of domestic abuse is more likely to result if a victim supports police action and prosecution, but there are many reasons why a victim may not do so and it is important to extend the investigation beyond the victim.

Section 3. Questions and Answers on the First Response

Q: What is meant by taking 'positive action' in relation to domestic abuse?

A: The first priority of an officer should be to protect all people present from injury or further harm. At domestic abuse incidents it is particularly important that officers take positive action to make the victim and any children safe. Officers should apply a positive approach to resolving the call-out, which may mean arresting a person suspected of an offence, where the power to arrest exists, and taking other positive steps to ensure safety, such as organising refuge accommodation or organising the fitting of a panic alarm. See the following sections of the College of Policing Authorised Professional Practice on Domestic Abuse for further information: [arresting the right person](#), [dual arrests](#) and [determining the primary perpetrator and dealing with counter-allegations](#). Out of court disposals are rarely appropriate in domestic abuse cases and supervisor/specialist input should be sought if being considered. Restorative justice is rarely appropriate in domestic abuse cases and not recommended in cases involving intimate partner abuse. Penalty notices for disorder are never appropriate in domestic abuse cases.

For further advice refer to the following section within the College of Policing Authorised Professional Practice on Domestic Abuse '[Arrest and other positive approaches](#)'. If you are still unsure, please contact your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

Q: I have to tick all the boxes on the police / CPS evidence checklist before arresting someone. This is a big ask.

A: Building an evidence-led case which does not rely on the support of the victim is challenging but can be effective. The College of Policing Authorised Professional Practice on Domestic Abuse provides further information under the section '[Building an evidence led](#)

Section 3. Questions and Answers on the First Response

[case](#)' which includes advice on prosecutions based on hearsay evidence, hostile victims and circumstantial evidence.

The police/CPS [joint evidence checklist](#) has been developed to support the evidence-led approach and outlines factors which need to be considered not those which need to be present and you do not have to tick 'yes' to all of them.

If you are unsure, please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: How do I approach arrests when dealing with domestic abuse incidents?

A: Police officers have a duty to take positive action when dealing with domestic abuse incidents. Often this means making an arrest provided the grounds exist and it is a necessary and proportionate response. Officers must be able to justify the decision **not** to arrest where the grounds exist and it would be a necessary and proportionate response. In some situations other positive approaches may be more appropriate. Domestic abuse can occur where the conduct does not amount to a criminal offence and a criminal justice outcome is not possible. For further advice, refer to the following sections within the College of Policing Authorised Professional Practice on Domestic Abuse: [arresting the right person](#), [dual arrests](#) and [determining the primary perpetrator and dealing with counter-allegations](#). If there are insufficient grounds for arrest or it would be disproportionate, you should focus on victim safety and prevention of further incidents. Consider other [positive action](#).

For further information, see the [College of Policing Authorised Professional Practice on Domestic Abuse](#). If you are unsure, please contact your Force Domestic Abuse Lead for further information.

Click [here](#) to go back to the beginning.

Q: Sometimes victims request that an arrest does not take place. Sometimes they just want support from third sector organisations.

A: Every victim must be safer after police contact and every effort made to secure justice for them. Officers should investigate domestic abuse proactively from the outset with a view to building an evidence-led case that does not rely on the support of the victim. This may mean arresting a person suspected of an offence, where the power to arrest exists.

Detection of domestic abuse is more likely to result if a victim supports police action and prosecution, but there are many reasons why a victim may not do so, even after making a report, and it is important to extend the investigation beyond the victim. This should include consideration of section 116(e) of the Criminal Justice Act 2003 which allows for the complainant's statement to be admitted as hearsay if there is evidence that the victim is in fear.

