



## **Refuge submission to the Home Affairs Select Committee call for evidence on policing priorities: October 2022**

### **About Refuge**

1. Refuge is the largest specialist provider of gender-based violence services in the country, supporting thousands of women and children on any given day. We provide a national network of 44 refuges, community outreach programmes, child support services and independent advocacy services for those experiencing domestic, sexual, and gender-based violence. We also run specialist services for survivors of tech abuse, modern slavery, 'honour'-based violence, and female genital mutilation. Refuge runs the 24-hour National Domestic Abuse Helpline which receives hundreds of calls every day from women experiencing domestic abuse.

### **Introduction**

2. As the largest national provider of specialist violence against women and girls (VAWG) services, Refuge has singular insight into the experiences of women and girls' experiences of reporting domestic abuse and other VAWG crimes to the police. From this position, we are well-placed to comment on the current shortfalls in the police response to women and girls and to make expert recommendations to both Government and policing bodies for its urgent improvement.
3. We welcome the opportunity to submit written evidence to the Home Affairs Select Committee's timely call for evidence on policing priorities. Our submission contends that improving the police response to domestic abuse and other VAWG crimes must be of utmost priority for a modern police service, but this can only be achieved by proactively building women and girls' confidence in coming forward.
4. Domestic abuse and other forms of VAWG are deeply gendered crimes. The overwhelming majority of perpetrators are men and the overwhelming majority of victims are women. VAWG comprises a wide and rapidly evolving range of criminal behaviours including but not limited to physical violence, rape, sexual violence, female genital mutilation, so-called 'honour-based' abuse, coercive and controlling behaviour, stalking and harassment, economic abuse, online abuse and tech abuse. More than one in four women in England and Wales aged 16-74 experience domestic abuse at some point in their lives, and an average of two women are killed every week by their partner or ex-partner – a statistic which has not changed in decades.<sup>1</sup>

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<sup>1</sup> ONS (2020), '[Domestic abuse prevalence and trends, England and Wales: year ending March 2020](#).'  
ONS (2020), '[Homicide in England and Wales: year ending March 2019](#)'.

5. One third of all violence recorded by the police is domestic abuse related.<sup>2</sup> The police recorded a total of 1,459,663 domestic abuse related incidents and crimes in England and Wales in the year ending March 2021,<sup>3</sup> with recorded domestic abuse related crimes up by 6% on the previous year.<sup>4</sup> Despite this, survivors face long wait times for charging decisions, and referrals from the police to the Crown Prosecution Service (CPS), prosecutions and convictions are falling. Between 2015 and 2022, convictions for domestic abuse-related offences fell by 45%.<sup>5</sup> With such a low prospect of successfully pursuing justice against their perpetrators, women and girls are increasingly discouraged from reporting VAWG to the police, and many of the women we support at Refuge never will.
6. There are several other factors that deter survivors from contacting the police. These include prior negative experience, particularly from poorly trained and inexperienced first responders, fears of victim-blaming or not being believed, and the prospect of repercussions from perpetrators who are not effectively reprimanded. For Black and minoritized survivors, deaf and disabled survivors and LGBT+ survivors, these factors intersect with an additional and well-founded fear of institutional racism, homophobia, transphobia and ableism when reporting to the police. For migrant survivors with insecure immigration status, this includes the fear that they will be treated first and foremost as immigration offenders rather than vulnerable victims of crime.
7. Furthermore, as the Home Affairs Select Committee's call for evidence notes, a series of high-profile criminal and disciplinary cases involving Metropolitan Police Service (Met) officers has undermined women and girl's trust in the UK's largest police force in recent years. This includes the murder of Sarah Everard by a serving officer and two officers who attended the murder scene of sisters Nicole Smallman and Bibaa Henry being sentenced for misconduct in public office. In addition, earlier this year a report was published by the Independent Office for Police Conduct (IOPC) following its four-year investigation into police officers' conduct at the Met's Charing Cross Police Station. It revealed a rampant culture of racism, toxic masculinity, misogyny and sexual harassment within the Met. Not only were officers found to be using horrific, misogynistic language, some appeared to have been bragging about being domestic abuse perpetrators themselves. Most recently in October 2022, Baroness Casey's interim

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<sup>2</sup> Office for National Statistics (2020), The nature of violent crime in England and Wales: Year ending March 2020, Section 7, Groups of people most likely to be victims of violent crime.

<sup>3</sup> ONS (2021), 'Domestic abuse prevalence and trends, England and Wales: year ending March 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2021>

<sup>4</sup> ONS (2021), 'Domestic abuse and the criminal justice system, England and Wales: November 2021,' <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseandthecriminaljusticesystemenglandandwales/november2021>

<sup>5</sup> In England and Wales, for the year June 2021/July 2022 there were 40,042 domestic abuse related convictions. This compares to 72,236 in June 2015/July 2016 – a fall of 45%.  
<https://www.cps.gov.uk/publication/cps-data-summary-quarter-1-2022-2023>

report on culture and standards within the Met identified that the system for dealing with discriminatory behaviours and sexual misconduct is failing.<sup>6</sup>

