



Domestic Abuse Investigation Standard Operating Procedure

Notice:

This document has been made available through the Police Service of Scotland Freedom of Information Publication Scheme. It should not be utilised as guidance or instruction by any police officer or employee as it may have been redacted due to legal exemptions

This SOP provides clear direction and procedural instruction to provide a consistency of response in accordance with force policy, however it is recognised that policing is a dynamic profession and the standard response may not be appropriate in every circumstance. In every situation, your decisions and actions should be supported by the National Decision Model and based on the values and ethics of Police Scotland. You may be expected to provide a clear and reasonable rationale for any decision or action which you take.

Owning Department:	Domestic Abuse Coordination Unit
Version Number:	6.00 (Publication Scheme)

1. Purpose

The purpose of this Standard Operating Procedure (SOP) is to define the expected policing response to, and investigation of domestic abuse. It supports Police Scotland's Domestic Abuse Policy and the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) "In Partnership Challenging Domestic Abuse".

2. Scope

It should be noted that this SOP provides the core response expected and is supported by the Domestic Abuse Toolkit which provides practical advice and guidance for officers and staff dealing with domestic abuse.

3. Definition

Police Scotland define domestic abuse as:

"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."

4. Roles and Responsibilities

Police Scotland adopts a 'three tiered approach' to the policing of domestic abuse which helps define the expected response. An overview of these tiers is detailed below:

- **Tier 1 – Operational Policing.**

This is the initial response to reports of domestic abuse and encapsulates almost every report coming into the service. The operational response in Tier 1 will likely include a number of policing divisions i.e. Contact, Command and Control Division, Local Policing Divisions and Criminal Justice Division.

- **Tier 2 – Specialist Domestic Abuse Investigative Officers.**

Each Local Policing Division must have specialist officers within the division who support the Tier 1 response. These personnel will ensure effective victim safety planning, maintain an overview of the divisional response and undertake complex or protracted investigations. They will work cooperatively with the Tier 1 and Tier 3 response.

- **Tier 3 – Domestic Abuse Task Force / Coordination Unit.**

Tier 3 represents the national resource available as part of the Specialist Crime Division. The Domestic Abuse Task Force (DATF) is responsible for investigations into serial perpetrators who are identified as posing the greatest threat of risk and harm. The Domestic Abuse Coordination Unit (DACU) are responsible for all national policies in respect of domestic abuse. Both the DATF and the DACU should work cooperatively with Tier 1 and Tier 2 of the policing response.

The following tables provide further details on the expected role of each Tiered response.

Tier 1 – Operational Policing (Local Policing Divisions and Contact, Command and Control Division)	
Role / Post	Expected Response
Service Advisors and Public Enquiry & Support Assistants	<ul style="list-style-type: none"> • Provide appropriate reassurance and support to the person making the report. • Gather and record sufficient information regarding the individual / circumstances presenting, to allow the police response to be assessed using the appropriate model. • Complete relevant system checks for background information. • Create a Command and Control incident and append relevant and available information. • Provide the caller with relevant assurance and information on the policing response.
Area Control Room (ACR) Controller	<ul style="list-style-type: none"> • Take control of the incident and review the information presented. • Consider any further system checks which might be necessary. • Instigate an appropriate police response and ensure the officers attending are aware of all available and relevant background information. • Notify relevant Divisional Supervisors (most commonly the local Sergeant). • If at any stage new information is received reassess the police response. • Manage the incident to a conclusion and close it in line with SCRS guidance.
Attending / Investigating	<ul style="list-style-type: none"> • Attend and assume operational responsibility.

