



## Tackling Domestic Abuse Policy Statement 2022

### Purpose

This policy statement articulates how the CPS tackles domestic abuse and our commitment to doing so. It sets out our ambition to increase the volume of domestic abuse prosecutions and improve criminal justice outcomes for victims whilst focusing on casework quality. It will be of most interest to those who support victims of domestic abuse, whether professionally or personally, members of the public or those working within the criminal justice with a shared commitment to tackle domestic abuse.

Domestic abuse consistently represents a third of all crime received by the CPS and almost 20% of our casework. However, in recent years we have seen a year on year fall in the number of referrals of domestic abuse cases from the police to the CPS. During this period the charge rate has remained steady at over 70%, but the volume charged has fallen in line with referrals. We recognise this is a cause for concern and are working across the criminal justice system and with victim support groups to understand and address this through this policy.

The CPS's ambition is to secure justice in every possible domestic abuse case. We want, as the principal prosecution service for England and Wales, to make sure victims, irrespective of background or circumstance, see justice done.

There are some 2.3 million victims of domestic abuse a year aged 16 to 74 (two-thirds of whom are women) and more than one in ten of all offences recorded by the police are domestic abuse related. We will work hard to help victims understand how they will be supported if they come forward to report domestic abuse and their case is passed on to us by the police.

When reading this information, 'victim' is used to describe someone against whom an offence has been committed. It is important to note that when a victim is involved in a case they are the 'complainant' or 'witness' and this is how we refer to them in our work; the term 'survivor' might also be used – but within this document, for ease, we refer to them as the victim. A 'suspect' is someone who the CPS is considering charging. A 'defendant' is someone who has been charged by the CPS. An 'offender' is someone who has carried out a crime or has admitted it or been found guilty.

### Introduction

The Domestic Abuse Act 2021 creates, for the first time, a cross-government [statutory definition](#) of domestic abuse, to ensure that domestic abuse is properly understood, considered unacceptable and actively challenged across statutory agencies and in public attitudes.

Domestic abuse cases are amongst the highest priority work in the criminal justice system. They are regarded as serious offences by the CPS with victims being automatically entitled to an [enhanced service](#). The safety of victims and children in addition to the perpetrator's accountability is important when prosecuting cases of domestic abuse.



Whilst there is no specific offence of 'domestic abuse'; the term can be applied to a number of offences committed in a domestic environment. The domestic nature of the offending behaviour is an aggravating factor to an offence because of the abuse of trust involved. Victims will know and often live with, or have lived with, the perpetrator. There may therefore be a continuing threat to the victim's safety, and in the worst cases a threat to their life or the lives of others around them.

Domestic abuse can result in lasting trauma for victims and their extended families, especially children and young people who may not see the abuse but may be aware of it or hear it occurring. The Domestic Abuse Act 2021 makes clear that children irrespective of whether they are injured or see the offending are deemed to be victims of domestic abuse if they live in an abusive household.

Often, when people hear the term 'domestic abuse' they picture acts of physical violence, but there is also a more subtle form of behaviour that is equally harmful. Since 2015, the offence of coercive and controlling behaviour within a relationship has been illegal in England and Wales.

While this abuse takes many forms, it typically involves manipulation, humiliation, intimidation, and isolation to control and instil fear in victims – leaving untold emotional scars. This abuse has no place in our society.

We want to help victims to understand what constitutes domestic abuse or coercive and controlling behaviour – and warn perpetrators such behaviour may be a crime that will not be tolerated.

## About the CPS

The CPS is responsible for making sure the right person is prosecuted for the right offence. We are part of the criminal justice system and work in partnership with other agencies and people within it, including the police, the courts, defence lawyers, the Witness Service, and prisons services. Although we work closely with the police, we are independent of each other. We are answerable to Parliament through the Attorney General.

The CPS:

- Decides which cases are prosecuted
- Determines the appropriate charges
- Advises the police in the early stages of investigations in more serious cases
- Prepares cases and presents them at court
- Provides information, assistance and support to victims and prosecution witnesses

We build strong partnerships across the criminal justice system (CJS) and cross-government to drive improvements, both in our own work and through support for our partners, to encourage more people to come forward to seek redress through the criminal justice system, bring offenders to justice and safeguard victims.

We work closely with the police to build the best possible cases as quickly as possible. The police are responsible for investigating reports of domestic abuse or gathering evidence. The police do not send every complaint of a criminal offence to us.



Where the police think there is enough evidence to support an allegation of domestic abuse and that it is in the public interest to prosecute the suspect, they should refer case to the CPS. Charging decisions in domestic abuse cases are made by the CPS, not the police, although the police may decide to offer a simple caution for a domestic abuse case if it involves a summary<sup>1</sup> or either way case (but not if it is indictable only). The police can also consult and seek 'early advice' from us from the beginning of an investigation to build and strengthen a case.