8. The issue of a pernicious and discriminatory culture amongst police officers is not exclusive to the Met, as shown by a joint report on police perpetrated domestic abuse (PPDA) published in June by the IOPC, College of Policing (CoP) and His Majesty's Inspectorate of Constabulary (HMICFRS). The report was issued in response to the 2020 super-complaint raised by the Centre for Women's Justice alleging that forces were not responding appropriately to cases of domestic abuse involving police officer or police staff suspects. It found that just 40% of reports of PPDA resulted in a misconduct investigation, just 8 cases out of 122 were referred to the IOPC and only 9% of cases resulted in criminal charging. It concluded that "the way forces are responding to PPDA cases is a feature of policing that is significantly harming the public interest"; in terms of reporting and investigating PPDA, criminal and misconduct outcomes and victim's care and safety.<sup>7</sup> These findings were confirmed by the NPCC and CoP's interim report on PPDA (October 2022), which found that a number of institutional failings are preventing perpetrators from facing accountability.<sup>8</sup>
9. In short, recent findings on police culture and police engagement with women and girls – both in and beyond the Met – have demonstrated to the wider public why women's confidence in policing is at an all-time low. These findings have also highlighted what VAWG services and the women they support have long known: the structures of oppression that characterise violence against women and girls – misogyny, racism, and patriarchy – exist as much within the police as they do within wider society. To put it simply, the modern police service will only be fit for the purpose of policing VAWG if it is able to police itself effectively first.
10. This is a decisive moment for the Government in addressing VAWG, which, as the Home Office has itself made clear in its VAWG strategy, cannot be confined to criminal justice alone but must take a whole-systems approach in which the police are joined up with other criminal justice agencies, statutory services and government departments.<sup>9</sup> Nevertheless, frontline policing remains a critical aspect of tackling VAWG. There have been some positive steps taken by Government recently to improve policing of these crimes. These include using the Police, Crime, Sentencing and Courts Act (2022) to

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<sup>6</sup> The Baroness Casey of Blackstock DBE CB

Letter sent via email to Commissioner of the Metropolitan Police Service Sir Mark Rowley

17 October 2022 [Letter sent via email from Baroness Casey to Commissioner of the Metropolitan Police Service Sir Mark Rowley](#)

<sup>7</sup> IOPC, CoP, HMIC (June 2022) Police perpetrated domestic abuse: Report on the Centre for Women's Justice super complaint <https://www.gov.uk/government/publications/police-super-complaints-force-response-to-police-perpetrated-domestic-abuse/police-perpetrated-domestic-abuse-report-on-the-centre-for-womens-justice-super-complaint>

<sup>8</sup> NPCC and CoP (Oct 2022) Violence against women and girls Themes, learning and next steps following police forces' reviews of police-perpetrated violence against women and girls [Themes, learning and next steps following police forces' reviews of police-perpetrated violence against women and girls \(prgloo.com\)](#)

<sup>9</sup> Home Office (Nov 2021) Tackling violence against women and girls strategy [Tackling violence against women and girls strategy \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

extend the charging time limit for common assault to prevent women from being ‘timed-out’ of justice - following a campaign led by Erica Osakwe and supported by Refuge, Centre for Women’s Justice and Women’s Aid - introducing safeguards around the extraction of information from electronic devices to encourage survivors to report rape to the police,<sup>10</sup> and expanding the Serious Violence Duty to include domestic abuse and sexual offences. Refuge welcomes the decision from Government to make VAWG a strategic policing priority, as it demonstrates to women, girls and the wider public that it intends to treat VAWG as seriously as other forms of violent crime.

11. However, these changes to the law around policing VAWG will only increase protection and access to justice for women and girls if police forces get this right, and survivors feel confident in coming forward. To ensure that it is fit for purpose and can effectively respond to these crimes, systemic reform of police culture and police engagement with women and girls is urgently needed. **This must prioritise action in the following areas:**

- **Robust and collaborative action from Government and senior leadership in the police to improve the policing of VAWG:**
  - Adequate funding from Government to ensure the police are properly resourced and able to work to prevent and respond to VAWG effectively
  - Relentless focus from Government and police leads on improving the quality of the response to VAWG and increasing the number of investigations, charges, prosecutions, and convictions
- **Driving culture change by introducing a statutory duty for mandatory trauma-informed training for police officers who come into regular contact with survivors. This must root out racism, misogyny and police perpetrators.**
- **Decisive police action to dismantle the barriers women face in accessing justice and protection, with an additional focus on the intersecting barriers faced by Black and minoritized women:**
  - Ensuring training for officers is culturally competent and reflects the experiences of minoritized women
  - Establishing a firewall for data-sharing between the police and the Home Office to encourage migrant women to report VAWG
- **Improving police engagement with women and girls to encourage them to remain within the criminal justice process, including:**
  - Restoring women and girls’ confidence in coming forward to the police
  - Prioritising communication and information-sharing with survivors
  - Extending access to specialist support for survivors within the criminal justice process
  - Limiting third-party material requests
- **Improving the relationship between the police and CPS to build evidence-led prosecutions that are not overly reliant on survivor testimony**
- **Consistent training for officers on online VAWG and tech abuse, matched by adequately resourced cybercrime units**

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<sup>10</sup> Home Office (Oct 2022) Extraction of Information from electronic devices: code of practice [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1110883/E02802691\\_Electronic\\_Devices\\_Code\\_of\\_Practice\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1110883/E02802691_Electronic_Devices_Code_of_Practice_WEB.pdf)

12. The remainder of this document sets out Refuge’s observations and survivor testimony as to the current shortfalls in the police response to women and girls and provides recommendations to Government and policing bodies for urgent and proactive reform. We have chosen to set out our evidence and recommendations by theme rather than question.

