



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 28 August 2012**

**12719/12**

**LIMITE**

**ENFOPOL 239**

**NOTE**

---

From :	Presidency
To:	Law Enforcement Working Party
No. prev. doc.:	CM 5492/11
Subject:	Draft European Union handbook of best police practices on overcoming attrition in domestic violence cases

---

Background information

The first draft of the European Union handbook of best police practices on overcoming attrition in domestic violence cases was prepared mostly on the basis of a background study<sup>1</sup>, commissioned by the Cyprus Police. It was presented and discussed during the CEPOL Presidency Conference on overcoming attrition in domestic violence through policing, held on 10-12 July 2012 in Limassol (Cyprus) (see doc. 12718/12 ENFOPOL 238). In accordance with the agenda of that conference, that draft was specifically addressed by four group workshops, which met twice during the conference, and their suggestions and comments were presented to the plenary.

This input was duly taken into consideration by the Presidency and the text was edited accordingly. Hereby the revised draft handbook is presented to the Law Enforcement Working Party for discussion with a view to further editing and adopting this handbook once it is complete.

---

<sup>1</sup> Veis, Costas, M. (2012), (Ed.). Overcoming Attrition in Domestic Violence Cases (Provisional Edition). Cyprus Police Headquarters, Cyprus: Nicosia, June 2012.

To this end delegations are invited to provide contributions by **19 October 2012** as regards their best police practices to be listed in the annex of this handbook. In order to facilitate such contributions, several themes in relation to tackling attrition have been laid out below and delegations are kindly asked to structure their input on the basis of this list. It is suggested that, where possible, links and references to reported practices are provided as sources for further information to interested parties.

Themes/Structure for providing examples of best police practices in overcoming attrition in domestic violence cases (to be included in the annex of the handbook)

1. Attrition data collection, monitoring, analysis
2. Specialised domestic violence services provided by the police
  - a. Victim-friendly police reception facilities
  - b. Domestic violence (DV) coordinators
3. Police investigation
  - a. Specialised procedures
  - b. Manuals/guides
  - c. Checklists/cards
4. Victim protection measures/orders
  - a. On the basis of police or court or “other” powers
  - b. Pre- or post-trial protection
  - c. Pro-protection policies
5. Pro-arrest policies
6. Victimless investigation/prosecution policies
7. Pro-prosecution policies
8. Risk assessment structures and functions
9. Procedures for handling retractions of filed complaints
10. Police – prosecution service cooperation
  - a. Investigation, risk assessment, victim safety
11. Specialised victim support services and advocacy initiatives
12. Specialised forensic medical services
13. Training/competencies of professionals

14. Coordinated community responses (CCRs)
15. Referrals to and info sharing with statutory partners
  - a. With victim consent/authorisation or not
16. Domestic homicide reviews
17. Specialised prosecutors to be consulted
18. Victim engagement
  - a. Police/court support for victims
  - b. Familiarisation with police/prosecution/court procedures
  - c. Witness care units
19. Partnerships with stakeholders
  - a. Statutory agencies
  - b. Nongovernmental organisations
  - c. Private sector (companies, trade unions, etc.)
20. References to DV attrition in action plans (police, wider, national)
21. Challenges encountered
22. Other

Delegations are kindly asked to provide their contributions to the following email address:

**kveis@police.gov.cy.**

# Draft European Union handbook of best police practices on overcoming attrition in domestic violence cases

## Index

Introduction	5
Definitions	6
Objectives	8
Factors that contribute to attrition in domestic violence cases	9
Strategies and approaches to overcome attrition	11
Elements of success in intervention programmes	13
Recommendations	14
Final remarks	16
Annex: Examples of best practices	17

## Introduction

The European Union Handbook of best police practices on tackling violence against women<sup>2</sup> was agreed by the LEWP (the Police Cooperation Working Party at that time) on 6-7 April 2010. It addresses violence against women, rather than domestic or spousal abuse specifically, and discusses issues such as prevention, specialisation of services, victim support, welfare and protection, and international cooperation for exchange of information and practices. Although a number of the issues raised in that handbook are linked to attrition, it pursues a broader, more general approach and makes no reference to the issue of attrition.

Nevertheless, the handbook on tackling violence against women lays the groundwork for the current one on attrition in domestic violence cases, by calling on Member States to aim to encourage “victims and witnesses to report (...) crimes to the authorities and to contribute to their investigation and prosecution.” Furthermore, it states that “special attention to the appearance of new circumstances around the victim, such as the complaint’s withdrawal, her decision to live again with the aggressor or the refusal of the granted protective measures, should be taken into account since they may affect considerably the woman’s level of risk.”