### How we review evidence and make decisions

Not every complaint of domestic abuse is referred to the CPS for a charging decision; however, we are determined to see more perpetrators brought to justice and will work hard with criminal justice partners to increase the number of victims for whom we can secure justice. When a case is received, we will not hesitate to prosecute whenever our legal test is met.

When deciding whether to charge a criminal case, our prosecutors must follow the [Code for Crown Prosecutors](#) (the Code) in applying the law. The CPS consider the full facts of the offending behaviour, relevant background, and history. We look at all cases that are sent to us, and every decision we make is based on the following two-stage test:

**Stage 1 – The evidential stage** - Does the evidence provide a 'realistic prospect of conviction'? That means that, having looked at all the evidence, we think that a court is more likely than not to find the defendant guilty. All decisions we make should be fair, objective, and independent, based on the facts and merits of each individual case.

**Stage 2 – The public interest stage** - If the case passes the evidential stage, we must decide whether it is in the 'public interest' to charge. That means asking questions including how serious the offence was, the harm caused, the impact on communities and whether a prosecution is the right response.

Given the seriousness of domestic abuse offending, a prosecution will normally be required when the evidential requirements under the Code are met.

Within our domestic abuse legal guidance, there is information to challenge myths and stereotypes and raise awareness of the impact domestic abuse has on certain groups including the additional barriers to reporting or supporting a domestic abuse prosecution. This enables our prosecutors to build strong cases based on the evidence within the case.

If a prosecutor makes a decision not to prosecute the victim has a right to request that the decision is reviewed through the CPS Right to Review scheme.

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## Leadership

The CPS is committed to strong leadership in tackling domestic abuse. Every member of staff involved in the prosecution process is accountable for reinforcing our ambition to secure justice in every possible domestic abuse case.

The Director of Public Prosecution (DPP), supported by CPS senior leaders, is committed to building strong partnerships and robust working relationships to lead, with criminal justice partners, improvements on domestic abuse across the whole system.

Our senior leaders take proactive steps to address this high priority work. The Director of Legal Services and Director of Strategy and Policy are responsible, and accountable to the DPP, for the delivery of the Domestic Abuse programme, ensuring it responds to the evolving nature of domestic abuse to deliver justice. To build on this commitment, the CPS has a highly experienced Chief Crown Prosecutor as our national Domestic Abuse Champion. The role is dedicated to offering expertise to promote continuous improvement and promote our strategic vision on tackling domestic abuse throughout our organisation and with our stakeholders.

## Violence Against Women and Girls (VAWG) Strategy

Domestic Abuse is part of our overarching Violence Against Women and Girls strategy to address crimes that have been identified as being committed primarily but not exclusively by men against women. There is significant evidence that women will be subjected to more severe physical violence and control and are more likely to experience sexual violence.

Prevalence studies of domestic abuse evidence the disproportionate experience that women have of domestic abuse; however, we do also see cases where trans or non-binary individuals and men are victims and cases where victims are children, suffering abuse at the hands of their parents/carers. The CPS recognises the experience of male victims and its distressing impact on them. This is affirmed in the [public statement on male victims for crimes](#) covered by the VAWG Strategy.

The CPS has in place guidance and advice for our prosecutors to ensure all victims are supported without any generalisations or stereotyping. The CPS applies policies fairly to all victims and we are committed to securing justice for all victims.

## CPS Commitment to Victims of Domestic Abuse

The CPS is committed to taking all practicable steps to help victims through the often-difficult experience of becoming involved in the criminal justice system.

Wherever there is an identifiable victim, the CPS will follow the commitment given in the [Prosecutors' Pledge](#). The pledge outlines what you can expect the CPS to do if you are a victim or member of a victim's family.



## Communicating with and engaging victims of domestic abuse

It is critical – to support victims and build public confidence and trust – that we better explain the role of the CPS, how and why we make decisions and what support is available. The more the public understands about our role and trusts the decisions we make, the more likely they are to report abuse and support prosecutions as victims or witnesses, to engage with the process and trust the outcomes as fair and just. We are committed to working jointly with criminal justice partners and the third sector to increase the number of domestic abuse prosecutions and improve outcomes for victims. Victims who are engaged in the process are often key for us to present cases in court and ultimately secure justice.

On our website, there is detailed information about the support available to [victims and witnesses](#) and our commitment, including how we prosecute domestic abuse cases.

At a local level, our Inclusion and Community Engagement Managers work directly with communities, to build confidence and promote the [use of local information to ensure good quality decision-making](#). This insight shapes and informs our policies, legal guidance and casework strategy.

