

Police investigation and legal proceedings

Factsheet

Dynamics and behavioural patterns in domestic violence

Key characteristics of domestic violence¹:

- There is an emotional bond between perpetrator and victim, often enduring spatial separation.
- Violence typically occurs out of sight, within private spaces. Especially when the home is the scene of the crime, victims no longer feel safe there. A shared residence is not a prerequisite for domestic violence.
- Victims often feel trapped, unable to find a way out.
- The physical, sexual, and/or psychological integrity of the victim is repeatedly violated by the perpetrator's actions.
- The perpetrator exploits an existing power imbalance with the victim.

Domestic violence is usually not a one-time event but a cycle of recurring actions and behaviours that lead to repeated violent escalations. This creates a "violence spiral" that goes through the same phases repeatedly.

Especially during separations, the risk of severe physical injuries up to homicides increases. The most important basis for assessing the risk situation is the victim's subjective perception of the threat.

Research shows that police officers are often frustrated by the behaviour of victims, the operation of criminal courts, their department's operations and their informal processes, and the complexity of applying the law.² Often, they spend valuable time trying to motivate a victim of domestic violence to leave his or her abusive relationship, and at the same time a crime report cannot be filed on the victim's request.



Find more information about the **forms and dynamics of domestic violence** in [Module 1](#).



Learn more about **risk assessment and safety planning** in [Module 5](#).



Find information on how **frustration and stress can lead to burnout and vicarious trauma** in [Module 9](#).

Police intervention in cases of domestic violence³

Objective when intervening in cases of domestic violence

The management of police operations in the event of domestic violence must be carried out on a case-by-case basis, but is fundamentally characterised by the following objectives:

- Defence against danger to life and limb, freedom of persons and/or property
- Taking consistent action against the troublemaker/suspected offender
- Ensuring evidence-proof prosecution
- Information on counselling options for victims and suspects
- Prevention of further acts of violence against persons

Guiding principles

In many cases of domestic violence, the police are often the first point of contact for those affected. They have to implement their legal mandate to prosecute the offence in question and prevent further offences, as well as carry out victim- and offender-oriented measures.

The following guiding principles must be taken into account in particular:

- In every case of domestic violence, the police intervene quickly and consistently.
- The police intervention ensures effective and comprehensive protection, assistance and counselling for the victim.
- In every case of domestic violence, the risk of recidivism is assessed and, in high-risk cases, suitable measures are introduced to minimise the risk of violence. A high-risk case is always to be assumed if people subjectively feel threatened by serious violence or a homicide by their (ex-)partner or other relatives and there are actual indications of this threat.
- The offender is made aware of the punishability of his or her actions.
- If a criminal offence has been committed, the consistent preservation of evidence and prosecution is of particular importance, even if the victim has not yet filed a criminal complaint.
- The police deal with children and adolescents present in a responsible and appropriate manner.
- The police adapt their approach to the respective operational situation and, if necessary, take into account the migration background, disability and age of the victim.
- The police work closely with governmental and non-governmental institutions, such as public prosecutors, youth welfare offices, intervention centres, marriage, parenting, family and life counselling centres, child protection services, shelters, conflict counselling centres for perpetrators and other regional institutions.
- The police ensure ongoing basic and advanced training to further qualify and sensitise police officers to the phenomenon of domestic violence.



Learn more about
how the police
work in cases of
domestic violence
[in this video.](#)



Find specific information on **how to talk to victims of domestic violence** in [Module 3](#).



Learn more about **stereotypes and unconscious bias** in [Module 8](#).

- The police carry out targeted and appropriate public relations work on the subject of domestic violence and present the work of the police to the outside world in a transparent manner.

Overall, the principle of investigating and helping rather than just mediating should apply when dealing with cases of domestic violence.

Polices measures

Consistent police intervention should help to change the way society views domestic violence. It should be made clear to the perpetrator that his or her behaviour is socially condemned and will never be respected. Victims should be shown ways of breaking the cycle of violence and be offered help and counselling.