This handbook therefore builds on the previous one and seeks to focus attention on the particular issue of attrition in domestic violence (DV) cases. It draws on exchanges of views, experience and knowledge between professionals and experts on the subject, most though not all of whom belong to police services across the EU.

In line with concerns raised over victim welfare, safety and protection issues, and over the accountability of offenders, attrition, irrespective of the factors that contribute to it and of the extent to which they are victim- and/or system-related, constitutes a major challenge to the criminal justice system (CJS), as it is rendering the system at large incapable of handling a crime and the parties involved in it. Furthermore, the level of attrition is linked to the level of the relatively high financial and human resources of the CJS devoted to handling DV. Hence the need to address and tackle attrition effectively.

---

<sup>2</sup> 7488/2/10 REV2 ENFOPOL 60.

## Definitions

According to definitions in literature on the subject, **attrition** is used to describe the phenomenon whereby [domestic violence] cases fail to make it through the criminal justice system and do not result in a criminal conviction.

In addition to that definition, the term **attrition** is also being used to describe the lack of progress on to completion of criminal cases and, more specifically, in the stages at which cases drop out of the criminal justice system, that is, from the initial report stage to the final stage of court proceedings.

The major difference between the two approaches is that the latter dissociates the acquittal of the accused from their automatic connection to the challenge assumed by the former. In this respect, attrition may be viewed as either “negative” (e.g. where the victim disengages from the Criminal Justice System (CJS) owing to inefficiencies of the system – support, advocacy, expertise, etc.), or “positive” (e.g. where the victim remains engaged with the system and testifies in court, and the accused is acquitted of charges). Primarily due to the sensitive nature of the issue for the criminal justice system, linked to the definition, the second definition will be adopted here. It is suggested that a similar approach to the definition be taken by police agencies, by CJSs and if possible by academia. It is also suggested that efforts be focused on tackling “**negative attrition**”, which tends to be responsive to interventions.

**Domestic violence** is defined here as occurring between ex or current spouses and cohabiting couples. Discussions on attrition may also be relevant to abuse between other household or family members, such as minors or older persons, but due to the dynamics of the phenomenon, the focus is on domestic abuse between current or previously intimate partners. Although domestic violence affects both sexes and all communities across the EU, it is acknowledged here that it affects women and certain communities (such as immigrants) disproportionately. Thus, any interventions to tackle attrition in domestic violence, should take the diversification of the victim pool into account.

**Best police practice** on the issue being discussed here will comprise any individual measure(s) or series of measures that are designed and structured on the basis of informed knowledge, reason and science and are part of a broader strategy or action plan that aims to reduce attrition with due consideration of the needs of victims and is based on the principle of a multi-agency coordinated response.

**Risk assessment** is defined as a structured method to evaluate the potential for offender recidivism and the risk of escalation of violence and of further violence suffered by the victim, based on the identification of risk factors related to the perpetrator and vulnerability factors of the victim. It helps the police and other agencies to identify the level of risk involved, to take more informed and uniform decisions and to set up efficient risk management strategies. It prevents re-victimisation.

**Success in combating DV** is ultimately linked to restoring safety for victims. Defining and thus measuring success in tackling attrition in DV is dependent on the specific point at which attrition occurs and on the corresponding outcomes. Measures such as cases investigated, prosecutions, convictions, arrests, and restraining orders are linked to attrition and can conditionally be used as success indicators. It is suggested that they are taken into account not in isolation but in relation to their effectiveness with regard to providing and restoring victim safety.

## Objectives

This handbook is intended for use as a reference framework for police services across Member States, with regard to sharing and exchanging of information, knowledge, experience and best practices in overcoming attrition in domestic violence cases. It has the following specific objectives:

1. Promoting increased awareness and visibility of the subject within police agencies and the wider CJS, with a view to taking its parameters into account in training, procedures, policies and interventions.
2. Providing an overview of items and aims linked to the tackling of attrition with a view to incorporating them in strategic plans of action addressing domestic violence or violence against women.
3. Sharing, disseminating and encouraging to adopt experiences and best police practices in tackling attrition, and thus promoting similar effective responses to the common challenge of attrition across the EU.
4. Facilitating the improvement of the effectiveness of police services handling this issue and their responses, with a view to improving assistance and protection of victims, data collection and monitoring.
5. Contributing to optimising police and CJS resources to combat and prevent domestic violence through decreasing the levels of attrition.
6. Promoting collaboration, cooperation, partnerships and joint multi-agency interventions by the various competent stakeholders (police, prosecution services, courts, health and welfare services and nongovernmental organisations).
7. Encouraging the collection of comparable data on attrition with a view to maximising efforts in monitoring its levels, as well as facilitating further research in the field.