Forces should keep and regularly update a list of services in their area, where they are based, and what areas they work in, with contact details, so that the victim can be made aware of them and make their own choices about what services to access. This list should be made available to first responders to assist with supporting victims. Police officers should

Section 3. Questions and Answers on the First Response

also be able to advise on reducing risk and on additional safety measures that can be put in place by the victim, police and others (e.g., housing providers). For further information, refer to the section '[Victim safety and support](#)' within the College of Policing Authorised Professional Practice on Domestic Abuse.

Click [here](#) to go back to the beginning.

Q: Sometimes victims become hostile and disrupt policing activity to avoid an arrest taking place.

A: Officers should investigate domestic abuse proactively from the outset, investigating whether a criminal offence has taken place and with a view to building an evidence-led case that does not rely on the support of the victim. Detection of domestic abuse is more likely to result if a victim supports police action and prosecution, but there are many reasons why a victim may not do so, even after making a report, and it is important to extend the investigation beyond the victim.

Victims may be controlled or coerced or mistrust the police or have had previous negative experiences or suffered increased abuse following a previous unsuccessful engagement with the police. It is not uncommon for victims to remain with or return to their abuser. This can be difficult for outsiders to understand. An outsider may easily reach the conclusion that an abusive relationship should end. For a victim, however, reaching a decision is a much more complex process and may be hard or impossible for that person, especially where children are involved.

See the following section of the College of Policing Authorised Professional Practice on Domestic Abuse '[Why do victims continue abusive relationships?](#)' and CPS Domestic Abuse Guidelines for Prosecutors, [Retractions and withdrawals by complainants](#).

Click [here](#) to go back to the beginning.

Q: The custody sergeant told me that a suspect I arrested for domestic abuse could not be taken into custody and that the arrest I made was unlawful. So when is an arrest appropriate and when should a suspect be taken into custody?

A: Police officers have a duty to take positive action when dealing with domestic abuse incidents. Often this means making an arrest provided the grounds exist and it is a necessary and proportionate response. Officers must be able to justify the decision not to arrest in those circumstances. All cases are different and should be considered on all the relevant circumstances.

In some situations other positive approaches may be more appropriate. Domestic abuse can occur where the conduct does not amount to a criminal offence and a criminal justice outcome is not possible. See the following sections in the College of Policing's Authorised Professional Practice on Domestic Abuse for further information: [arresting the right person](#), [dual arrests](#) and [determining the primary perpetrator and dealing with counter-allegations](#). If there are insufficient grounds for arrest or it would be disproportionate, you should focus on victim safety and prevention of further incidents. Consider other [positive action](#).

For further information, see the the [College of Policing Authorised Professional Practice on Domestic Abuse](#). If you are unsure, please contact your Domestic Abuse Regional Lead for

Section 3. Questions and Answers on the First Response

further information. If you disagree with the custody sergeant, please speak to them to ensure that learning is understood. If in doubt, contact your manager or your Domestic Abuse Regional Lead.

Click [here](#) to go back to the beginning.

4. Charging Practice

Charge is the preferred option in domestic abuse cases which meet the evidential and public interest tests. While arrest must be considered in every case, there are occasions when there are insufficient grounds or when it would not be a necessary or proportionate response. In these circumstances officers should focus on protecting the victim and preventing further incidents by considering other forms of positive action.

Cautions are rarely appropriate in domestic abuse cases. Similarly, restorative justice is rarely appropriate and not recommended in cases involving intimate partner abuse.

Section 4. Questions and Answers on Charging Practice

Q: Victims often disengage during the investigation and in the period between the police seeking and receiving a charging decision.

A: It is possible that a victim may ask the police not to proceed any further with a prosecution case, or retract their allegation particularly if there are delays. There are a number of reasons why victims may disengage, however it should not mean that the case will be automatically stopped and consideration should be given to continuing the prosecution without direct evidence from the victim. In addition, the police should arrange for a withdrawal statement to be taken from the victim to explain the reasons behind a retraction or withdrawal of support. It is good practice for the officer taking the statement to make a separate statement giving their opinion on the victim's decision to withdraw support.