## **Action from the top: Government and senior leadership**

### Resourcing the police

13. According to the Home Office’s own estimates, the economic and social cost of domestic abuse in England and Wales was over £66 billion in the year ending March 2017.<sup>11</sup> As the estimated number of survivors has grown from 1.9 million in the year ending March 2017 to 2.3 million in the year ending March 2020,<sup>12</sup> the annual cost is likely to have grown since this research was conducted. The Home Office is also clear that this is likely to be a significant underestimate for a number of reasons including gaps in data for victim services, lack of robust numbers of domestic abuse incidents in total, lack of data regarding survivors of coercive and controlling behaviour, gaps in data regarding households made homeless due to domestic abuse (particularly non-physical domestic abuse), and excepting costs in relation to the impact of domestic abuse on children from the overall estimate.
14. Nonetheless, the estimated cost of domestic abuse is enormous. The yearly cost to the health service is estimated at over £2.3 billion, to the police £1.26 billion, over £14 billion in lost output due to decreased productivity and missing work, over half a billion in criminal and civil legal costs, and £47 billion in physical and emotional harm to victims and survivors.<sup>13</sup> On average, two women are killed a week by a current or former partner<sup>14</sup> - in addition to the devastation caused to families, friends and communities, each domestic homicide costs £2.2 million, amounting to over £200 million ever year. The sheer magnitude of these figures clearly illustrates that preventing and responding to domestic abuse makes sound economic sense and could bring substantial savings across all Government departments. **Whilst each Government department has a part to play in preventing and responding to domestic abuse, the Home Office has a particular responsibility in ensuring the police can do its job effectively. The police must have access to the resources it needs to employ sufficient officers and train those officers to**

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<sup>11</sup> Home Office (2019), ‘The economic and social costs of domestic abuse’. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772180/horr107.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf)

<sup>12</sup> ONS (2020), ‘Domestic abuse prevalence and trends, England and Wales: year ending March 2020’. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2020>

<sup>13</sup> Home Office (2019), ‘The economic and social costs of domestic abuse’. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772180/horr107.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772180/horr107.pdf)

<sup>14</sup> ONS (2020), ‘Homicide in England and Wales: year ending March 2019’. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/homicideinenglandandwales/latest#how-were-victims-and-suspects-related>

**identify, investigate and respond to domestic abuse and other forms of VAWG, as well as sufficient resources to engage in preventative work.**

### Strong leadership

15. The number of convictions for domestic abuse have fallen by 45% over the last 6 years. For the period 1st July 2021 to 30th June 2022, prosecutions dropped by 12.9% and convictions by 13.4%.<sup>15</sup> This means that there were fewer convictions for domestic abuse-related cases in the last quarter than at the peak of the coronavirus pandemic when most courts were closed. To be clear, this decline in convictions is not a result of a decline in domestic abuse, but a decline in the ability of the police and the CPS to pursue and secure convictions against perpetrators.
16. Strong and robust leadership from Government and policing bodies must be focused on reversing this trend. This extends to the Home Secretary, who must have national oversight of the policing of VAWG and must engage proactively with police and VAWG sector stakeholders on what is needed to put the VAWG strategic policing priority into practice. Disappointingly, we appear to be going backwards in this area. The National Oversight Group on Policing of Domestic Abuse, chaired by the Home Secretary, does not appear to have met since 2019. This dedicated forum must be (re)established so that the Home Secretary can engage on a regular basis with the National Police Chief's Council, College of Policing, the CPS, HMICFRS, and other criminal justice agency inspectorates and agencies, as well as specialist organisations in the VAWG sector. **The recommendations highlighted throughout the rest of this document will amount to little in the way of change unless there is a relentless focus on improving the policing of VAWG driven from the highest levels of Government.**

### **Culture change within the police service**

#### Restoring confidence in the Met Police

17. Whilst cultural reform is needed across all forty-three police forces, clearly there is a particularly pressing need within the Met. As the UK's largest force, it must lead by example. Refuge acknowledges that extensive work has been undertaken to investigate police failings and misconduct within the Met. However, it is crucial that any work to reform the Met cannot exceptionalise the perpetrators involved in high-profile cases as 'just a few bad apples.' Clearly there is a rampant culture of discrimination and misconduct within the force, as a number of recent reports have shown. We supported the recommendation made by the IOPC in its report earlier this year, which called on the Met to review its current policies, training and guidance on bullying and harassment to ensure that it adequately addresses toxic masculinity, sexism, and misogyny.<sup>16</sup> Not least, this must consider how the existing culture within the Met can create an

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<sup>15</sup> CPS data summary Quarter 1 2022-2023

<https://www.cps.gov.uk/publication/cps-data-summary-quarter-1-2022-2023>

<sup>16</sup> IOPC (Feb 2022) Operation Hotton: Learning Report [Operation Hotton Learning report - January 2022.pdf](https://www.policeconduct.gov.uk/operation-hotton-learning-report-january-2022.pdf) ([policeconduct.gov.uk](https://www.policeconduct.gov.uk))



intimidating, hostile, degrading, humiliating or offensive environment for survivors of domestic abuse, sexual harassment, and other forms of VAWG. More recently, we were shocked but not surprised to read the interim report published by Baroness Casey this month as part of her review into culture and standards within the Met. It confirmed widespread racism within the service and concluded that the misconduct system for dealing with discriminatory behaviours and sexual misconduct is failing.<sup>17</sup> We await the final report of this investigation, as well as the ongoing Angiolini inquiry into criminal and misconduct allegations against Wayne Couzens.

18. The new Met Commissioner, Sir Mark Rowley, has a real and present opportunity to reform the service and we are encouraged that he has voiced his determination in proactively tackling corruption and abuse within its ranks; making swift and decisive interventions to remove officers guilty of misconduct and prioritising strict adherence to the force's values and standards. These are assertive words, but they must deliver bold action if women and girls are to have the police service they deserve.
19. Women and girls must be front and centre in any plans to reform the Met and restoring women's faith in the integrity of the service must be an absolute priority. Women need to be able to see that misconduct is treated seriously and expeditiously, as it is only when perpetrators of racism, misogyny and sexual misconduct are removed from the force that women will begin to recover their trust in the police they encounter. We are aware from Sir Mark Rowley's letter to Baroness Casey in response to her interim report that the Home Secretary has agreed to explore regulatory reform to enable the Met to deal with corruption and maintain the final say on dismissing officers.<sup>18</sup> **Refuge urges the Home Affairs Select Committee to seek further information from Government on its plans to use regulatory reform to support the Met in improving its misconduct system and driving culture change.**