## Tackling Domestic Abuse

The CPS will tackle domestic abuse by:

- **Joint working**, at local and national levels. Tackling these persistent crimes requires a comprehensive and coordinated approach. We will work with partners across the criminal justice system, cross-government and with victims' groups to achieve justice in every viable DA case and to support victims.
- **Delivering on the Domestic Abuse delivery programme**, which sets out our work to translate policy changes into operational change. It is underpinned by a commitment to prioritise referrals and joint working to increase the volume of domestic abuse prosecutions. It articulates the role we have in driving forward evidence-based best practice across the criminal justice system and therefore in building public confidence in the criminal justice response to domestic abuse.
- **Domestic Abuse Legal Guidance** for our prosecutors, sets out how they should apply the Code for Crown Prosecutors, to ensure that decisions are fair, transparent, and consistent when considering any offences that fall within the definition of domestic abuse and promotes evidence-led prosecutions throughout. The guidance assists prosecutors with decision making by helping them to identify, understand and respond to the needs of victims. This includes information to address and challenge myths and stereotypes, or to understand victim behaviour which prosecutors may come across in their casework.

To assist with investigations or in providing information to victims, our legal guidance may be helpful for the police, support services and other agencies within the criminal justice system. That is because it explains our role and how we consider, charge and prosecute domestic abuse cases.



- **Taking an offender-centric and evidence-led approach** to case building, which involves looking closely at the actions of the suspect before, during and after an alleged offence. We will advise investigators to pursue reasonable lines of enquiry. This may include an analysis of the suspect's digital communications, analysis of their behaviour from CCTV or statements from third parties who may have knowledge of the parties or had disclosures made to them. This approach is conducive to building the strongest case possible whilst ensuring that the investigation is fair
- **Supporting victims and witnesses** to give their best evidence. Giving evidence at trial can feel daunting for anyone. We can ask the judge to put in certain adjustments – called [special measures](#) – that are aimed to make victims and witnesses feel more comfortable in giving evidence in court.

Victims of domestic abuse are eligible for special measures, examples include giving evidence through a TV link, video recorded evidence, evidence given in private (this is when members of the public are not allowed in the courtroom), screens, examination through an [intermediary](#) or use of communication aids

Our prosecutors can help vulnerable or intimidated victims and witnesses access a variety of these adjustments depending on what they and the prosecution team feel will help them the most. Many areas have Specialist Domestic Abuse Courts to deal with such cases.

We will continue to work closely with Independent Domestic Violence Advisors (IDVAs), who can provide professional support, advice and help for victims of domestic abuse, whether reported to the police or not.

- **Safeguarding victims** by applying for protective orders, such as restraining orders, or new Domestic Abuse Protection Orders, being introduced by the Act, to improve the safety of victims of domestic abuse. We will swiftly prosecute those who breach such orders wherever our legal test is met.
- **Developing the Domestic Abuse Best Practice Framework** to provide a coordinated approach to risk management and specialism in the system for victims of domestic abuse. We will work closely with IDVAs and in-court services to improve wraparound support and deploy highly trained staff in magistrates' courts.

The core principles of the best practice framework include a clear multi-agency approach, which addresses risk management, safeguarding and identifies IDVA support. It ensures trained staff are consistently deployed by all criminal justice agencies and in-court services to provide proactive witness services. This includes pre-trial familiarisation visits and the appropriate use of special measures.

- **Revise our approach to training on domestic abuse** by using prosecutorial insight to shape and inform training. We will also incorporate in our training experience from outside the CPS to ensure that our learning and development offer benefits from external insight. There is a range of training courses available to CPS staff, such as trauma-informed training, evidence-led prosecutions, and special measures. We will continue to expand and invest in our staff learning and development so we can equip our people with the skills, tools and support they need to respond to the evolving nature of domestic abuse.



- **Develop our understanding of equalities** in domestic abuse cases by deepening our understanding of issues experienced by different groups and communities to access justice. We will use this insight to shape and inform our revised training programme.
- **Monitoring the impact** of this policy through the governance of the Domestic Abuse Steering Group, a cross-departmental group with responsibility for domestic abuse, to ensure commitments are developed, enacted, and implemented as we intend. This includes monitoring how policy changes have translated into operational change to increase the volume and quality of domestic abuse prosecutions. A key responsibility is scrutinising performance - by better understanding our domestic abuse data, we will identify where we can enhance expertise on the frontline and provide a better experience for victims and witnesses.

The Steering Group ensures we build and coordinate our relationships with external stakeholders to deliver better policy development and casework outcomes.

#### **Policy Statement Review and Evaluation**

We will review the effectiveness of this statement on a biennial basis. To ensure continuous improvement, we will make the necessary amendments to this policy to address any changes in legislation, best practice or operational issues.

The impact of this policy and Domestic Abuse programme is monitored through the CPS Business Plan and evaluated through the Domestic Abuse Steering Group.