For further information see: College of Policing Authorised Professional Practice on Domestic Abuse section on [Withdrawal](#) and CPS Domestic Abuse Guidelines for Prosecutors section [Retractions and withdrawals by complainants](#).

If you are unsure, please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: The CPS is only focussed on the best cases and discourages referrals for charging. / The police are not referring appropriate cases.

A: The decision to prosecute in domestic abuse cases must be made by the CPS, in accordance with the [Director's Guidance on Charging, 5th Edition](#) and the [Aide-Memoire on Charging in Domestic Abuse cases](#). The CPS [Domestic Abuse Charging Advice Sheet](#) has been prepared for police officers and prosecutors to further clarify the existing requirements around police referral of domestic abuse. Only cases which are capable of meeting the Threshold Test or Full Code Test as appropriate should be referred to the CPS, but that is a matter for the police decision maker, not the first responder. If this is a perceived area of

Section 4. Questions and Answers on Charging Practice

concern a dip sample of decision making can be undertaken jointly between the CPS and the Police. If there are lost opportunities for evidence-led prosecutions or other identified training needs these can be addressed on a multi-agency basis.

If you are unsure or are concerned that guidance is not being followed, then please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: Civil interventions such as Domestic Violence Protection Orders and Harassment warnings are more effective than arrests or prosecution.

A: While arrest must be considered in every case, there are occasions when there are insufficient grounds or when it would not be a necessary or proportionate response. In these circumstances officers should focus on protecting the victim and preventing further incidents by considering other forms of positive action. Such measures may also be taken alongside arrest to continue or increase protection for the victim once the perpetrator is no longer in police custody. See the section within the College of Policing Authorised Professional Practice on Domestic Abuse '[Other forms of positive action](#)' for further information.

If you are unsure, please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: We have been told by the CPS that it is preferable to use out of court disposals to deal with domestic abuse cases.

A: Cautions are rarely appropriate in domestic abuse cases. By nature, they involve the aggravating factor of breach of trust and abuse is not often reported on the first occasion. Controlling or coercive abuse may also influence the victim's views on a caution. Charge is, therefore, always the preferred option where the case passes the evidential and public interest tests. In principle, if there is sufficient evidence to caution, there is sufficient evidence to charge.

Cautions should not be used because they seem an easier option than building a prosecution. If the evidential threshold is passed, cases should normally be referred to the CPS in accordance with the [Director's Guidance on Charging, 5th Edition](#), so that cases which could progress are not screened out. Supervisors should closely monitor any cautions that are administered in domestic abuse cases. Restorative justice is rarely appropriate in domestic abuse cases and not recommended in cases involving intimate partner. Penalty notices for disorder are never appropriate in domestic abuse cases.

If you are unsure or are concerned that guidance is not being followed, then please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.

Q: Police civilian evidence review teams are rejecting many cases submitted to them on the basis that they do not satisfy the Code for Crown Prosecutors.

A: The decision to prosecute in domestic abuse cases must be made by the CPS, in

Section 4. Questions and Answers on Charging Practice

accordance with the [Director's Guidance on Charging, 5th Edition](#) and the [Aide-Memoire on Charging in Domestic Abuse Cases](#). The CPS [Domestic Abuse Charging Advice Sheet](#) has been prepared for police officers and prosecutors to further clarify the existing requirements around police referral of domestic abuse. Only cases which are capable of meeting the Threshold Test or Full Code Test as appropriate should be referred to the CPS, but that is a matter for the police decision maker, not the first responder.

If this is a perceived area of concern a dip sample of decision making can be undertaken jointly between the CPS and the Police. If there are lost opportunities for evidence-led prosecutions or other identified training needs these can be addressed on a multi-agency basis. If you are unsure or are concerned that guidance is not being followed, then please speak to your manager or contact your Domestic Abuse Regional Lead (police) or Area Violence Against Women and Girls coordinator (CPS).

Click [here](#) to go back to the beginning.