## Factors that contribute to attrition in domestic violence cases

Attrition often stems from different causes and sources depending on the point at which it occurs, i.e. from the occurrence of an offence up to the final legal adjudication if such is initiated and/or achieved. Many such factors are interrelated and overlapping, and they tend to be contextual, societal, structural, procedural and legal. Although the factors contributing to attrition tend to be interrelated, they can be tackled via the systems in place or centred on the victims (personal factors). There are also abuser-related factors that contribute to attrition such as substance abuse, employment and financial status, previous related conduct, attitudes, etc., but these tend to affect the issue indirectly through the victim and can be considered under victim-related factors. With regard to the systems in place, although there are factors in relation to social welfare or mental health services and to the nongovernmental / advocacy sector, the most important of which is victim support, the emphasis here is on the functions of the CJS and specifically on policing. On the basis of this categorisation, some contributing factors are listed below.

Victim-related (personal) factors:

1. Attitudes toward domestic violence and victim-blaming
  - a. Societal/cultural/personal (e.g. previous childhood experiences)
2. Severity and extent of emotional abuse and its enduring psychological effects
3. Non-recognition of abuse and self-blaming
4. Victim's fear of abuser at the junction with systemic safety gaps
5. Material, social and legal factors
  - a. Abuser-dependence
  - b. Economic status
  - c. Legal status and access to legal services
  - d. Child-responsibility status
  - e. Social integration and support
    - i. Language/communication barriers

System-related factors:

1. Negative perceptions of the CJS or of any of its components
2. Availability and accessibility of victim support, legal advocacy and information provision
  - a. Referral system
  - b. Feedback and updates on progress provided by professionals
3. Factors at the interface with system professionals (police, prosecution service, courts)
  - a. Previous experiences with the system
    - i. Specialisation, prioritisation and coordination of services delivered
    - ii. Competencies and commitment/dedication of service providers/  
professionals
  - b. Level of matching between victim and CJS interests
    - i. Public awareness and acceptance of “criminalisation” approach to DV  
- Media campaigning and management
  - c. Quantity and quality of collected evidence independently of the level of victim engagement with the police
    - i. Video recording of statements, photo documentation, and reception facilities
    - ii. Risk assessment and safety planning/provision protocols
  - d. Victim support provisions in parallel with CJS functions
4. Availability of safety measures
  - a. Restraining orders, arrest/custody, sheltering

## Strategies and approaches to overcome attrition

Below some of the main approaches and strategies that have been applied in order to tackle and overcome attrition are listed:

1. Data collection/monitoring systems
  - a. Data collection on the progression of DV incidents (from reporting to court outcome), broken down at the various specific points of attrition, is being used to monitor the phenomenon, assess the impact of interventions, identify points of major importance, and steer/facilitate further study and research on them
  - b. Analyses may contribute to identifying patterns and characteristics in relation to attrition and thereby channel interventions
  - c. Different points of attrition require different approaches
2. Specialisation of services provided (police, prosecution service, court)
  - a. Victim satisfaction and engagement tends to be increased, and victim vulnerabilities tend to be better addressed through victim friendly approaches
  - b. Effectiveness is maximised if such services are provided by dedicated units committed to DV, or alternatively if a DV coordinator is assigned and the services are provided on the basis of a prioritisation standard
  - c. The issue tends to be more effectively addressed when such services are provided by multi-agency joint structures
3. Pro-arrest, victimless prosecution and no-drop policies
  - a. Minimisation of professional discretion in decision (measure) taking
  - b. Transference of responsibility for decision-making from vulnerable victims to competent professionals
  - c. More robust approaches send stronger messages to parties involved and to the public at large
  - d. There is some debate over victim “free choice” and the level of State intervention
    - i. Need for such policies to be applied in parallel with victim support and advocacy schemes and if possible with offender rehabilitation options