The police may take the following measures⁴:

Victim-orientated measures

- Personal contact with injured parties/victims
- Spatial separation of the parties involved
- Preventing the perpetrator from influencing the victim
- Documentation of spontaneous statements by the victim
- Documentation of the crime scene (e.g., destroyed home furnishings)
- Identification of witnesses in the area of perception
- Meaningful documentation of injuries with the possible involvement of forensic medicine (e.g., photos)
- Physical examination of the victim by a doctor
- Use of the form for consent to the disclosure of personal data (doctors' declaration of confidentiality)
- Examination of a high-risk case and, if necessary, initiation of appropriate measures
- Questioning witnesses and initiating criminal proceedings (utilising the victim's willingness to testify)
- Informing the victim about the legal possibilities
- Referral to intervention centre or other support facilities (e.g., women's shelter), victim protection officer
- Handing out available information material on support services
- Transmission of counselling needs to the responsible intervention centre with the consent of the victim
- If children are present, notify the youth welfare office immediately in all cases
- Accompaniment to the shelter or child protection service in case of increased risk assessment
- Accompaniment to the home in case of increased risk assessment

Perpetrator-orientated measures

- Implementation of necessary measures to avert danger, taking into account proportionality (e.g., expulsion, expulsion from the home, preventive detention)
- In the case of expulsion from the home: information about the type, scope and duration of the expulsion, possibility of taking everyday necessities with you, securing the keys to the flat, naming the new postal address
- Instruction as the accused and questioning of the accused
- Documentation of facts that support the risk prognosis
- Realisation of criminal procedural measures (e.g., search, seizure of evidence, blood sampling, arrest)
- Handing out information material
- Transmission of the need for counselling to the responsible offender counselling service with the person's declaration of consent

Perpetrator work

In order to effectively combat domestic violence, perpetrators must come to terms with their violent behaviour, which is usually only possible with professional help. For this purpose, there are counselling centres for perpetrators of domestic violence. In long-term counselling processes, a non-violent approach to relationships is developed. The work with perpetrators is geared towards ending violence in the long term by changing their behaviour. It has a preventive effect and thus serves to protect victims.

Children and adolescents affected by domestic violence

Violence between parents is an extremely stressful situation for children and adolescents. If domestic violence is reported to the police, police measures should also be orientated towards the children and adolescents present. They need age-appropriate explanations about the steps taken and the police action. If minors live in a household where there is violence between the parents, this is often witnessed by them.⁵ In addition to witnessing this, however, they often become victims of direct physical and/or psychological violence themselves. This can also lead to neglect and thus jeopardise the child's welfare.⁶

Your behaviour should be characterised by⁷:

- Protection from further danger, achieving a calming effect
- Personal introduction and age-appropriate communication and making contact
- Addressing children and adolescents on "the same level", squatting down if necessary
- Child-appropriate and age-appropriate description of the situation, the operational situation and the objectives of the police operation

- Possible avoidance of the use of direct coercion against parents when a child is present
- Consideration of the special requirements when hearing a child; in particular, the right to refuse to give evidence and maturity of mind
- Avoidance of multiple hearings and use of special children's hearing rooms
- Ensuring safe accommodation and appropriate care for children
- Handing out available age-specific information material
- Notification of the youth welfare office, examination of taking into care and substitute guardianship if necessary
- Detailed documentation of the children's whereabouts at the time of the offence, their (emotional) state, what they witnessed and what dangers they are/were exposed to
- No use of direct coercion against children (e.g., when taking them into care)

Regardless of whether children only witness violence or are themselves victims of violence, children who are present must always be regarded as victims. They must be given the necessary attention.

Measures for victims with a migration background

If people with a migration background are victims of domestic violence, there is a tension with regard to police measures. The sense of honour and religious views can differ considerably from each other and, above all, from Western European values. Due to gender-related role perceptions in particular, women with a migrant background are increasingly reluctant to accuse the perpetrator and accept their situation. Above all, the fear of being excluded from the family or the threat of having their children taken away can lead to victims tolerating the violence. Unclear legal perceptions, language barriers, concerns about their right of residence and their economic situation make it difficult for the victims to find a way out of the violence. Special support is needed here. The use of violence in foreign families cannot be justified as culturally determined and should therefore not be tolerated under any circumstances. Due to language barriers, religious background and role perceptions, both victims and perpetrators can react in different ways. This can lead to victims rejecting the police.⁸

The following aspects are therefore particularly important⁹:

- Where possible, victim-oriented measures for women should be carried out by a female police officer (questioning, counselling)
- Consideration of language barriers and religious backgrounds when conducting interviews and interventions
- Involvement of an interpreter/language expert to overcome language barriers (clarification of facts, offering help)



Find out more about **specific forms of violence** in [Module 1](#).