#### Mandatory trauma-informed training for officers in contact with survivors

20. Far too often, women whose experiences of VAWG intersect with experiences of oppression due to their race, ethnicity, socio-economic status, sexuality, and other identities will face discrimination when approaching the police for safety and support. Their identities can place them in the category of 'other' which can result in systemic and perpetual exclusion from systems intended to protect them. For example, we know that Black and racially minoritized women are often less likely to report to the police due to lower confidence in the criminal justice system as a result of institutional racism. Not only does this act as a deterrent to survivors from reporting to the police, but it can also put racially minoritized survivors at an increased risk of future harm due to unfair and discriminatory risk-assessment by police and relevant agencies.
21. Delivering equal access to justice must be a fundamental principle within the modern police service. However, it is important to recognize that treating women equally does

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<sup>17</sup> Baroness Casey Review - Interim Report on Misconduct (Oct 2022) [Baroness Casey Review – Interim Report on Misconduct \(met.police.uk\)](https://www.met.police.uk/baroness-casey-review-interim-report-on-misconduct)

<sup>18</sup> Letter from Commissioner Sir Mark Rowley to Baroness Casey (Oct 2022) [letter-from-commissioner-to-baroness-casey.pdf \(met.police.uk\)](https://www.met.police.uk/letter-from-commissioner-to-baroness-casey.pdf)

not mean treating them the same. Experiences of violence and abuse – and access to justice – are different for different groups of women. Whilst all women are impacted by patriarchy, inequality and discrimination, some women will be affected disproportionately due to their race, ethnicity, sexuality, gender identity, disability, age, class, immigration status, caste, nationality, indigeneity, linguistic minority, and faith or belief. Consequently, in order to achieve equal access to protection and support, the modern police service must be trained to identify and respond to the specific experiences and needs of different women and girls.

22. In our experience, if survivors have a positive early interaction with police, it makes a real difference to their confidence in supporting an investigation and prosecution. However, first responders are often the least experienced in responding to VAWG and do not understand the dynamics of domestic abuse. They therefore fail to properly investigate cases, victim-blame survivors or make discriminatory assessments. This contributes to an overall culture of victim-blaming language and cultural insensitivity. Whilst the Home Office's 20,000 officer uplift is often cited as a way of increasing the capacity and capability of the police to investigate VAWG, there is an urgent need to ensure that new recruits are properly vetted to safeguard against racism, homophobia, transphobia, ableism and misogyny and to ensure that potential perpetrators of VAWG are filtered out before they even enter the police force. Beyond this, there must be clear and unequivocal guidelines for the protection of whistle-blowers, to ensure that officers feel safe to report unacceptable or discriminatory behaviour amongst their colleagues, including more senior officers.
23. In consideration of the above, **Refuge believes that the best way to challenge institutional racism, sexism, misogyny and unconscious bias within the police service, and across the criminal justice system, is to create a statutory duty for all police and criminal justice practitioners who come into regular contact with survivors of VAWG to undertake mandatory, trauma-informed training.** To enable police and criminal justice practitioners to equally support and protect all survivors, this must embed an understanding of domestic abuse as a crime, be comprehensive and culturally competent and include training on the specific experiences of different groups of survivors. This training must be developed in consultation with the specialist VAWG services, including services led by and for minoritized women. It must cover all forms of domestic abuse, including tech abuse, economic abuse and coercive and controlling behaviour, to increase understanding of the dynamics and realities of domestic abuse and to ensure all crimes are investigated and evidenced effectively.
24. A survivor, Mimi\*, quoted on her experiences with the police as part of a survivor panel recently held by Refuge:
25. *"It's a complex subject because how do you go to the police and trust them and expect them to handle things effectively, when we're constantly hearing of the police doing heinous things in their own interpersonal relationships and then they're also supposed to be the entities that are supposed to handle ours [...] so many of the questions in your risk assessment are about your abuser. They're not really about you, and what you need, and what you've been through. They're questions like, 'have you ever seen them hurt an*



*animal?', 'have you ever seen them do this?', and you're constantly having to talk about them and who they are in a way that doesn't centre you or your experience. So, you've come to them for help, and even as a perpetrator, they still get all of the attention all of the time. It's so frustrating and so invalidating because you are the person that needs help in this situation and you are the person who is not the focus of this situation, once again. Which obviously lends itself to them having the power. So, I think one of the elements is that we need to consider how we do risk assessments and where we place the focus of those things."*

26. Another survivor, Amy\*, quoted on her experiences with the police as part of a survivor panel recently held by Refuge:

27. *"It took over 9 months for me to provide my initial statement. The officer in charge asked me to meet him in a public café to go through the details of all the serious sexual offences. He refused to log the offence of harassment. He told me to just tell my friends and family that they didn't need to respond to my abuser. I ended up initially requesting a video recorded interview as I was aware that it could be used in the testimony at trial, and the sexual offences officer when walking into the building essentially told me that I could only speak about two instances of rape and could not address any of the other offences at all which was quite shocking to me [...] Less than 24 hours prior to that appointment, she rang me to let me know that she would be confiscating my mobile on the day. Despite all that I'd read I was absolutely unaware of the digital download policy in rape cases [...] She said they could give me a replacement phone, but it was just a flip phone whose sole function was to dial 999. I said, obviously this is not a suitable replacement. It's going to put me at further risk if I'm unable to look up transport directions and message friends and family. It's not possible. So, that following morning I spend hours in the phone shop trying to get a new mobile but because I don't have any credit history in this country, I couldn't get a contract and had to buy the phone outright. At a massive cost [...]"*

