

Police Responses to Domestic Abuse during the COVID-19 Pandemic: Positive Action and Police Legitimacy

Kelly Johnson*  and Katrin Hohl**

Abstract This article presents evidence from a mixed-methods study examining the impacts of the COVID-19 pandemic on frontline police responses to domestic abuse, with a particular focus on ‘positive action’, across seven police forces in England. Statistical analysis of police-recorded domestic abuse administrative data is combined with 73 semi-structured officer interviews conducted over the first year of the pandemic (June 2020 to June 2021). Findings identify officers felt their general approach to domestic abuse remained unchanged. However, officers used their discretion to adapt positive action practices to the pandemic context, for example, by temporarily making greater use of arrests, Domestic Violence Protection Notices/Orders, and informal measures. Mirroring broader tensions relating to police legitimacy arising during the pandemic, officers saw victim safeguarding as a priority but simultaneously expressed concern about proportionality. The article concludes by addressing the implications of the findings for the understanding and evaluation of domestic abuse policing practices both within and beyond the pandemic context—in terms of informing theoretical understandings of positive action, as well as police institutional knowledge, policy, and practice going forwards.

Introduction

From the earliest days of the COVID-19 pandemic, the challenges, risks, and harm that social distancing measures, particularly lockdowns, might engender for victims of domestic abuse have been a key area of policy concern. Soon after the nationwide lockdown was instituted in the UK, numerous helplines experienced a sharp rise in calls and saw early evidence of domestic abuse¹ escalating

(Home Affairs Select Committee, 2020). English police services were similarly alive to the potential intensifying impacts of the COVID-19 pandemic (‘pandemic’ hereafter) on domestic abuse, compounding existing challenges including year-on-year increases in domestic abuse reports, now constituting over 18% of police-recorded crime (ONS, 2021). Police organizations are practised in responding to challenging emergency situations, yet the COVID-19 context has been unprecedented

*Scottish Centre for Crime & Justice Research, University of Glasgow, Glasgow, UK. E-mail: kelly.johnson@glasgow.ac.uk

**Department of Sociology, City, University of London, London, UK

¹ Here domestic abuse describes controlling, coercive or threatening behaviour, violence, or abuse between those aged 16 and over who are or have been intimate partners or family members (as per the UK statutory definition, see Domestic Abuse Act 2021, Part 1).

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(Kyprianides *et al.*, 2022). Accordingly, there was little evidence available to inform adaptations to safeguarding, law enforcement, and social order maintenance.

Research about the impact of the pandemic on emergency services such as the police—though likely profound—is only now emerging. To date, few studies have empirically explored how the pandemic impacted established police practices, and police responses to domestic abuse in particular (although see Walklate *et al.*, 2022). This paper addresses this lacuna using a mixed-methods approach to examine the impacts of the pandemic on frontline police responses to domestic abuse across seven police forces in England, with a particular focus on ‘positive action’; a term referencing officers’ obligation to take ‘appropriate steps’ to safeguard domestic abuse victims via whatever practicable means, such as by arrest or organizing refuge accommodation (alongside pursuing a criminal justice outcome) (College of Policing, 2015).

The paper falls into four parts. Part One summarizes the extant literature on the implications and challenges of the pandemic for policing, focusing on policing domestic abuse. Part Two describes the empirical study which combines statistical analysis of police-recorded domestic abuse crime data with 73 semi-structured officer interviews carried out over the first year of the pandemic (June 2020 to June 2021). Part Three presents the findings, addressing ways in which domestic abuse police practice changed across the evolving pandemic context, focusing specifically on changes to positive action. The final section reflects on the implications of the findings, in terms of informing theoretical understandings of positive action, as well as police institutional knowledge, policy, and practice going forwards.

