

Investigation name:	Bethany Fields
IOPC reference:	2019/125197

> Summary of IOPC conclusions

A summary of our conclusions and our rationale is set out below.

> West Yorkshire Police (WYP) – conduct matter

We found no indication that any person serving with the police may have committed a criminal offence, but did find that an officer’s performance justified management action.

> Allegations

The investigation report sets out the actions that were taken by PC1 in response to this incident, namely that he may have:

- failed to complete the Domestic Abuse, Stalking and Honour Based Violence (DASH) risk assessment correctly and in a manner prescribed by WYP policy, when he obtained a witness statement with Ms Fields on 19 August 2019.
- failed to record or consider information regarding Mr Crowther being involved in previous domestic related incidents when completing the DASH risk assessment.
- failed to record any consultation with any healthcare professional or mental health crisis team in order to take positive action to prevent injury to Ms Fields or Mr Crowther, despite having information relating to Mr Crowther suffering from mental health issues.
- failed to accurately record information from his own ‘PEACE’ notes (PEACE is a five-step approach to interviewing) and the statement he obtained from Ms Fields on to the DASH risk assessment, which may have raised concerns for Ms Fields safety.
- failed to consider relevant information about Mr Crowther’s past history as to making a disclosure under the Domestic Violence Disclosure Scheme (DVDS – also known as ‘Clare’s Law’).

- failed to have his DASH risk assessment reviewed by a supervisor prior to submission to the safeguarding unit (SGU), in line with WYP policy.
- failed to apply WYP policy in relation to crime recording, harassment and stalking, controlling and coercive behaviour offences when provided with additional information from Mr A on 4 September 2019, about Mr Crowther's behaviour toward him, as it related to Ms Fields.
- failed to undertake ongoing dynamic risk assessments of the incident or reviewed his original DASH risk assessment of Ms Fields. There is no indication that he escalated this incident to his supervisor or the SGU after receiving additional information from Mr A and 'Niche' police records system checks in relation to Mr Crowther's history on 8 September 2019.

We considered:

- whether or not the performance of any person serving with the police was unsatisfactory
- what actions (if any) it proposes to take in respect of their performance

For each allegation we determined that there was no case to answer for misconduct or gross misconduct.

> Summary of rationale

We reviewed a substantial amount of evidence, including telephone call recordings, WYP documentation, policies and witness statements from serving WYP officers, police staff officers and members of the public.

When Ms Fields attended an appointment at Pudsey police station on 19 August 2019, PC1 completed PEACE notes before taking a witness statement from her and completing a DASH risk assessment. The evidence shows that PC1 did not compare Ms Fields' statement with the answers she gave to the DASH risk assessment questions. Had he done so, he should have recognised that Mr Crowther posed a potentially high risk to Ms Fields. The evidence shows that PC1 did not complete Ms Fields' DASH risk assessment in a manner prescribed by WYP.

From the evidence provided it appears that PC1 may not have shown due diligence in carrying out detailed checks, using existing information that was known about Mr Crowther. If he had done so he would have seen that Mr Crowther had a history of mental health, attempts to take his own life and a history of previous domestic violence with previous partners. This information would have assisted PC1 in understanding the fuller picture with regards to Mr Crowther and the danger he posed.

The evidence gathered for this investigation would appear to suggest that despite further information being provided to WYP, there was no dynamic risk assessment of the potential risk Mr Crowther posed to Ms Fields. This would appear to contravene the policies and the standards expected of WYP.

We found that WYP training records showed PC1 was not capable of independent patrol until almost six months after Ms Field's death. There appears to have been no documented supervisory chain of command which oversaw his work when he took the Ms Fields' witness statement and completed the DASH risk assessment. The

evidence would suggest that PC1 was not really aware of who his supervisor was and that there was no direct supervision of his work.