28. *I requested to provide a written statement as I was aware that I'd have the opportunity to review and sign off on it before it was added to the case and I was told that in order to do that I couldn't write it myself I had to turn up to a police station and have a video recorded interview and from there the officers would compile a transcript and then turn it into a summary statement for me to review. Several weeks later when they said that they had it ready I turned back up at the station and the document was almost illegible – there were so many typos and spelling errors. It was hard to even tell what was going on. Probably the most outrageous bit was that they got pretty much all the important facts of the case wrong. Including the year of my marriage, my brother's name, they had misattributed quotes from the perpetrator to me, and it had completely flipped the narrative when it came to the sexual offences. I just couldn't believe how they had got it so wrong. They just kept insisting over and over again that this was a transcript. I'm like ok but a transcript is word for word. If you had just typed out the words that I said, there wouldn't be all of these factual errors. Over the next several months they insisted that I return back to the station in person to edit this document on their laptop and often times I would turn up and they would say that they hadn't booked a room, or they'd forgotten, or they only had an hour. There was one time that they insisted I sit in the back of their*

*vehicle on a busy road and edit it in there on a laptop. It was absolutely horrendous, and this was a 16-page document at the time. It was taking ages [...] I'd already previously mentioned the fact that I was applying for indefinite leave to remain, and they told me you know, instead of pursuing this investigation, why don't you just go back to your home country.*

29. *So, I think, it's not just a lack of understanding or a training opportunity. I think it is wilful ignorance in many cases. It's also entrenched misogyny, racism, ableism, xenophobia - all of the relevant discriminatory practices. And obviously as we know the police are statistically more likely to be abusers themselves, they protect their own, there is a culture of silence. It's hardly surprising that they've been bending over backwards to defend a white British man in light of all this evidence. Assuming I'm too vulnerable or stupid or I don't know, that I'll just give up. And the amount of time and resources that they've put into this case already, they could have spent a fraction of that to have passed it onto the CPS years ago."*

## **Equal access to justice**

### Safe reporting mechanism for migrant women

30. Migrant victims of crime have a right to protection irrespective of their immigration status. However, a significant barrier to migrant survivors reporting VAWG to the police or seeking support from other statutory services is the fear of data-sharing with the Home Office for the purposes of immigration enforcement. This enables perpetrators to weaponise their immigration status as a tool of coercive control, for example by threatening them with deportation, detention, or the removal of their children if they tell anyone about what their perpetrator is doing to them or attempt to leave. As a result, migrant women are often alienated from the police or specialist service providers and are in danger of further harm, abuse and exploitation by perpetrators.

31. Migrant survivors' fears of reporting to the police are not without grounds. There is evidence that the police have been treating migrant women as suspect immigrants and referring them to immigration enforcement even if they approached the police for protection from crime. This was outlined in a super-complaint against the Home Office and NPCC, submitted by Liberty and Southall Black Sisters in 2018.<sup>19</sup> Following an investigation, the super-complaint was upheld by HMICFRS, CoP and IPOC. In their 2020 report, they detailed many inconsistencies in police practice and a lack of clarity in policy around data-sharing. In short, police officers are not always clear on their priorities for safeguarding victims over immigration enforcement. The report made clear that there is no evidence that data-sharing safeguards victims of domestic abuse and recommended that police forces should restrict sharing information on vulnerable victims of crime with

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<sup>19</sup> Super-complaint prepared by Liberty and Southall Black Sisters (2018) [super complaint about police data sharing on immigration \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/724441/super-complaint-about-police-data-sharing-on-immigration.pdf)

immigration enforcement, such as women who have experienced domestic abuse, modern slavery, or human trafficking.<sup>20</sup>

32. The VAWG sector has been advocating for the Home Office to introduce a complete and unequivocal firewall between the police and immigration enforcement. We are clear that this is the only way to ensure that victims and witnesses of crime with insecure immigration status can safely come forward without the threat of negative immigration enforcement.
33. The Government laid its review of data sharing on migrant victims and witnesses of crime before Parliament in December 2021. As a result of this review, the Home Office has proposed an 'Immigration Enforcement Migrant Victims Protocol'.<sup>21</sup> The protocol will prevent immigration enforcement only whilst criminal investigations and proceedings are ongoing and while the victim is being supported by a specialist service provider. It is not clear how the process will determine victim status and there is no process for people who are witness to crime. The Government has advised that the protocol will improve migrant survivors' confidence in reporting to the police and has indicated that information sharing between police and immigration enforcement is necessary to protect vulnerable victims of crime. This disregards the expert opinion of the VAWG sector, including specialist services run by and for Black and minoritised women. As a result, many organisations in the VAWG sector have declined to engage with the Home Office in the development of the Protocol.
34. **Refuge, with the support of the Domestic Abuse Commissioner,<sup>22</sup> and the wider VAWG sector has called for a complete firewall between the police and immigration enforcement.** As part of the pre-legislative scrutiny of the draft Victims Bill, the Justice Committee considered our call and made a clear recommendation that the firewall must be introduced urgently. There is a clear consensus that data sharing prevents migrant women who are victims or witnesses of crime from coming forward to the police, which may allow perpetrators to commit further offences, and is contrary to public interest. **Considering the above, we urge the Home Affairs Select Committee to raise with Government the issue of unequal access to justice for migrant women.**

## Police engagement with women and girls

### Information-sharing within the criminal justice process

35. Women and girls experiencing domestic abuse are at a heightened risk of harm both at the point of fleeing their perpetrator and when reporting to the police. This means that

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<sup>20</sup> HMICFRS, CoP, IOPC (2020) Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status [Safe to share? Report on Liberty and Southall Black Sisters' super-complaint on policing and immigration status](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924443/Safe-to-share-report-on-Liberty-and-Southall-Black-Sisters-super-complaint-on-policing-and-immigration-status.pdf) (publishing.service.gov.uk)

<sup>21</sup> Home Office (Dec 2021) Review of data sharing: migrant victims and witnesses of crime [Review of data sharing: migrant victims and witnesses of crime](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1014443/Review-of-data-sharing-migrant-victims-and-witnesses-of-crime-accessible-version.pdf) (accessible version) - GOV.UK (www.gov.uk)

<sup>22</sup> Domestic Abuse Commissioner (2021) Safety before Status: Improving pathways to support for migrant victims of domestic abuse [report] [Safety-Before-Status-Report-2021.pdf](https://www.domesticabusecommissioner.gov.uk/wp-content/uploads/2021/12/Safety-before-Status-Report-2021.pdf) (domesticabusecommissioner.uk)

the effective use of bail conditions during police investigations, police updates survivors on the progress of a survivor's case, and the provision of specialist support to survivors during the criminal justice process is critical to their safety and to safeguarding their support for investigations and prosecutions.

