



Home Office

Crime Reduction & Community Safety Group

Tilley Awards 2008 Application form

Please ensure that you have read the guidance before completing this form. ***By making an application to the awards, entrants are agreeing to abide by the conditions laid out in the guidance.*** Please complete the following form in full, within the stated word limit and ensuring the file size is no more than 1MB. Failure to do so will result in your entry being rejected from the competition.

Completed application forms should be e-mailed to tilleyawards08@homeoffice.gsi.gov.uk.

All entries must be received by noon on **Friday 25th April 2008**. No entries will be accepted after this time/date. Any queries on the application process should be directed to Alex Blackwell on 0207 035 4811.

Section A: Application basics

1. Title of the project: Exclusion Requirements: Protecting Domestic Violence Victims.
2. Key issue that the project is addressing: Domestic Violence

Author contact details

3. Name of application author:
Detective Inspector Marianne Huison
4. Organisation submitting the application:
West Yorkshire Police
5. Full postal address:
PO Box 9
Wakefield
WF1 3QP
6. Email address: marianne.huison@westyorkshire.pnn.police.uk
7. Telephone number:
01924 821479

Secondary project contact details

8. Name of secondary contact involved in the project:

Janet Carter

9. Secondary contact email address: janet.carter1@hmcourts-service.gsi.gov.uk

10. Secondary contact telephone number: 01924 427925

Endorsing representative contact details

11. Name of endorsing senior representative from lead organisation:

Chief Superintendent Maxwell McLean

12. Endorsing representative's email address: max.mclean@westyorkshire.pnn.police.uk

13. For all entries from England & Wales please state which Government Office or Welsh Assembly Government your organisation is covered by e.g. GO East Midlands:

Government Office Yorkshire and Humber

14. Please mark this box with an X to indicate that all organisations involved in the project have been notified of this entry (this is to prevent duplicate entries of the same project):



Section B: Summary of application - *In no more than 400 words use this space to provide a summary of your project under the stated headings (see guidance for more information).*

Scanning:

This initiative seeks to improve the safety of domestic violence victims following the conclusion of criminal proceedings.

Analysis:

Prior to this initiative, victims lost the protection of a bail condition upon conviction as bail ceased. This approach often negates the necessity for the victim to take separate action through the civil court to maintain her safety, thereby saving additional distress as well as often substantial financial cost.

Response:

Since January 2007 courts in West Yorkshire have been providing enhanced protection to domestic violence victims by imposing exclusion requirements on offenders requiring them to keep out of a specific area as part of a community order.

The use of the exclusion requirement in this way is innovative, and requires additional effort by all agencies to ensure that the requirement is specific and proportionate, and to ensure it is effectively enforced.

Police are trained in gathering relevant evidence at the earliest opportunity, and in the powers available to them to enforce the requirement. Processes have been developed to ensure that these exclusion requirements are recorded

on local and national police systems so operational officers can access the information easily.

CPS prosecutors pro-actively request victim impact statements in domestic violence cases, and specifically request the court to consider exclusions.

Probation Victim Service Officers visit victims of domestic violence as part of the pre-sentence report enquiry and gather views and details for exclusions on behalf of the Probation Officer writing the report. Probation Officers work with the police on building a 'breach file' when required.

Independent Domestic Violence Advisors and Witness Care Officers gather information and advise victims about exclusions.

Legal advisors and magistrates receive specific training around the use of the exclusion requirement in domestic violence cases.

An information leaflet, devised by the group, is available to victims and partner agencies across West Yorkshire to raise awareness and understanding of the use of exclusions.

Assessment:

Over the last year 12 months 71 victims of domestic violence have benefited from the protection and reassurance provided by the multi-agency initiative.

One victim has commented; "I was so scared about the after effects of the court case....I had started to feel really vulnerable and felt that I couldn't go out. The confidence that was stolen from me has started to return.... (the court was provided with details) of where I went so that they knew where to stop him going. I can't thank everyone enough for changing my life."

State number of words: 399

Section C: Description of project - Describe the project in no more than 4,000 words. Please refer to the full guidance for more information on what the description should cover, in particular section 12.

Scanning:

This initiative seeks to improve the safety of domestic violence victims.

