

# Defining Domestic Abuse

## Domestic Abuse

*“any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:*

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional”*.

## **New legislation - S76 of the Serious Crime Act 2015 Coercive and Controlling Behaviour**

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

# Stalking

**Stalking** is committed primarily, but not exclusively, by men against women; with more female victims, especially in ex-intimate cases. Reports of stalking to police - whether the victim is male or female - are increasing year on year, however it's thought that many simply aren't reporting it because:

- **They're not aware what they're experiencing is stalking**
- **They feel they won't be taken seriously**
- **Victims may minimise what's happening to them**
- **When they do try to report it, police may not take them seriously**
- **Police may not recognise the behaviour as stalking when they encounter it.**

**THINK FOUR – Is the behaviour:**

**Fixated?**

**Obsessive?**

**Unwanted?**

**Repeated?**

# Stalking

**In this age of digital communication and social media, your safety online is paramount. Here are some useful pieces of advice designed to help you protect yourself:**

- restrict your social media posts to your friends and not public
- check privacy settings on social networking sites and limit the amount of information you supply
- Google yourself frequently to check your digital footprint
- don't use the same password for everything
- be aware of geolocation and tagging on social networking sites and ensure that it's disabled on your smartphone
- keep your antivirus software up to date
- report stalking to website administrators
- if you believe that your smartphone or computer has been hacked or compromised, stop using it immediately and take it to your mobile phone provider or computer repair experts for advice

# MPS Response

- **Our first priority is to protect the victim and any children they have. If the situation is an emergency an officer will attend and, if proportionate, necessary and lawful to do so, arrest the perpetrator, and take action to protect the victim from further harm – giving them time to think.**

## **Report it**

If you're a victim of domestic abuse, or know someone who is, and there's an emergency that's ongoing or life is in danger, **call 999 now**. If you're deaf or hard of hearing, use our textphone service 18000 or text us on 999 if you've pre-registered with the emergency SMS service.

If you've been the victim of domestic abuse, or are concerned for someone who is, you can report this in the safety of your local police station. If you require a translator, we can provide someone initially by phone and later in person.

In non-emergency cases and for general advice, please **call 101**. If you're deaf or hard of hearing, use our textphone service on 18001 101.

# DVPN/DVPO

A **Domestic Violence Protection Order** is a civil injunction, served on a perpetrator, restricting them from contacting a person or attending a place, similar to bail conditions. It can only have prohibitions, not compulsions.

A **Domestic Violence Protection Notice** precedes the DVPO; this is authorised by a Superintendent, issued to the suspect, and lasts 48 hours until the court hearing to decide if the DVPO will follow.

They are designed to provide breathing space to a victim of DA, preventing the perpetrator from contacting them, cohabiting with them, attending their address or otherwise interfering with their life for a period of up to 28 days.

The aim is that within that period, the victim will have the strength and support to leave the toxic relationship or take steps to increase their own safety. This can be by obtaining a non molestation order to follow on from the DVPO, it can be by accepting a referral to an IDVA or other support agency.

# Non-molestation and Restraining orders

- **Non Molestation Order - Section 42 of the Family Law Act 1996** creates provisions concerning 'non-molestation orders' granted by the courts.
- These are civil order but breaching one is a criminal offence and therefore arrestable. Maximum sentence for breaching a NMO is 5years imprisonment.
- These are usually obtained through the family courts and there does not have to be a criminal investigation ongoing although it is common for them to be obtained at the same time. This type of order is obtained by the victim of the behaviour and not by the police.
- **Restraining orders are criminal orders.** They are issued by criminal court following a prosecution. Orders are issued on conviction and can be imposed on acquittal.
- Restrictions usually include not contacting the victim directly or indirectly as well as a restriction on attending the victims address.
- Restraining orders are criminal orders and maximum sentence is 5 years imprisonment