#### 4. Police and prosecution service dialogue

- a. Cooperation and communication between the two can be very important in
  - i. building strong (substantiated) cases
  - ii. handling intentions and/or requests for retraction of complaints and previous statements
  - iii. promoting effective measures for victim safety and offender accountability
- b. Early consultation with or involvement of prosecution service in police investigations can contribute to the quantity and quality of collected evidence
- c. May take different forms depending on the specific legal structures involved
- d. Maximised if parties (professionals and/or services) are specialised in DV

#### 5. Enhancement of police investigations

- a. Conducted by personnel with appropriate competencies, skills and attitudes
- b. Conducted as though they are “victimless”, so that evidence is not limited to the account of the victim
  - i. Sources of additional evidence
    - 1. Photo documentation of injuries and/or scene of crime
    - 2. Video/audio/DVD recording of victim statement
      - a. Structured/official statement
      - b. Provisional account recorded on the scene
    - 3. Medical reports
      - a. Enhanced when prepared by physicians at specialised forensic medical centres/services
- c. Employment of victim-friendly reception/waiting/interview facilities
  - i. Respect, special care and particular attention paid and displayed
  - ii. Less bureaucratic environment/atmosphere
  - iii. Children's play areas available
- d. Availability of DV police investigation support
  - i. thorough protocol/manual to guide and assist investigators
  - ii. bullet point card to guide responding officers on the scene
  - iii. checklist in each case file to update investigators

## 6. Risk assessment procedures

- a. Required by Article 51 of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210)
- b. When conducted on the basis of multi-agency cooperation, it tends to be more informed, and so are the resulting decisions, with more competent statutory agencies becoming aware of the risk involved
- c. Can provide informed input for safety measures and planning and for professional decision making

## 7. Coordinated community responses (CCRs)

- a. Based on the multi-agency cooperation principle, but goes well beyond it, in trying to reach and involve the community at large
- b. Tends to be more effective in small communities, rather than big cities
- c. Multi-agency risk assessment conferences (MARACS) and other police and the CJS structures have been approached via CCR interventions

### Elements of success in intervention programmes

There are several common features, or underlying principles, that can be identified amongst the interventions and programmes considered most successful. In general, successful approaches should be based on the multi-agency principle and should balance both victims' needs and criminal justice systems' goals as far as possible. Generally speaking, there seems to be a positive link between the effective and successful functioning of the CJS and victim support, empowerment and assistance. The most promising and successful interventions, whether integrated legal frameworks, coordinated community responses, training programmes, specialist services, etc., all seem to share the following characteristics:

1. They are based on the crucial underlying principle of multi-agency cooperation.
2. Their approach is centred on victim safety.
3. They provide for a case-by-case individualised approach, rather than applying the "one size fits all" principle.
4. They promote procedural transparency.
5. They engage the victims and respond to their needs to the greatest possible extent.

## Recommendations

The following recommendations are made for dealing with attrition in domestic violence cases:

1. Police agencies should continue and if possible intensify their attempts to increase reporting of DV. These may inadvertently result in increased levels of reported criminality and of attrition in DV. However, reporting is the basic prerequisite for giving CJS authorities the chance to respond to DV, to restore victim safety and to hold offenders accountable.
2. Data on each separate point of attrition should be collected in order to identify areas of concern and in need of interventions, and to assess the impact of any intervention.
3. Police agencies should undertake, promote or facilitate research in the field of attrition, preferably by channelling it at the various points of attrition within the CJS process.
4. The general public and victims of DV, specifically, should be adequately informed about the aspects of the CJS which are relevant to them (e.g. legal provisions, procedures, etc.). This will make them familiar with the system and how it works and more aware of its strengths and possible limitations, so that they develop realistic expectations and know how to pursue them.
5. Police services dealing with DV should be provided by specialised organisational units and/or professionals. As far as possible, such services should be provided by units/professionals dealing exclusively with DV or DV-related fields (e.g. violence against women in general and sexual offences).
6. The services mentioned in the previous point should be provided by suitably competent professionals, who should have successfully completed mandatory related training. To this end, CEPOL's Common Curriculum on Policing Domestic Violence<sup>3</sup> may be consulted. CEPOL or other competent EU bodies may review and assess the possibility of establishing minimum standards for such specialised training activities and/or of providing training accreditation for DV police officers.

---

<sup>3</sup> Available for download at <https://www.cepola.europa.eu/index.php?id=domestic-violence> (Login Area, Training & Learning / Common Curricula / Domestic Violence).