Approximately 35, 000 incidents of Domestic Violence are reported to West Yorkshire Police each year. 40% of these are verbal disputes where no criminal offences have been committed; however over 30% of incidents are violent crimes, accounting for over 20% of violent crime in West Yorkshire. Arrest rates in West Yorkshire are high, approximately 55% of all incidents reported to the police lead to an arrest being made, the vast majority of these closely after the incident being reported.

Partnership working in the field of Domestic Abuse is strong throughout West Yorkshire where a coordinated community response to tackling domestic abuse is very evident. The police write to victims and perpetrators of domestic violence offering their assistance and signposting them to other agencies within both the statutory and voluntary sector who may be able to offer assistance and break the cycle of violence.

Risk assessment is used by the police to identify high risk cases which are referred to Multi Agency Risk Assessment Conferences (MARACs) for multi agency risk management and intervention.

However despite this the repeat victimisation rate in West Yorkshire remains high, with repeat incidents occurring in 46% of cases. Independent research confirms that domestic violence victims are more likely than any other victim of crime to be subjected to repeat crime.

The police are proactive in seeking to secure evidence to proceed with a criminal prosecution, without the support of the victim where necessary. CPS too do not just 'give up' on a case where there is a reluctant victim, however in only about 20% of the total number of incidents reported to the police result in a criminal charge being brought. There are numerous reasons for this, not least the reluctance of the victim to give evidence and support the prosecution. A lack of confidence in the Criminal Justice System to provide adequate protection for the victim and any children in the household, to adequately 'punish' or 'rehabilitate' the offender are reasons often given by those representing the views of victims for their reluctance to 'testify'.

All agencies work hard to keep victims on board with the criminal proceedings where charges have been preferred.

Whilst all partners have a responsibility to keep victims and their families safe (children are present in over 40% of domestic violence incidents reported to West Yorkshire Police), surely the Criminal Justice Agencies have a particular duty of care towards those victims who are involved in the Criminal Justice proceedings.

Analysis:

In the past, when Domestic Violence was seen as a private matter and not within the jurisdiction of the police, victims were often advised to see a solicitor and seek a civil law remedy. We know that few did and that those who did obtain an order or undertaking in the civil courts rarely took the respondent back before the civil court when the order or injunction was breached.

In more recent years the number of support agencies has grown as has the realisation that all partners and indeed the community itself must work together. We must support victims and their families, assist perpetrators to confront their offending behaviour and change attitudes within society that allow Domestic Violence to continue generation to generation.

Most Domestic Violence is perpetrated within the home. Often the victim and offender continue to live together at the location where the incidents take place. These are perhaps the most difficult cases in which to be effective in reducing further harm. Victims are often emotionally and physically unable to keep their perpetrators away, without the support of the law and domestic violence agencies. Victims with children are particularly vulnerable given that

their ties to the local community are often greater. Their children may be attending nursery or school; they may have family supporting them, moving out of the area will often be so problematic that attempting to do so will be beyond the victim. However the ties with the community, with schools, work, shops, medical practices give the offender greater opportunities to interact with the victim. The most effective interventions are when either the victim leaves the location and can be accommodated in a safe location away from the perpetrator or where the perpetrator is excluded from the house and target hardening measures can be put in place at the location, and support around the victim to prevent further incidents.

Given the lack of refuge places and the community ties a victim and her family may have fleeing the location is only appropriate in a small number of cases. We have moved away from the naive notion that; 'It can't be that bad or she would just leave!' There is much better understanding of the psychology of the victims and the dynamics within violent interpersonal relationships: We need to support victims to take action to keep themselves safe, we need to make the means to do so as easy as possible as at each 'hurdle' many victims will simply give up.

Where we have victims going through the criminal justice system we need to take the onus from them, not only in terms of the prosecution but also in terms of giving them the protection from the defendant they deserve at all stages throughout and following the proceedings. In the past we have looked to civil remedies to provide this protection however whilst some local solicitors undertake pro bono work in this field and a number of voluntary sector agencies will assist victims making their own applications to the civil courts for protective orders, this provision was neither consistent nor comprehensive throughout West Yorkshire. The National Centre for Domestic Violence is providing this service in a number of locations across England by linking with local firms of solicitors and providing McKenzie friends for victims who are not eligible for legal aid and who are not in a position to appoint a solicitor. However NCDV do not at present operate in the West Yorkshire area.