36. The Victims Code (2020) clearly sets out a minimum standard for services that must be provided to victims of crime by organisations including the police and prosecutors. This includes, for example, 'the right to be offered a referral to specialist support services'; 'the right to be provided with updates on your case and to be told when important decisions are taken' and, if required to give evidence, 'the right to be offered appropriate help before the trial'.<sup>23</sup> At present, the vast majority of the Victims Code is not adhered to by the police and other criminal justice agencies, meaning that survivors are often not informed about their rights under the Code.
37. For example, in our experience survivors are often not consulted when there is a change in their perpetrator's bail conditions and are not notified that their perpetrator has been released on bail. This can be incredibly distressing; perpetrators often breach their bail conditions repeatedly to further harass and abuse women, who then find nothing is done when they report it to the police. Many of the women we have supported tell us that as a result of poorly enforced bail conditions and a lack of communication from the police and prosecutors, they have felt forced into returning to their perpetrator to minimise the increased risk of danger they and their children may be facing in the short-term. This perpetuates a situation in which the criminal justice process itself compounds and prolongs survivors' trauma.
38. In its current form, the Draft Victims Bill will put the Victims Code on a statutory footing. Refuge welcomes proposals to enshrine the principles of the Victims Code in primary legislation, but we are clear that it must dispense enforceable rights with clear responsibility and accountability mechanisms if it is to be effective. Proposals to require relevant agencies, including the police and CPS, to collect data on Code compliance will go some way in achieving this, but **the Government must introduce further measures to ensure relevant agencies comply with the Victims Code and inform survivors of their rights.**
39. Mimi\* on police communication and information-sharing:
40. *"Another thing is about follow up. Sometimes when you report things, the entity you've reported to isn't trained to deal with that because they have inserted their own personal bias into the situation because they already have thoughts or feelings about you or your background. So, if there's any intersectionality going on, good luck, because how are you interacting with the same police that racially profile you? How are you looking to them for help when you're more likely to get stop and searched by them and now you're having to say, hey look, this thing happened to me, what do I do about it? I think there's a real disconnect between the reporting part and the action part [...] I think another aspect of that is that you're not informed of what's going on. There are plenty of*

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<sup>23</sup> Ministry of Justice (2021) Code of Practice for Victims of Crime in England and Wales (Victim's Code) [Code of Practice for Victims of Crime in England and Wales \(Victim's Code\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92346/Code_of_Practice_for_Victims_of_Crime_in_England_and_Wales_Victim's_Code.pdf) - GOV.UK ([www.gov.uk](https://www.gov.uk))

*meetings that are had about you, MARAC [multi-agency risk assessment] included, all these agencies seem to know these things about your life, and you don't get looped in. You don't get notified. You just...you're lucky if they tell you the outcome of the MARAC. You're lucky if they tell you what the risk assessments are but for the most part, you're talked about, you're not included, you're not centred and there isn't clear communication on what happens. So yes, you've reported. They do a risk assessment but what's next?*

41. *You may find out later when they show up at your door or want another meeting with you or they need more notes from you or they need more from you but none of that is in advance, none of that is in a clearly structured plan, none of that is communicated to you effectively. Where at the end of every communication you have with them, there should be a write up of what is discussed, for both parties. So, you can see what was said and say, here's what you agreed to do, and here's what I said, so you don't keep getting my notes wrong, and you don't keep inserting things that I didn't even say. That's part of a narrative that you invented. I didn't say that that happened. Or I did say that that happened, and you haven't included it. Whether or not we can go to trial on that thing is a separate matter but if I said that thing happened, you need to write it down.*
42. *They [the police] invalidate things that you're saying because you haven't told a professional about it. So, if you did discuss a particular thing, they can then use your notes and say, but you didn't talk about it in therapy. Ok, but it still happened. I think there's a real lack of consideration when it comes to reporting. They don't have the compassion to deal with your case adequately. They empathise with your abuser because either they're guilty of some abuse themselves and they've been in that position before, or because they look like your abuser and not like you [...] “.*

#### Extending IDVA and ISVA support

43. There is evidence that if survivors of VAWG receive specialist support from an independent trained advocate who can help them to navigate the criminal justice process, they are more likely to remain supportive of investigations and prosecutions. However, the police are not adequately adhering to the Victims Code by referring women to specialist support when they come forward. Only those who are assessed as 'high-risk' are eligible for access to community-based advocates such as independent domestic violence advocates (IDVAs) and independent sexual violence advocates (ISVAs). This feeds the myth that high-risk clients are the most in need, when, in reality, risk is dynamic and changes day-to-day. All survivors are at risk of their abuse escalating after reporting to the police and should be entitled to this type of independent specialist support. It is therefore vital, as laid out earlier in this submission, that first responders are properly trained in the dynamics of domestic abuse and are able to identify non-violent forms of abuse including coercive and controlling behaviour. **We hope that the pilot of the new Domestic Abuse Risk Assessment (DARA) will bring benefits in this regard, but to get this right it must be subject to a thorough evaluation process that consults survivors and specialists in the VAWG sector.**
44. To directly improve access to specialist support for women within the criminal justice process, **Refuge has recommended that the Victims Bill extends the eligibility for IDVA**

**services to all survivors of domestic abuse, not just those who are assessed as ‘high-risk’.** Further, we recommend that this is met by the provision of additional resources for community-based services to end the postcode lottery that women currently face in accessing this support.