Officer	<ul style="list-style-type: none"> • Prioritise the safety and wellbeing of the victim. • Prioritise the safety and wellbeing of the victim's family and any other relevant persons, including the perpetrator. This includes considering matters of Adult and Child Protection and where concerns are present, taking appropriate action as detailed at Sections 5.2 and 5.3. • Ensure any victim is spoken to separately from potential perpetrators, preferably out with both their hearing and sight where possible. • Afford the victim the opportunity to specify gender of the interviewing officer (officer noting full statement) as required by Victim and Witnesses (Scotland) Act 2014. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Conduct a full and thorough investigation, secure all available inculpatory and exculpatory evidence and take appropriate action. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Offer the victim access to Victim Support and Advocacy Services as per training and requirements. • A Victim Care Card should be completed and explained if appropriate. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Ensure supervisory officers are kept updated throughout the initial response and investigation. • Ensure the victim is regularly updated with investigative progress. • Proactively pursue the perpetrator so they can be
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	<p>processed promptly by the Criminal Justice System.</p> <ul style="list-style-type: none"> • Augment existing criminal law by making the victim aware of civil remedies which may be available to them. • Unless there are exceptional circumstances, all reports must be made using the Domestic Abuse SPR2 Template. • Consider use of protective measures including use of the Disclosure Scheme for Domestic Abuse Scotland (DSDAS).
Supervisory Officers	<ul style="list-style-type: none"> • Assume overall management responsibility for the policing response / investigation and provide support to those investigating the report. • Ensure that a full and thorough investigation and appropriate safety planning have been considered and undertaken. • Ensure matters of Adult and Child Protection are considered and where concerns are present, appropriate action has been taken as detailed at Sections 5.2 and 5.3. • Record supervisory reviews on Command and Control and other administrative systems. • Oversee suspect handling and ensure all reasonable investigative opportunities have been exhausted PRIOR to a suspect being released without charge. • Ensure appropriate and prompt progression of 'to trace' investigations utilising Force Form 054-017. This responsibility sits at every rank from Sergeants to Local Area Commanders. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Unless there are exceptional circumstances, supervisors must ensure all reports are submitted using the Domestic Abuse SPR2 Template. • Maintain appropriate links and share information with the Tier 2 response to ensure a consistent policing approach.

Criminal Justice Services Division	<ul style="list-style-type: none"> • When considering whether to release an officially accused person by way of an undertaking police officers must have regard to the factors outlined in the Joint Protocol. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Case Management Units should ensure that domestic abuse cases submitted have been completed using the Domestic Abuse SPR2 Template.
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Tier 2 – Specialist Domestic Abuse Investigative Officers (Local Policing Divisions)	
Role / Post	Expected Response
Safeguarding Officer (Domestic Abuse Liaison Officer, Domestic Abuse Risk Assessor or equivalent local references)	<ul style="list-style-type: none"> • Review all actions and take appropriate measures to ensure the safety and wellbeing of the victim, their family and any other relevant persons remain sufficient. • Ensure matters of Adult and Child Protection are considered and where concerns are present, appropriate action should be taken as detailed at Sections 5.2 and 5.3, and a concern report submitted. • Revisit completion of the Domestic Abuse Questions with the victim, record all replies and take appropriate action to maximise safety. • Ensure the victim has been offered and fully understands potential access to Victim Support and Advocacy Services as per training and requirements. • Consider use of protective measures including use of the Disclosure Scheme for Domestic Abuse Scotland (DSDAS).
Investigating Officer	<ul style="list-style-type: none"> • Review all actions and take appropriate measures to ensure the safety and wellbeing of the victim, their family and any other relevant persons remain sufficient. • Ensure matters of Adult and Child Protection are considered and where concerns are present, appropriate action should be taken as detailed at Sections 5.2 and 5.3. • Revisit completion of the Domestic Abuse Questions

	<p>with the victim, record all replies and take appropriate action to maximise safety.</p> <ul style="list-style-type: none"> • Ensure the victim has been offered and fully understands potential access to Victim Support and Advocacy Services as per training and requirements. • Where appropriate, afford the victim the opportunity to specify gender of the interviewing officer (officer noting full statement) as required by Victim and Witnesses (Scotland) Act 2014. • Conduct a full and thorough investigation, secure all available inculpatory and exculpatory evidence and take appropriate action. • Ensure relevant administrative updates are undertaken including submission of crime; SID and iVPD domestic abuse/adult or child wellbeing concern or adult or child protection reports as appropriate. • Ensure line management are kept updated throughout the investigation. • Ensure the victim is regularly updated with investigative progress. • Proactively pursue the perpetrator so they can be processed promptly by the Criminal Justice System. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Consider use of protective measures including use of the Disclosure Scheme for Domestic Abuse Scotland (DSDAS).
Supervisory Officers	<ul style="list-style-type: none"> • Assume overall management responsibility for the investigation and provide support to the investigating officer. • Ensure matters of Adult and Child Protection are considered and where concerns are present, appropriate action has been taken as detailed at Sections 5.2 and 5.3. • Ensure that where sexual crime is disclosed the investigation is undertaken in accordance with the Sexual Crime Investigation SOP and where rape is disclosed a Senior Investigating Officer is duly appointed. • Prioritise the management of 'to trace' investigations

