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Your submission notes that Scotland's implementation of domestic abuse laws was accompanied by training for Scotland Police. Could you please provide more detail on how the training assisted police to identify coercive and controlling behaviour, and gather evidence on this type of behaviour?

Domestic Abuse Matters (Scotland) (DAMS) is a pioneering change programme, which was designed to support our officers and members of staff with the implementation of the Domestic Abuse (Scotland) Act 2018.

The DAMS training advanced our officers and staff's knowledge of the dynamics of power and control in abusive relationships and tackled the myths and misconceptions, which are common in our communities.

It also provided guidance on the practical issues such as evidence gathering in relation to coercive and controlling behaviours and reporting of cases to the Crown Office and Procurator Fiscal Service (COPFS) – the prosecution service within Scotland.

The training delivery schedule commenced in November 2018, with the launch of the e-learning package and classroom training commenced soon after, in December 2018.

The training comprised of the following structure:

- Pre-learning – an online e-learning package was developed and completed by all officers (up to the rank of Chief Inspector) and staff. This provided an overview of the new Act and initial training on coercive and controlling behaviours.
- Face-to-face training - full day classroom training for circa 14,000 officers (up to the rank of Chief Inspector) and members of staff.
- Post course learning materials – learning resources hosted on a dedicated page on the Police Scotland Intranet.

Classroom sessions were co-delivered by a trainer with relevant policing experience in domestic abuse (either serving or retired officer) and a subject matter expert, who had recent frontline experience working with victims, families or perpetrators of domestic abuse.

Training inputs covered the following subjects:

- Dynamics of domestic abuse
- Responding to incidents of domestic abuse
- What is coercive control and how to gather evidence using appropriate questions
- Stages of coercive control and interventions officers can provide to victims
- Understanding of why victims can find it difficult to leave an abusive relationship
- Key provisions of the Domestic Abuse (Scotland) Act 2018 and how to apply the legislation in practice
- Perpetrator tactics that may be used to manipulate officers
- Importance of securing evidence at the scene of a domestic abuse incident
- Safeguarding victims and children

Welfare of learners was paramount, as we recognised that some students may be affected by their own lived experience of domestic abuse and the trainers would support any distressed learners and signpost to support agencies.

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In order to sustain and embed the learning from the DAMS training, over 700 officers / staff were identified to take on the role of Domestic Abuse Champions (DAC) and received a further one day classroom training. The DACs underpinned and supported the delivery of the new Act and help to sustain organisational change through peer to peer mentoring.

Stakeholders have raised concerns with us about the potential for domestic abuse victims to be wrongly identified as the perpetrator by police. What practices and training do Scotland Police use to prevent victims being misidentified as perpetrators of domestic abuse?

Police Scotland and COPFS have a Joint Protocol “In partnership challenging domestic abuse” which provides guidance to officers in relation to responding to reports of domestic abuse and directs that officers will thoroughly investigate the full circumstances of the incident in order to identify and report the principal perpetrator to COPFS.

In determining the identity of the principal perpetrator, the circumstances of the domestic abuse incident will not be looked at in isolation and officers must also have regard to the history and nature of the relationship and the criminal history of both parties.

Careful consideration should be given to all relevant factors including:

- The nature and circumstances of the incident, including the manner of reporting and evidence of injury to either party (bearing in mind that the fact that one party initially reports the incident, and the presence or absence of injuries, does not necessarily establish who is the principal perpetrator).
- The fact that a victim of an assault may have acted to defend themselves and their children in self-defence and that a level of verbal retaliation in response to a physical or verbal assault against a victim should not normally result in their arrest.
- Any previous history of domestic abuse between the parties (including unreported incidents).
- Any previous history of domestic abuse with other partners (including unreported incidents).
- The criminal history of both parties, including any bail conditions, which have previously been imposed.
- Officers' professional judgement; and
- Any other relevant information.

As previously mentioned, the DAMS training included an input on perpetrator tactics and what officers may encounter when attending domestic abuse incidents.

The training recognised that perpetrators may present as the victim, in an attempt to manipulate officers and further undermine and isolate victims. Officers were given guidance in relation to the differences of how a victim of abuse may present/behave, in comparison to perpetrators presenting as victims.

What challenges have arisen in applying the coercive and controlling behaviour offence in practice, and what strategies has Scotland Police developed to overcome any challenges?