#### Limiting third party material requests by police

45. It is well evidenced that third party material requests made by the police for VAWG related offences are routinely intrusive and disproportionate. The Government’s own research in the End-to-End Rape Review report discusses how CPS prosecutors described ‘the importance of obtaining *as much digital and third-party evidence as possible* in all cases to ensure prosecutors could make robust charging decisions’.<sup>24</sup> In Refuge’s experience, wide-ranging and irrelevant information is sought in the majority of third party material requests for both domestic abuse and rape and serious sexual offence (RASSO) investigations. Our frontline staff report that this often feels like a ‘fishing exercise’, in which the primary objective is to test a survivor’s credibility rather than collect information in line with a reasonable line of inquiry.
46. The deeply intrusive nature of third party material requests is often a key factor in survivors’ decisions to withdraw their support from a prosecution, or to not report the crime in the first place.<sup>25</sup> For those who do undertake this difficult process, it often amounts to little in the way of justice, with just 1.3%<sup>26</sup> of recorded rape offences resulting in a charge and the number of suspects charged and prosecuted for domestic abuse decreasing. It is therefore vital that this process is improved as part of measures to address both women and girls’ low confidence in police and other criminal justice institutions, and ongoing concerns around the collapsing volume of prosecutions of domestic abuse, and other forms of VAWG.<sup>27</sup> Refuge was pleased that the Government strengthened the digital extraction clauses in the Police Crime Sentencing and Courts Act (2022) to ensure better protections for survivors and would like to see similar safeguards introduced for third party material requests. We also welcomed the opportunity to respond to the Home Office’s consultation on third party material requests.
47. We support the proposal to introduce a statutory duty on police to seek third party material only when necessary and proportionate, and for a statutory duty on police to provide clear information to both the person about whom the third-party material is being requested and the third party who is being asked to provide the information. We also support the Government’s proposal to establish a Code of Practice to accompany these new duties.
48. In addition, Refuge supports the Victims’ Commissioner’s recommendation that these proposals are coupled with legislative provision for privilege around therapy notes,

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<sup>24</sup> [Review into the Criminal Justice System response to adult rape and serious sexual offences across England and Wales \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/106444/Review-into-the-Criminal-Justice-System-response-to-adult-rape-and-serious-sexual-offences-across-England-and-Wales.pdf)

<sup>25</sup> [Survey finds rape victims have lost faith in the justice system - Victims Commissioner](https://www.victimscommissioner.gov.uk/news/survey-finds-rape-victims-have-lost-faith-in-the-justice-system)

<sup>26</sup> Home Office (27 January 2022) Crime outcomes in England and Wales, year to September 2021: data tables, Table 2.2

<sup>27</sup> [CPS data summary Quarter 4 2021-2022 | The Crown Prosecution Service](https://www.cps.gov.uk/cps-data-summary-quarter-4-2021-2022)

which makes these records privileged and only accessible by the order of a judge. And, further to the arguments laid out in the preceding section, Refuge recommends eligibility for independent advocates is extended to all survivors of domestic abuse, not just those considered ‘high-risk’, to support survivors to give informed, non-coerced consent to third party material requests.

49. In summary, to safeguard victim retention within the criminal justice process and improve conviction rates for VAWG, the police must urgently reform the ways in which it engages with women and girls. **We urge the Home Affairs Select Committee to emphasise this line of inquiry, with particular focus on information sharing during the criminal justice process, including information of survivors’ rights under the Victims Code; police referrals to survivors for specialist support, and implementing limits on third party material requests.**

## Responding to tech abuse and protecting women online

### Tech abuse: intimate images

50. As our lives are increasingly lived online, perpetrators of domestic abuse have found new ways to abuse, stalk and harass women using technology, including via social media platforms, intimate image abuse (so-called ‘revenge porn’) and abuse perpetrated through smart devices. Refuge is the only frontline organisation with a specialist tech abuse service, receiving referrals from women whose experiences of tech abuse frequently occur alongside other forms of domestic abuse. Unfortunately, policing has not kept pace with the evolving landscape of domestic abuse. This has been evidenced by our frontline staff, as well as from two indicative national surveys on tech abuse conducted by Refuge in the past couple of years,<sup>28</sup> which show that survivors frequently receive negative responses from the police when reporting these crimes.
51. Intimate image abuse, most often perpetrated through technology, is an increasingly common form of abuse experienced by the women we support. Section 33 of the Criminal Justice and Courts Act 2015 made an offence of disclosing a private sexual photographs or film without consent of the person pictured and with intent to cause them distress. This offence did not cover *threats* to disclose intimate images, which many women in our services reported experiencing. The police response to reports of threats to share is poor, with many women being told by the police that there was little they could do until the image was actually shared. As a result of these findings, Refuge conducted national research into threats to share intimate images, finding that it has been experienced by 1 in 14 adults, rising to 1 in 7 young women.<sup>29</sup> To improve women’s access to protection for these crimes, Refuge launched ‘The Naked Threat’ campaign during the passage of the Domestic Abuse Bill (now Act, 2021), and was successful in securing an expansion of Section 33 to cover threats to disclose intimate images. The expanded offence came into force in June 2021.

