



Guidance on Domestic Violence Protection Notice Orders (DVPO) and Domestic Violence Protection Notices (DVPN's)

1. What are DVPO's and DVPN's?

Domestic Violence Protection Orders (DVPOs). DVPOs were designed to provide immediate protection for victim following a domestic violence incident in circumstances where, in the view of the police, there are no other enforceable restrictions that can be placed upon the perpetrator. DVPOs aim to give victim-survivors time, space and support to consider their options by placing conditions on perpetrators, including restricting/removing perpetrators from households, and preventing contact with, or molestation of, victim-survivors.

The approach, introduced by the Crime and Security Act 2010, comprises an initial temporary notice (Domestic Violence Protection Notice, DVPN), authorised by a senior police officer and issued to the perpetrator by the police, followed by a DVPO (Domestic Violence Protection Notice) that can last from 14 to 28 days, imposed at the magistrates' court.

Removal orders have been promoted as a form of intervention that provides immediate protection, responding to what most victims seek when calling the police – for the violence to be stopped. In many European countries, removal orders are the preferred/primary response to police callouts. In contrast the UK has tended to focus on prosecution not protection.

2. How do they work? (see workflow)

The DVPN may be served by police on alleged perpetrators of domestic violence, potentially on their release from police custody following an arrest for a domestic violence related incident. The DVPNs are used in circumstances where the police deem that there are no enforceable restrictions that can be placed upon the perpetrator – i.e. where no further action (NFA) will be taken or where the perpetrator receives a caution/reprimand or is bailed without conditions. Four inclusion criteria are required:

- the perpetrator is 18 years or over;
- the relationship involves a current / ex intimate partner, cohabitant, relative or parent;
- the perpetrator has been violent / threatened violence towards the victim-survivor on this occasion; and
- a DVPN is deemed necessary to protect the victim-survivor from further violence

DVPNs are in effect for 48 hours during which time the police apply to the magistrates' court for a hearing for a DVPO. DVPOs are similar to DVPNs but last between 14 and 28 days. Both the DVPN and DVPO have up to five different conditions which can be applied in any combination.

Breaches of DVPOs are a civil not criminal matter, and some participants in the evaluation thought that inadequate sanctions were being applied for breaches. Victims reported a higher level of breaches than the police. Victims may not be aware they can and should report breaches or may not feel safe to do so.

Most DVPO's originate from a criminal investigation where the threshold is not met, where evidence of a crime exists this must be pursued.

27th October 2014

More complex process than in Europe due to concerns on breaching the Human Rights of the perpetrator through asking them to leave their home.

3. Key findings from earlier pilots.

The vast majority of victims were female, and the majority of perpetrators were male. Over three-quarters of DVPOs were put in place for the full period of 28 days.

Of the DVPO's used – 56% were in respect of medium risk cases, 19% high risk and 23% standard risk.

Very low numbers of breaches were recorded by police forces (1% of DVPOs). However, it is not known whether this reflects actual rates of breaches or if breaches were not coming to the attention of the police.

Just under two thirds of victims were referred to support services. Support services noted that referral practice remained inconsistent and reported problems with data sharing protocols. It is crucial to provide the victim with risk assessment, safety plans, advice & information, particularly on non molestations to extend the protection beyond the life of the DVPO.

No perpetrator engaged, via a DVPO, in interventions designed to end their abusive behaviour during the pilot (a small number had attended programmes via other routes). This may be due to a lack of available programmes.

The pilot also highlighted a potential need for further training / guidance for magistrates and court staff to ensure an accurate understanding of the DVPO process and to standardise the interpretation of legislation.

Partnership required to support implementation, some areas are requesting DVPO's as an action from MARAC.

Opportunity for Superintendents to explain why the DVPO's is being issued and consideration given to who they may need to share this information with.

4. Practitioners, Victims and Perpetrators views

Police officers are supportive of the use of DVPOs in domestic violence cases. They are seen as a welcome addition to existing local responses, but thought that DVPOs should not become a 'catch-all' for all cases.

Generally seen positively by the victims. Most felt safer, and reported that DVPOs provided them with time and space to consider their options. Early intervention that includes a DVPO was sometimes seen as a disproportionate response, but was considered a reasonable response where there was a documented history (repeat calls) by both victim and perpetrator

There were mixed feelings about whether the length of the order was appropriate (i.e. it was seen to be too short or too long), which may suggest a need for greater tailoring on a case by case basis or for better communication by police / the courts to explain the rationale behind the lengths of orders imposed.

Overall, victims were relieved that the police had the power to remove the perpetrator from their home, and indicated that they would call the police again following the DVPO, should domestic abuse re-occur in their relationships. Domestic abuse narrows the space for victims and DVPO's gives the victim physical and emotional space.

Police officers reported that perpetrators initially appeared to accept the DVPO prohibitions when they were informed of them. There were no formal complaints, on legal grounds, made by perpetrators.

27th October 2014

5. Are DVPO's effective in reducing domestic abuse?

The findings overall suggest that DVPOs are effective in reducing domestic abuse. DVPOs were associated with reduced rates of re-victimisation (measured by police call-outs), compared to similar cases dealt with by arrest followed by 'no further action' (NFA): on average, 2.6 fewer repeat incidents of domestic violence per victims compared to around 1.6 fewer incidents, respectively. DVPOs were therefore associated with an additional reduction of one incident of domestic violence per victim, compared to arrest followed by NFA.

DVPOs appeared to be most effective in reducing re-victimisation when used on more 'chronic' cases (3 or more previous police attendances for domestic violence). The effect associated with DVPOs rose to an additional reduction of 2.2 repeat incidents of domestic violence per victim-survivor (compared to arrest followed by NFA).

6. Benefits of DVPO's

For victims

- Defines as abuse
- Provides safer thinking time
- Links them into support services

For children

- Not acceptable behaviour

For perpetrators

- Strong message of unacceptability
- A clear sanction

For police and partner agencies

- Decreases frustration
- Potential form of early intervention

7. What does this mean to you?

DVPO's are being used by West Midlands Police and there is an urgent need for partner agencies and frontline staff to be aware of them and how they may impact on their services or ways of working. For example Childrens Services could potentially be working with a family and need to understand contact and joint meetings will be unachievable. Similarly the perpetrator may approach Housing to meet their accommodation needs.

As the perpetrators are required to leave their normal place of residence there can be difficulties serving the order and it will not be valid until served and this gap needs to be recognised by partners and victims.

A link between the issuing of a DVPN and helping the victim to access support as a priority is required.

Understand and promote the use of third party referrals for DVPO's.

For further information contact Caroline Murray, Domestic Violence Co-ordinator 0121 704 6430, caroline.murray@solihull.gov.uk