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The Domestic Abuse (Scotland) Act 2018 (DASA) came into effect on 1st April 2019 and in the first year, Police Scotland recorded nearly 1700 offences.

This demonstrated that our officers were able to recognise the full range of behaviours used by perpetrators to coercively control victims and that the robust training programme was essential to the successful implementation of the Act.

In terms of challenges, there were some early instances of DASA offences being reported to COPFS, which did not meet all the essential elements of the Act, whilst officers became more familiar with the subtle nuances of the new legislation.

The DASA offence is not appropriate for all domestic offending and existing common law and statutory offences should have been used where the facts and circumstances of individual cases merited this.

Where a DASA offence was incorrectly reported, but there was a sufficiency of evidence, COPFS would instigate criminal proceedings under appropriate legislation, aggravated by domestic abuse. So ultimately perpetrators would still be held to account for their offending behaviour.

The Domestic Abuse pages within the Police Scotland internal intranet site, which is accessible across the organisation, was also key to ensuring consistent and meaningful communication/information sharing was in place to support the National communications strategy on the implementation of DASA.

The pages were regularly updated to reflect feedback from issues raised in the training environment, practical application of DASA and from relevant partners.

Regular information sharing with COPFS also ensured this information remained current and responsive and we jointly drafted "Frequently Asked Questions", which provided practical advice and guidance to officers using the legislation.

When the legislation went live, a cadre of officers with comprehensive knowledge of the Act performed on-call duties, to provide assistance out of hours for officers across Scotland. Whilst the Domestic Abuse Matters (Scotland) Delivery Team remained a single point of contact for guidance during the delivery phase of the training.

Members of the delivery team travelled to all Local Policing Divisions and carried out further face to face briefings with our specialist domestic abuse and public protection officers, so they could cascade their enhanced knowledge to peers.

Police Scotland's leads for domestic abuse also held regular meetings with our Crime Registrars across the country to resolve issues and ensure consistent messaging was being conveyed to our Crime Managers, in relation to recording and reporting of the offence.

The dynamics of domestic abuse are complex and officers attending incidents still encounter the same challenges they faced, prior to the introduction of the DASA legislation. Such as; victims being frightened to engage, minimising the conduct of the perpetrator, apportioning blame on themselves or trying to retract statements made to the police.

It should be noted, whether or not the victim makes a complaint, Police Scotland will take appropriate action, including the arrest of the perpetrator where there is reasonable cause to suspect a crime has been committed.

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What difference has the criminalisation of coercive control made? Would Scotland Police have been able to implement changes in practices to deal with this behaviour if coercive control had not been criminalised?

The Act was welcomed as it was seen as having the potential to raise awareness of the existence and unacceptability of psychological abuse, and to change behaviours, as well as providing a criminal sanction. Some evidence referred to a continuing need for change in social attitudes towards abuse, which the passing of the law could play a part in helping to deliver.

Prior to implementation of the legislation, much of what would be recognised as partner abuse was already criminal in Scotland. However, there were concerns that the criminal law at the time did not adequately cover the lived experience of many victims and that some forms of abuse, particularly psychological abuse, could not be dealt with adequately in the criminal courts, if at all.

Following early consultation on the legislation, there were a number of recurring themes to emerge from respondents, including the importance of making clear that the offence of domestic abuse can include psychological abuse and coercive control only and that it does not need to be accompanied by physical abuse for a crime to have been committed.

It was also suggested that creating an offence of this kind would send a clear message, on behalf of society, that coercive and controlling behaviour is a form of domestic abuse and that society will not tolerate this type of behaviour.

The new offence is a clear warning to abusers that all forms of domestic abuse are criminal, and that perpetrators should expect to face the full consequences of their abusive behaviour.

Why criminalisation is the best option;

- reflect the true experience of victims of long term abuse during which they are, on repeated occasions, subjected to multiple forms of abuse, including non-violent abuse;
- acknowledge the true impact and consequences of all types of abusive behaviours including non-physical tactics of control and abuse;
- acknowledge the role of coercive control;
- raise awareness of the offence and the impact on victims;
- provide clarity to the public and to law enforcement; and
- declare without ambiguity that this conduct is not acceptable and will be met with the full force of the law, including the imposition of criminal sanctions.
- effective enforcement and prosecution is critical to the success of any wider prevention strategy
- prosecution can disrupt the abuse, enable physical separation and provide a breathing space for victims
- conviction can lay a marker of the behaviour and provide an opportunity for intervention
- prosecution can help to prevent further abuse
- prosecution can help to educate the public and change cultural attitudes towards domestic abuse

Had the legislation not been introduced, it is important to highlight the definition of domestic abuse used by Police Scotland and COPFS for a number of years, is:

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‘Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, co-habiting, civil partnership or otherwise) or ex-partners. The abuse can be committed in the home or elsewhere including online’.