We are of the opinion that while there were failings in the actions of PC1, this appears to be a performance matter rather than a conduct one. There is significant mitigation for him - he was placed in a position of dealing with a potentially serious domestic abuse investigation when he was not capable of independent working at the time. As a result, he was not equipped with sufficient training, experience or supervision to identify the correct DASH risk assessment and safeguard Ms Fields. We are of the opinion that this responsibility lies with WYP rather than PC1 and that instead of going through the formal disciplinary process, there is an opportunity for learning for the officer.

Having considered all the available evidence, we take the view that a reasonable tribunal, properly directed, could not find on the balance of probabilities that PC1's actions breached the standards of professional behaviour in relation to his duties and responsibilities.

We were of the opinion it would be appropriate to address PC1's performance issue by means of a first stage performance meeting, and during consultation with WYP it was suggested to us that PC1's performance could be dealt with through the Reflective Practice Review Process (RPRP). The timing of this case meant that RPRP was not an available option, however we agreed with the force that PC1's performance would be instead best dealt with through management action.

> Learning

We carefully considered whether there were any learning opportunities arising from the investigation. We make learning recommendations to improve policing and public confidence in the police complaints system and to prevent a recurrence of similar incidents.

The investigator's report identified potential organisational learning. We have considered the learning in respect of:

- Training in recognising and risk assessing reports of domestic abuse
- The supervision of probationary staff
- The DASH risk assessment form and how it is completed

Following consultation with WYP, we issued six recommendations in August 2021.

Recommendation 1

The IOPC recommends that West Yorkshire Police reminds all officers and police staff that intelligence gained from incident reports should be uploaded to individual Niche intelligence profiles at the earliest opportunity.

An IOPC investigation identified that significant intelligence relating to allegations of domestic abuse was not recorded on police systems. This meant that this information was not available to other personnel and could not assist with decision making or the assessment of risk to the victim.

Force response

Accepted – this can be reiterated and policy checked, but should be taking place already, not just within DA but all crime types.

Accepted – SCGU have amended the Force's DA policy and this need will continue to be reiterated on the Force's DA meeting at strategic (PVP), tactical (DA Tasking & Delivery Group) and operational (DA DI meeting).

This also forms part of the Force strategic and tactical plans which Force Intelligence are allocated. Translating operational information into intelligence is however an issue across all crime types and not just DA but is clearly a priority given the threat and risk associated with it.

Recommendation 2

The IOPC recommends that a system is put in place to track domestic abuse cases that are returned to officers because the minimum standards of investigation were not met. This system should ensure that cases are progressed with appropriate supervision and returned to the safeguarding unit for investigation where appropriate.

This follows an IOPC investigation where a case was returned to a probationary constable because the minimum standards of investigation had not been met. The officer had not yet completed his probationary service and should not have led the investigation without supervision. When the minimum standards were met the investigation was not referred to the safeguarding unit or domestic abuse team who should have been responsible for investigating this incident.

Force response

Accepted with caveat – WYP do not have a system that can easily be used to track cases in the manner suggested in this and recommendations from other IOPC reviews (redacted). Niche does not have this functionality. Given the differing sizes of districts in the Force, differing volumes and slightly different DA Team structures, this would have to be done at a local level. The potential for cases dropping between the pavement cracks cannot be ignored but the response cannot currently be automated. This is however being reiterated on the Force DIs meeting (it has been raised before) and will need to be shared with Response managers and supervisors, as it does link in with recommendation 3. SCGU can include this aspect in its DA audit schedule.

Recommendation 3

The IOPC recommends that West Yorkshire Police should ensure that all probationary officers that are deployed have appropriate support in place to review and supervise their work.

This follows an IOPC Investigation where a probationary WYP officer dealt with a serious domestic abuse investigation. The probationer was not supervised appropriately nor did he receive supervisory support and guidance.

Force response

Accepted – this should be occurring in any event, so would simply be a reiteration of what supervisors should be doing with student officers' workloads, but especially those involving vulnerability.