In West Yorkshire the Police and Local Authorities have had some success in obtaining Anti Social Behaviour Orders against Domestic Violence Offenders when their conduct has extended beyond a private dwelling, but as most incidents are within the home the opportunity to use this legislation to impact upon the offender is very limited.

Where an offender has been charged with a criminal offence, the Police and the CPS are quick to put grounds before the courts to decline bail. However, given the lack of room in Her Majesty's Prisons very few are remanded in custody for any great length of time. As an alternative, conditional bail is used in many domestic violence cases to afford protection to the victim. However that protection is lost as soon as the criminal case concludes, a time when a victim is often particularly vulnerable.

Currently restraining orders can be used to great effect in domestic violence cases to prevent a victim from being further harassed by the defendant; however they can only be issued where a person had been convicted of an offence under S.2 or S.4 Protection From Harassment Act 1997. The potential to increase the protection available to victims at the conclusion of criminal proceedings was recognised by parliament and provision was made in the Domestic Violence, Crime and Victims Act 2004 to allow a court to make a restraining order irrespective of the offence for which the defendant is being sentenced. This will be key in providing additional protections for victims of crime; however there is still no date for this piece of legislation to be implemented.

The Integrated Domestic Abuse Programme, run by the Probation Service to rehabilitate perpetrators of Domestic Abuse is over subscribed in West Yorkshire and consequently, whilst in some areas offenders commence the programme immediately, in other areas there is a time delay between conviction and attendance on the programme. So there can be practical difficulties in managing the offender even when the court has made attendance on the IDAP part of the sentence.

Following the conclusion of a criminal prosecution, unless the defendant is committed to prison there is little additional protection that could be given to victims unless they were to apply to the civil courts for protective orders. Given that victims often do not have the financial means nor the emotional strength to go through another set of court proceedings, many victims are left completely without the protection of the courts.

The group consulted victims of Domestic Violence were consulted through an IDVA service in Leeds. Those consulted were clear about their need for added protection following criminal proceedings and reinforced their frustrations in relation to the need to instigate separate civil court proceedings.

Response:

A working group of key stakeholders from the West Yorkshire Probation Board, West Yorkshire Police, Crown Prosecution Service, Her Majesty's Court Service and HALT, representing the voluntary sector, came together to work towards a remedy to this issue.

A number of potential remedies were discussed including better assistance for victims applying to the civil courts as well as looking at the possibility of the criminal courts being able to issue orders under the Family Law Act at the conclusion of criminal proceedings. These alternatives are still being pursued, however the notion of using an existing piece of legislation creatively, namely the exclusion requirement was felt to be the most likely to succeed in giving this additional protection to victims in the shortest time frame.

Janet Carter, HMCS' Legal Training Manager had researched this piece of legislation and outlined how it might be used to provide an area of exclusion that would allow the victim to go about her daily life without intimidation or interference from the offender, post conviction.

The group discussed the nature of the problem and how this piece of legislation could be used effectively to give domestic violence victims added protection.

It was believed that the exclusion requirements could be effective in addressing all 3 components of the problem triangle by protecting the victim both at the location and elsewhere, by excluding the offender from the location and other places where incidents may occur and placing restrictions on the offender to prevent the opportunity for further offending.

The use of the exclusion requirement in this way is innovative, and requires additional effort by all agencies to ensure that the requirement is specific and proportionate, and to ensure it is effectively enforced.

The group mapped the process and identified areas for action for each agency.

A major concern was around ensuring the exclusion requirements could be effectively 'policed'. Police officers working on the ground need to be aware of exclusion requirements not only when responding to a report that a requirement is being breached but also when going about their day to day work, stopping motorists, carrying out stops and stop and searches, etc. Not only should this information be easily accessible via West Yorkshire Police databases, there was a need for this information to be held centrally on the Police National Computer. A representative from the group took up this issue with the National PNC User Group and has effected changes to the PNC to accommodate the information and ensure it is flagged up against nominal records.

All agencies needed briefing and/or training to ensure that they played their part in making the exclusion requirements, recording them and enforcing them. If we are to restore faith in the Criminal Justice System a failure to do any of these things will be disastrous.

Police are trained in gathering relevant evidence at the earliest opportunity, and in the powers available to them to enforce the requirement. Communication processes have been developed to ensure that these exclusion requirements are recorded on local and national police systems so operational officers can access the information easily.