	<p>utilising Force Form 054-017.</p> <ul style="list-style-type: none"> • Ensure that a full and thorough investigation and appropriate safety planning have been considered and undertaken. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Record supervisory reviews on appropriate administrative systems. • Oversee suspect handling and ensure all reasonable investigative opportunities have been exhausted. • Participate in MARAC and MATAC as appropriate. • Maintain appropriate links and share information with the Tier 1 and 3 response to ensure a consistent policing approach.
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Tier 3 – Domestic Abuse Task Force / Coordination Unit (Specialist Crime Division)	
Role / Post	Expected Response
Domestic Abuse Task Force (DATF) Investigating Officer	<ul style="list-style-type: none"> • Review all actions and take appropriate measures to ensure the safety and wellbeing of the victim, their family and any other relevant persons remain sufficient. • Ensure matters of Adult and Child Protection are considered and where concerns are present, appropriate action should be taken as detailed at Sections 5.2 and 5.3. • Afford the victim the opportunity to specify gender of the interviewing officer (officer noting full statement) as required by Victim and Witnesses (Scotland) Act 2014. • Revisit completion of the Domestic Abuse Questions with the victim, record all replies and take appropriate action to maximise safety. • Ensure the victim has been offered and fully understands potential access to Victim Support and Advocacy Services as per training and requirements. • Conduct a full and thorough investigation, secure all available inculpatory and exculpatory evidence and take appropriate action. • Information has been removed due to its content being exempt in terms of the Freedom of

	<p>Information (Scotland) Act 2002, Section 35, Law Enforcement.</p> <ul style="list-style-type: none"> • Ensure line management are kept updated throughout the investigation. • Ensure the victim is regularly updated with investigative progress. • Proactively pursue the perpetrator so they can be processed promptly by the Criminal Justice System. • Participate in MATAC as appropriate. • Maintain appropriate links and share information with the Tier 1 and 2 response to ensure a consistent policing approach.
MATAC Research and Assessment Unit	<ul style="list-style-type: none"> • Research, gather, manage and disseminate information and intelligence appropriately. • Service and support the MATAC process as directed.
Supervisory Officers	<ul style="list-style-type: none"> • Assume overall management responsibility for the investigation and provide support to the investigating officer. • Ensure that a full and thorough investigation and appropriate safety planning have been considered and undertaken. • Ensure matters of Adult and Child Protection have been considered and where concerns are present, appropriate action has been taken as detailed at Sections 5.2 and 5.3. • Ensure that where sexual crime is disclosed the investigation is undertaken in accordance with the Sexual Crime Investigation SOP and where rape is disclosed a Senior Investigating Officer is duly appointed. • Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement. • Record supervisory reviews on appropriate administrative systems. • Oversee suspect handling and ensure all reasonable investigative opportunities have been exhausted. • Participate in MARAC and MATAC as appropriate.
Domestic Abuse Coordination Unit (DACU)	<ul style="list-style-type: none"> • Maintain overall responsibility for coordinating the Police Scotland policy in relation to domestic abuse.

	<ul style="list-style-type: none"> • Monitor and review force practice and procedures in respect of domestic abuse issues. • Ensure guidance documents are contemporary, relevant and accurately reflect legislative changes. • Ensure policy in relation to domestic abuse aligns to other relevant Public Protection policy. • Develop and enhance close working relationships with key partner agencies and support groups to enhance service delivery and identify prevention and intervention opportunities. • Complete administrative tasks related to the Internal Domestic Homicide Review process and the use of the Notification of Initial Domestic Homicide Review form 054-010. • Raise awareness of domestic abuse, and develop suitable training. • Prepare briefing papers, responses and reports. • Provide administrative, secretariat, policy and statistical support as directed by the force domestic abuse lead.
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5. Additional Procedures

5.1 Counter Allegations

Officers must investigate the full circumstances of the incident in order to identify the principal perpetrator. It is not generally appropriate to report both parties to COPFS. However, full details of any counter allegation must be contained in the 'Description of Events' section of the police report.

In identifying the principal perpetrator, the circumstances should not be looked at in isolation and officers must consider the history and nature of the relationship and criminal history of both parties. Relevant factors to consider are contained in the Joint Protocol.

Only in limited circumstances and where justified, should both parties be reported to COPFS. For example, following thorough investigation both parties appear equally responsible; or due to the nature and severity of the offending behaviour.

If both parties are reported, the reasons for this must be explained in the respective police reports. Cross-refer each report and include a common narrative in each 'Description of Events' section.

5.2 Children

On all occasions when children are present / experience domestic abuse, or where they ordinarily form part of the household where domestic abuse occurs, a Child Concern Report, pertinent to each child must be submitted on the relevant ICT system (iVPD).