Accepted – it is considered that this should be occurring in any event, although there is an acceptance that it hasn't in this incident. Supervision of all response officers managing DA incidents or other incidents of vulnerability, and especially those who are young in service has been reiterated with District SLTs.

Learning & Organisational Development will be sighted on this for awareness in Student Officer training and new supervisor training. District DA meetings, that are currently responding to the Force's increased scrutiny on DA will also take this into account when holding their own district structures to account.

(Recommendation 4 not taken forward)

Recommendation 5

The IOPC recommends that West Yorkshire Police review their domestic abuse policies and training to ensure that officers are clear on their responsibilities and the procedures that should be followed when dealing with domestic abuse incidents.

This recommendation follows an IOPC investigation where a probationary officer failed to understand and adequately complete a domestic abuse risk assessment (known as DASH), failed to understand and complete incident logs or complete other investigative tasks.

Force response

Accepted – although this is part of SCGU's routine business, but district will be reminded that compliance does sit with them.

Accepted – this will continue to be reiterated as in recommendation 3.

Recommendation 6

It is recommended that West Yorkshire Police remind Sergeants that DASH risk assessments and any supporting statements should be reviewed to endorse the risk level attributed to a victim.

This recommendation follows an IOPC investigation where a probationary officer failed adequately complete a domestic violence risk assessment. This was not subject to any supervisory oversight.

Force response

Accepted with caveat – this simply needs reiteration – it is and has been routine business.

Accepted - DASH is completed at the scene on officer's handheld devices. Where the response to a question is 'yes' or 'other' it is mandatory for officers to provide further information. The Force is developing a data platform which will allow us to quality assure the responses on the DASH, for example if adequate information is not provided this can be addressed with the officers concerned at the earliest opportunity.

Ahead of this development being finalised SCGU will have planned DASH dip samples to ensure that this is not being done.

Recommendation 7

The IOPC recommends that West Yorkshire Police remind officers that when completing a DASH risk assessment form, if the category 'other' is chosen, a full explanation must be provided in the free text field. In addition, routine audits should be undertaken to ensure that the use of single character answers is not used routinely.

This follows an IOPC investigation whereby an officer failed to fully understand and accurately complete a DASH risk assessment in respect of a victim. In addition, no PNC checks were completed, No explanatory notes were included when an answer was completed as 'other' and insufficient appreciation was shown about why certain questions were asked on the form.

Comprehensive completion of the form would have provided additional information which would assist when supervisors review and validate the risk posed to a victim.

Force response

Concerns – the WYP DASH form is an enhanced version of the national form and already includes areas that other Forces do not include, such as child demeanour.

- that any linked events and/or convictions are recorded on the DASH to ensure that these are considered when assessing the overall risk to the victim; this is already included
- that a free text field is provided (and mandatory to complete) when an answer is given as 'other', and; this is already a function but can be overridden if an officer puts a full stop in the text – so this is a compliance issue
- that it is clear from the DASH template (or accompanying explanation notes) why certain questions are asked. DASH risk assessments are completed on handheld Samsung devices so we wonder why explanatory notes are required given that DASH is trained extensively to front line officers. HMICFRS feedback is that the generally level of DASH completion is good so again we would suggest that this is an issue of compliance. Nicola Pringle and myself are happy to discuss this with the IOPC though.

(Recommendation 8 not taken forward)

(Recommendation 9 not taken forward)

IOPC notes on the force responses:

Response 1:

DA - domestic abuse

SCGU - Safeguarding Central Governance Unit

PVP - Protecting Vulnerable Persons

DI – Detective Inspector

SLT - Senior Leadership Team

Recommendation 7:

HMICFRS – His Majesty's Inspectorate of Constabulary and Fire & Rescue Services

Last sentence: the writer is DCI Allan Raw of WYP, Nicola Pringle is Safeguarding Delivery Manager.