CPS prosecutors pro-actively request victim impact statements in domestic violence cases, and specifically request the court to consider exclusions.

Probation Victim Service Officers visit victims of domestic violence as part of the pre-sentence report enquiry and gather views and details for exclusions on behalf of the Probation Officer writing the pre-sentence report. Probation Officers work with the police on building a 'breach file' when required.

Independent Domestic Violence Advisors and Witness Care Officers gather information and advise victims about exclusions.

Legal advisors and magistrates receive specific training around the effectiveness of the exclusion requirement in providing additional protection to victims and children in domestic violence cases, with inputs from the partner agencies.

An information leaflet, devised by the group, is available to victims and partner agencies across West Yorkshire to raise awareness and understanding of the use of exclusions.

This initiative provides many Domestic Violence victims with added protection post conviction that previously would have only been available to them through the civil courts. It has saved these women the emotional and financial costs of an additional set of court proceedings through the civil courts. The initiative has restored their faith in the ability and determination of those working within the Criminal Justice System to take their concerns seriously and work together to keep them safe.

Assessment:

Since January 2007 courts in West Yorkshire have been providing enhanced protection to domestic violence victims by imposing exclusion requirements on offenders requiring them to keep out of a specific area as part of a community order.

Over the last year 12 months 71 victims of domestic violence have benefited from the protection and reassurance provided by the multi-agency initiative.

The additional work required is undertaken by the key stakeholders in and amongst their 'day jobs'. The only additional costs are in printing the leaflets. Whilst some physical meetings are held a great deal of the work is carried out 'virtually' via telephone and email. This is testimony to the dedication of those individuals and agencies involved to improve the service we provide to some of societies most vulnerable people.

One victim has commented; *"I was so scared about the after effects of the court case....I had started to feel really vulnerable and felt that I couldn't go out. The confidence that was stolen from me has started to return.... (the court was provided with details) of where I went so that they knew where to stop him going. I can't thank everyone enough for changing my life."*

Another case highlighted by an Independent Domestic Violence Advisor:

"We have worked with this complainant since October 2007 when she was assaulted by her then partner, which involved punching and spitting on her. They had been in a 1.5 year relationship which had always been abusive. Due to the abuse she had begun to become dependent on alcohol and has been suffering from depression, which we was obtaining support for.

She has remained terrified of repercussions of attending court and was scared of the bail conditions ending. The police installed a Home Office panic alarm and sanctuary was undertaken.

He breached his bail 2 months later by assaulting her and stealing her phone, for which he has subsequently been charged.

The initial assault from October has been dealt with at Leeds Magistrates' Court at the beginning of February, and he received a 2 year Community Order with IDAP, Supervision and a 1 year exclusion requirement.

She was very pleased in particular with the exclusion requirement as it makes her feel more confident and safer at home. Since the sentence 10 weeks ago, there has been no contact or breaches of the requirement."

The group are continually monitoring the issue of the requirements and ensuring that the processes are working effectively. There have been hitches and no doubt there will be problems in the future however we feel that for those victims who have been protected it has been worth the hard work.

State number of words used: 2, 623

Section D: Endorsement by Senior Representative - *Please insert letter from endorsing representative, this will not count towards your word or 1MB size limit restrictions.*

Checklist for Applicants:

1. Have you read the process and application form guidance?
2. Have you completed all four sections of the application form in full including the endorsement from a senior representative?
3. Have you checked that your entry addresses all aspects of the judging criteria?
4. Have you advised all partner agencies that you are submitting an entry for your project?
5. Have you adhered to the formatting requirements within the guidance?
6. Have you checked whether there are any reasons why your project should **not** be publicised to other police forces, partner agencies and the general public e.g. civil or criminal proceedings pending in relation to your project?
7. Have you inserted your project name as a footer note on the application form? Go to View-Header and Footer to add it.
8. Have you saved you application form as a word document and entitled your message '**Tilley 08 entry (followed by project name in brackets)**' before emailing it?

Once you are satisfied that you have completed your application form in full please email it to Tilleyawards08@homeoffice.gsi.gov.uk. One hard copy must also be posted to Alex Blackwell at Home Office, Effective Practice & Communication Team, 4th Floor, Fry Building (SE Quarter), 2 Marsham Street, London, SW1P 4DF and be received by 25th April 2008.