Child protection can be a result of a single event or accumulation of events or circumstances. Child Protection is when there is information to suggest a child has been, is being or is likely to be abused or neglected and/or may be at risk of significant harm, including self-harm.

Child protection concerns must be brought to the attention of the Divisional Interagency Referral Discussion (IRD) Detective Sergeant within the Divisional Child Abuse Investigation Unit without unnecessary delay and an iVPD child protection concern report must be submitted.

If it is assessed that a child is at immediate risk of significant harm and there is no alternative way to protect them, emergency powers outlined in Sections 37-39, 55 and 56 of the Children's Hearing (Scotland) Act 2011 should be used or through application to a Justice of the Peace as outlined in Section 55 of the Act.

For further information on child protection procedures refer to the Child Protection SOP.

5.3 Adult Protection – Adults at risk

The Adult Support and Protection Act 2007 places statutory duties on public bodies including the police to refer any adult who may be at risk of harm to the relevant local authority. The relevant local authority is duty bound to make enquiries into the circumstances and act with partners to protect the adult at risk.

'Adults at Risk' are adults (aged 16 or over) who:

- are unable to safeguard their own well-being, property, rights or other interests;
- are at risk of harm; and
- because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

Note: All three elements above must be met to be an 'Adult at Risk'. The presence of a particular condition alone does not constitute this.

Where the adult does not meet the three point test in terms of the legislation (as above) but is otherwise vulnerable and in need of support and protection, the action to be taken will be determined by the facts and circumstances presented. Officers and staff should take appropriate action to provide protection if the adult is at risk or vulnerable to abuse, criminality or exploitation.

For further information on adult protection procedures refer to the Adult Support and Protection SOP.

5.4 Victims

Officers and staff must remove responsibility for decisions from the victim and inform both parties that it is the police who will make all investigative decisions. This is because, primarily due to fear, victims will often minimise abuse behaviours of the perpetrator, blame themselves or deny that a crime has occurred.

Officers and staff must be aware that domestic abuse is a traumatic experience and can adversely impact how a victim might present. A victim may be:

- Anxious / angry (fight or flight response) or
- Numb / non-engaging / dissociated (freeze response).
- Unable to understand and respond to things said to them or be able to react or recall information in a coherent way.

Officers and staff must understand that victims of domestic abuse (both children and adults) can be suffering from trauma and they must endeavour to respond and engage with them compassionately and effectively.

5.5 Suspects

Where it is established or suspected that a crime has been committed then the suspect should be arrested under the powers of Section 1 of the Criminal Justice (Scotland) Act 2016. For the vast majority of cases, the expectation is that an interview should be conducted in order to complete a thorough enquiry and secure all available evidence. However, where it is clear that a strong sufficiency of evidence to charge has already been obtained, officers should consider the necessity and proportionality of interviewing the suspect. Such considerations need to be taken in the context of the statutory duty under Section 50 of the Criminal Justice (Scotland) Act 2016 not to detain a person in custody unreasonably or unnecessarily.

In all cases where it is assessed to be appropriate to release a suspect on investigative liberation or undertaking, officers must, before the suspect is released, consider any conditions to be attached to their release.

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement.

5.6 Firearms

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement.

5.7 Reporting to COPFS

Unless there are exceptional circumstances, all reports must be made using the Domestic Abuse SPR2 Template.

6. Key Contacts

For further advice and assistance, please contact:

- Domestic Abuse Coordination Unit **Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, Section 35, Law Enforcement.**

Compliance Record

Equality and Human Rights Impact Assessment (EqHRIA) Date Completed / Reviewed:	12/08/2019
Information Management Compliant:	Yes
Health and Safety Compliant:	Yes
Publication Scheme Compliant:	No

Version Control Table

Version	History of Amendments	Approval Date
1.00	Initial approved version	21/03/2013
1.01	Amended to reflect change in process for checking firearms licences	07/05/2013
1.02	Amended to reflect introduction of new electronic Vulnerable Persons Database replacing the submission of manual concern forms	25/03/2014
2.00	Cyclical review	12/08/2014
3.00	Amended to reflect revised Police Scotland/COPFS Joint Protocol 'In Partnership Challenging Domestic Abuse'	24/03/2017
4.00	Statement added to front to notify users to ongoing review in support of the Criminal Justice (Scotland) Act 2016.	25/01/2018
5.00	Inclusion of reference to the Domestic Homicide – Prior Police Contact Procedural Review Guidance Document.	01/10/2018
6.00	Content fully revised and rationalised in line with new SOP review principles.	19/11/2019