7. DV multi-agency risk assessment conferences (MARACs), protocols and procedures should be established as best practice and/or targets in this area, since they incorporate multi-disciplinary approaches and safety planning issues. DV and/or spousal abuse risk assessment tools, adapted on the basis of national/local circumstances, should be developed or adopted for use by the police officers and/or other professionals.
8. Victimless investigations and prosecutions, offender pro-arrest, offender pro-prosecution and victim/family pro-protection policies (e.g. temporary restraining/removal/“go” orders issued by the police) should be promoted, wherever possible accompanied by victim support and empowerment services. Victim protection policies and practices should be based on the principle that the accused/offending party should be made to leave the family residence, except in the event of immediate safety reasons, whilst the complainant/victim and/or dependent(s) should be hosted elsewhere (e.g. shelter) only temporarily and as a provisional measure.
9. DV victims should be approached as a diverse group. Special measures should be promoted to address specific needs of particular groups/communities (e.g. immigrants) and to individualise the approach and response to the greatest possible extent.
10. In order to serve DV victims better and increase victim engagement with the CJS, thereby decreasing attrition, police agencies should promote victim assistance, support and empowerment schemes/policies/services provided by the police and/or other stakeholders, either via cooperation protocols/memorandums of coordinated responses, or preferably through joint structures. The operation of offender rehabilitation programmes should also be promoted, either on the basis of voluntary participation, or following referrals from the police, the prosecution service or the courts, depending on the specific legal structures involved.
11. Attrition should be given greater visibility and the issue could become part of police or wider strategic action plans.

## Final remarks

This handbook is not meant to provide an exhaustive and thorough report on the issue, but rather a brief account of the situation. For a more detailed report on issues raised in this handbook, interested parties may refer to the study<sup>4</sup> which provided the background for this document.

A number of good practices on overcoming attrition are listed and briefly presented in the Annex. Given the cultural, legal and other differences across Member States, these practices are meant to serve as food for thought and guidelines rather than to be treated as models for adaption elsewhere in the Union.

---

<sup>4</sup> Veis, Costas, M. (2012), (Ed.). Overcoming Attrition in Domestic Violence Cases: (Provisional Edition). Cyprus Police Headquarters, Cyprus: Nicosia, June 2012.



**Examples of best police practices  
in overcoming attrition in domestic violence cases**

*[This part is currently left open for further suggestions of best practices on the issue. General themes are listed below as a guide to practices to be reported by Member States.*

*It is preferred to have the widest possible European Union coverage here, provided that the suggested practices are linked to the issue of attrition.*

*It is suggested that reported practices are described briefly and that links and references to further information and details are provided where possible.]*

A number of examples of best practices are [to be] listed here. These have been selected on the basis of literature reviews and information provided by Member States. This is not meant to be an exhaustive report on each practice, but rather a brief review of each, so that interested parties are informed and if interested can obtain further and more detailed information. To this end, references and links to additional information on each reported practice are provided where possible. Best practices are presented in a thematic structure.

## Themes

1. Attrition data collection, monitoring, analysis
2. Specialised domestic violence services provided by the police
  - a. Victim-friendly police reception facilities
  - b. DV coordinators
3. Police investigation
  - a. Specialised procedures
  - b. Manuals/guides
  - c. Checklists/cards
4. Victim protection measures/orders
  - a. On the basis of police or court or “other” powers
  - b. Pre- or post-trial protection
  - c. Pro-protection policies
5. Pro-arrest policies
6. Victimless investigation/prosecution policies
7. Pro-prosecution policies
8. Risk assessment structures and functions
9. Procedures for handling retractions of filed complaints
10. Police – prosecution service cooperation
  - a. Investigation, risk assessment, victim safety
11. Specialised victim support services and advocacy initiatives
12. Specialised forensic medical services
13. Training/competencies of professionals
14. Coordinated community responses (CCRs)
15. Referrals to and info sharing with statutory partners
  - a. With victim consent/authorisation or not
16. Domestic homicide reviews
17. Specialised prosecutors to be consulted

18. Victim engagement

- a. Police/court support for victims
- b. Familiarisation with police/prosecution/court procedures
- c. Witness care units

19. Partnerships with stakeholders

- a. Statutory agencies
- b. Nongovernmental organisations
- c. Private sector (companies, trade unions, etc.)

20. References to DV attrition in action plans (police, wider, national)

21. Challenges encountered

22. Other

---