So even if the DASA legislation had not been introduced, we already recognised that domestic abuse could include psychological and emotional abuse. Unfortunately this type of abuse either could not be or, at the very least, could be difficult to prosecute in isolation under existing laws.

You note that training for Scotland Police was developed and implemented in partnership with a charity that works to end domestic abuse. Could you provide more detail on how Scotland Police has worked with the domestic abuse sector in implementing the domestic abuse laws?

Police Scotland is proud of the work undertaken to tackle domestic abuse and our work with partners to ultimately eradicate it. This is a public health issue and not something that policing can resolve in isolation.

We constantly strive to improve referral pathways to provide victims with access to specialist support and information that can reduce the risk of further abuse and help them through the criminal justice process.

Throughout the Scottish Government consultation on the Act, advocacy and support services for victims of domestic abuse were fully engaged in the process and instrumental in ensuring that the legislation adequately covered the lived experience of many victims.

Police Scotland also host a National Domestic Abuse Forum, which is a strategic quarterly meeting, attended by business leads for domestic abuse from various agencies including National / Local Policing Divisions, Scottish Government, COPFS, Victim Support Service and advocacy and support services.

The purpose of this meeting is to discuss strategies to reduce the overall harm of domestic abuse across Scotland and ensure that an excellent service and support to all victims is available. This meeting encourages organisations to focus their collective resources and work together to provide a more consistent and comprehensive response to domestic abuse.

The DASA legislation was at the forefront of discussions, during the lead in time before April 2019 and beyond, to ensure robust implementation and collective response to any emerging issues and trends.

Scottish Government provided funding for our training and following a competitive procurement process, the charity SafeLives were announced as the successful bidder.

In order to ensure the training accurately reflected the domestic abuse landscape in Scotland, we established a consortium comprising of both statutory and non-statutory service providers, to build relevant training content.

On a more practical level, as previously mentioned, DAMS training was co-delivered with a domestic abuse subject matter expert, with over 75 domestic abuse specialist trainers from across Scotland bringing their front line knowledge of coercive control and the impact on

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victims to every training session. This ensured that officers were able to understand and identify the subtle nuances of coercive control and how the legislation could be applied.

Your submission states that Scotland Police received extra funding to run its domestic abuse training program. Apart from training, what other additional resources did Scotland Police need to implement the domestic abuse laws?

In preparation for the new Act, it became apparent that significant cultural change was required to enable the legislation to work effectively.

Early and effective intervention in abusive relationships requires sound staff knowledge of the complexities of abuse. This required a unique approach and could not be delivered in isolation.

Scottish Government provided funding to cover the costs of the training package / delivery but unfortunately no additional funding was provided. All other costs such as officer / staff time, materials, expenses etc. were 'opportunity costs'.

Procuring the national DAMS training and working alongside partners to deliver face to face training for 14,000 officers was a significant undertaking and we formed a small, but effective team, to focus on the delivery of the training and implementation of the Act.

The DAMS Delivery Team comprised of one Detective Inspector and 2 Detective Constables, led by the national leads for domestic abuse (Detective Superintendent and Detective Chief Inspector)

We pursued a strong line of communication within the organisation to ensure that this was not seen just as training but as the change model it is.

To ensure an effective response, all of our staff associations, unions, federations, employee assistance programmes and health providers were also engaged and informed of the programme of training.

We engaged with corporate communications to ensure both internal and external messages were aligned and most importantly they were reaching the front line officers / staff and the public.

As previously highlighted in our response to overcoming challenges, we were proactive in terms of briefings across the organisation and hosting guidance / training resources on a dedicated page on our intranet.

We commissioned a series of posters to support the legislation which were displayed in every police station across our estate. One poster solely focused on support for our own officers / staff, recognising that they may also have lived experience of domestic abuse. These posters, featured in police premises rest rooms across Scotland and signposted potential victims how to seek support.

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