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<sup>28</sup> Refuge (2020) The Naked Threat [report] [The-Naked-Threat-Report.pdf \(refuge.org.uk\)](#); Refuge (2021) Unsocial Spaces [report] [Unsocial-Spaces-for-web.pdf \(refuge.org.uk\)](#)

<sup>29</sup> Refuge (2020) The Naked Threat [report] [The-Naked-Threat-Report.pdf \(refuge.org.uk\)](#)



52. Before this change to the law, the police response to intimate image abuse, including disclosures, was poor, with officers lacking training on the nature of these crimes. Since then, little has changed, and Refuge's specialist tech abuse team has recorded no positive outcomes for survivors reporting threats to share intimate images or videos. Officers do not appear to be aware the law has been updated and are still turning women away if their perpetrator has not shared the image. It appears to be unclear to officers how to properly investigate these crimes, with women having to provide evidence themselves through screenshots or having their devices removed by the police, leaving their perpetrators with the opportunity to remove evidence from their own.
53. The purpose of extending the offence to include threats to share was to safeguard women from having their image shared, as it is extremely difficult to get an image taken down once it is online, even with specialist advocacy. Threats to share intimate images have a devastating effect on victims; 83% said of respondents to our survey said it impacted their mental health and emotional wellbeing. More than 1 in 10 women felt suicidal as a result of the threat and 1 in 7 felt more at risk of physical violence.<sup>30</sup> Despite this welcome change to the law, our frontline staff feel it is 'like tossing a coin' when women report intimate image abuse to the police as to whether they receive a positive or negative response. With intimate image abuse so prevalent amongst women, particularly young women, a priority for the police must be ensuring that their officers are aware of the recent changes to the law, are properly trained in the evidentiary requirements of this offence and understand how to investigate it sufficiently. **As such, we urge the Home Affairs Select Committee to seek information from the Home Office on how it intends to tackle intimate image abuse and how the police will ensure its officers are properly trained in investigating corresponding offences.**

#### Online abuse: social media

54. The rise of social media has helped many of us stay connected with our loved ones and participate in public debate, but online abuse is a major part of online life for women and girls. The police response to online abuse and harassment paints another disappointing picture. As indicated in our Unsocial Spaces report,<sup>31</sup> when women report tech abuse to the police, they are often met with a negative response, with many women being advised by officers to come offline. Instructing women to remove themselves from social media wrongly places the burden of responsibility for addressing abuse on survivors. If followed, it risks severing vital lines of communication to their friends and family, disempowering them from participating in the online sphere, and impacting their freedom of speech.
55. Clearly, social media companies have a central role to play in responding to VAWG perpetrated on their platforms and **Refuge strongly recommends a VAWG code of practice be mandated within the Online Safety Bill**. However, the police must play their part in tackling online VAWG too. We were pleased to see that the Met's VAWG Action Plan details that new recruits complete mandatory training on social media and cybercrime offences and that officers joining specialist teams focusing on online

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<sup>30</sup> Refuge (2020) The Naked Threat [report] [The-Naked-Threat-Report.pdf \(refuge.org.uk\)](https://www.refuge.org.uk/the-naked-threat-report/)

<sup>31</sup> Refuge (2021) Unsocial Spaces [report] [Unsocial-Spaces-for-web.pdf \(refuge.org.uk\)](https://www.refuge.org.uk/unsocial-spaces-for-web/)

offences have access to bespoke training. This is a positive step but **training on tech abuse should be rolled out across all police forces, informed by specialists in the VAWG sector**. In addition, the police must be allocated sufficient resources and technology to promptly investigate tech abuse and must cooperate with social media companies to pursue perpetrators.

56. Case study of Rebecca\* who was referred to the tech team, illustrating multiple different forms of tech abuse and a poor response from the police:
57. *When living with the perpetrator, Rebecca and her child were constantly monitored via various forms of technology as there were many Internet of Things devices in the family home and the perpetrator had set up all these devices, these consisted of Google Nest, iPad, and Amazon Alexa, home PC, mobiles and a Smart TV. Rebecca said that she and her child always felt mentally exhausted with the amount of surveillance. Rebecca set up new devices and accounts since the separation. Her email address and social media accounts were then hacked. When the accounts were recovered Rebecca could see the device and IP address of the user, and she suspected it was the perpetrator. She printed off information and filed a report with the police, who advised her that the hacking did not constitute a crime and advised her to contact social media platforms to resolve the issues and if they persisted, to come off social media. Within a five-month period Rebecca reported another 3 separate incidents of hacked accounts to the police including WIFI, Apple ID and another social media account. Every time she was advised by the police to come offline and change her password – they refused every time to speak with her ex-partner claiming there was not enough evidence to speak with him about the incidents.*

### **Building communication between the police and the CPS to increase convictions**

58. Earlier this year, the HMICFRS and His Majesty's Crown Prosecution Service Inspectorate (HMCPSI) released a report as part of its joint thematic inspection of the police and CPS's response to rape [Phase 2 – post-charge].<sup>32</sup> It found that communication between the police and the CPS, which is vital in building evidentially strong cases, was routinely poor, and there was confusion around the role of the CPS in communicating with victims. The same holds true for domestic abuse cases. Our frontline staff have advised that the police and CPS fail to work together effectively in building evidence-led cases and that they are not living up to their joint duties to provide information and support to victims, as per the Victims Code.
59. **Refuge is clear that to improve convictions for VAWG crimes, there needs to be closer collaboration between the police and the CPS.** This will enable them to build strong, evidence-led cases that are not overly reliant on survivor testimony. The police and CPS must work together to ensure that survivors are receiving the information they need throughout the criminal justice process and that they have access to specialist, culturally

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<sup>32</sup> HMICFRS and HMCPSI (Feb 2022) A joint thematic inspection of the police and Crown Prosecution Service's response to rape – Phase two: Post-charge  
<https://www.justiceinspectorates.gov.uk/hmicfrs/publication-html/a-joint-thematic-inspection-of-the-police-and-crown-prosecution-services-response-to-rape-phase-two/>

specific support to ensure they remain supportive of prosecutions. This brings us full circle to the recommendation made at the outset of this submission. The Government must establish a statutory duty for all police officers and criminal justice practitioners who come into regular contact with survivors of domestic abuse and other forms of VAWG to undertake mandatory, trauma-informed and culturally competent training, informed by consultation with specialist VAWG services.

\* All names have been changed to protect the identity of survivors.