- Do not use children and relatives as interpreters to overcome language barriers
- Always interview the victim separately from the family
- Analyse the victim's behaviour and statement with regard to possible influencing factors (fear of reprisals, family, exclusion)
- Support from the police may not be accepted due to the understanding of their role (refer to other institutions, e.g., counselling centres)
- Consider the risk of the victim being excluded from the family and social environment as a result of the accusation
- Pay particular attention to the importance of the family/honour in relation to reporting and accusations by the victim (possibilities of "punishment" by the family in the form of child removal or family condemnation)
- Involvement of a trusted person of the victim

Women and girls with a migration background can also be victims of very specific forms of domestic violence. These include forced marriage or female genital mutilation.

Measures for victims with impairments and disabilities

Due to their limitations, people with disabilities are often dependent on the help of their environment and their carers. Sometimes this dependency is abused by partners or trusted persons. As the victims are usually dependent on their partners to cope with their everyday lives, they endure the violent situation and take it for granted. If they show resistance to the violence, they must expect negative consequences in their daily care and a loss of care. Special care and consideration must therefore be taken when dealing with disabled people as victims of domestic violence.

The following main points must be taken into account¹⁰:

- Appropriate treatment of the victim
- Consideration of the type of disability and adaptation of behaviour and measures
- Ensuring communication (deaf, speech impaired) by using special aids or third parties (trusted person, sign language interpreter)
- Check the need for assistance in particular
- Checking that assistive devices are suitable for the disabled
- Support in taking personal belongings
- Ensuring safe accommodation for victims

Measures for elderly people as victims

Domestic violence against elderly is a largely taboo subject. However, domestic violence can also be experienced in old age. The issue becomes more difficult when looking at older people who are in need of care and therefore dependent on help. A large dark field can be assumed here, as surveys can only be conducted with people who are physically and intellectually able to do so. In addition, older people are often underrepresented in studies and tend to have a very low reporting ability. The picture of victimisation in old age must and will therefore remain incomplete, taking into account the large number of unreported cases.¹¹

The following priorities should be taken into account to improve handling¹²:

- Recognising the existence of the problem
- Dealing sensitively with those affected
- Improving awareness and knowledge of the problem
- Development of intervention skills
- Offering help
- Cooperation with care facilities for short-term accommodation
- Involvement of the social psychiatric service

Police intervention in cases of stalking

Dealing with the victim

The following recommendations and tips should be given to the victim when dealing with the perpetrator and the stalking:

- Consistent avoidance of contact between the victim and the perpetrator
- Avoidance of encounters with the perpetrator
- Extensive protection and documentation of the perpetrator's contact with the victim
- Publicising the stalking in the victim's personal environment
- Contacting the police immediately in the event of an acute threat/persecution
- Careful handling of personal data and documents (address, film recordings, photos)
- Use of technical protection options (secret telephone number, second line, interception)
- Adequately securing the home and property (e.g., car)
- Information on support services (counselling centres and shelters)
- Information on medical and psychotherapeutic support services as well as documentation that can be used in court
- Advice on the possibilities of protection orders



Find an overview of the [criminal procedures in the IMPROVE and VIPROM partner countries](#) in [Module 7](#).

Dealing with the perpetrator

- Carrying out interrogations and risk assessment
- Intensive dialogue to gain insights and a possible de-escalation of the situation
- Clarification of the injustice of the offence
- Keeping the perpetrator in the focus of the police
- Introducing perpetrator counselling and arranging it if necessary

Legal considerations

Police intervention in cases of domestic violence is geared towards both averting danger and prosecution. In cases of domestic violence addressing the perpetrator, an expulsion order, the eviction from the home, a residence ban, the prohibition of contact, or detention can be considered. Of particular importance is the ban on returning to the home, which can be issued by the police if this is necessary to avert a current danger posed by a person living in the same home.

A large number of possible offences come into consideration when investigating cases of domestic violence. The criminal procedures in cases of domestic violence differ in the individual European countries.

Helpful sources

They can be found [here](#).