Policing responses to domestic abuse

Academic research about COVID-19’s influence on domestic abuse is emerging whilst the pandemic

continues to unfold. Unlike most other forms of crime, domestic abuse did not decrease in volume; however, the majority of studies have only identified a small initial increase of police-recorded domestic abuse, during the first weeks of national lockdowns (e.g. Kourti *et al.*, 2021; Piquero *et al.*, 2021; Hohl, *under review*). In the UK, the volume of police-recorded domestic abuse does not indicate the surge in demand anticipated or experienced by support organizations, and instead largely reflects year-on-year trends in recorded increases of domestic abuse (ONS, 2021)². Elsewhere (Johnson and Hohl 2021, Hohl, *under review*) emphasizes the pandemic and its related stressors *do not cause* domestic abuse, but rather interact with domestic abuse triggers and intensifiers—delaying victims from exiting abusive relationships, and victims disclosing the abuse getting worse and having greater detrimental impacts on their mental health. This echoes research with victim survivors and domestic abuse practitioners, which found an increase in the onset and escalation of violence, perpetrators exploiting the pandemic context, and barriers to help seeking (e.g. Boxall *et al.*, 2020; Gregory and Williamson, 2022). There is also limited qualitative evidence addressing victim survivor and practitioner perspectives on pandemic-related police responses to domestic abuse, gathered by third-sector organizations. These reports detail domestic abuse practitioners perceiving the police as an understanding of the additional risks posed to victims, but also concerns about negative victim experiences of police engagement and practice changes—such as decreased use of arrest and remand—putting victims at increased risk (Scottish Women’s Aid, 2020; Women’s Aid, 2021).

Studying how English police forces responded to the pandemic at the strategic level, Walklate *et al.* (2022), in their survey of police domestic abuse leads, found forces responded quickly with context-led modernization to maintain an organizational focus on domestic abuse; for example, using various technologies to advance victim engagement and multi-agency partnership working (see also HMICFRS,

² For example, Refuge (2021) reported a 61% increase in calls for service and a 700% increase in website traffic, whereas the ONS (2021) reported a 6% increase in police-recorded domestic abuse-related crimes over the same period, largely coinciding with longstanding annual increases. Note the ONS suggests these annual increases may in part be attributed to improved crime recording and increased willingness to report domestic abuse, rather than an increase in abuse per se.

2021). Many of these innovations reportedly had benefits their police participants hoped to take forward post-pandemic. However, the authors argued the inconsistency in operating standards and performance across forces necessitates closer scrutiny of localized domestic abuse responses, and the further centralization of policing domestic abuse administration (Walklate *et al.*, 2022).

Beyond strategic domestic abuse police policy, there is little evidence of the pandemic's impact on police practice 'on the ground', including in the context of positive action. Maskály *et al.* (2021) found no significant changes in domestic abuse arrests, despite there being arrest variation for other crime types. In England and Wales, HMICFRS (2021) identified key factors that put additional pressure on police domestic abuse responses, including domestic abuse demand remaining high and relatively stable, reduced staffing levels due to sickness/self-isolation, and court closures and delays. Despite these challenges, no significant changes to police risk assessment practices were noted; however, a downward trend in the rate of domestic abuse arrests and an increase in applications for Domestic Violence Prevention Notices and Orders (DVPN/Os)³ were observed. Additionally, some forces chose to respond to 'lower-risk' domestic abuse cases over the phone rather than via deployment during reduced capacity periods. HMICFRS (2021) stressed most of these new adaptations had not been tested for efficacy and called for their rigorous evaluation before being incorporated into standard practice going forwards.

In summary, to date, few studies analyse the impact of the pandemic on how police respond to domestic abuse, and none to date have holistically examined any changes to positive action.

The wider context—policing the pandemic

Studies on the impact of the pandemic on policing generally in England provide further context for understanding police responses to domestic abuse.

With the onset of the pandemic, UK police forces were tasked with taking on a new, unfamiliar role of 'public health worker' and enforcing constantly evolving laws and guidelines to control the spread of the virus, which placed extraordinary restrictions on social interactions and freedoms (Stott *et al.*, 2021). Emerging research is now addressing a range of the unprecedented challenges the pandemic has posed to policing, including enforcing public health restrictions (e.g. Grace, 2020); the health and well-being of law enforcement personnel (e.g. Frenkel *et al.*, 2021); democratic policing (Kyprianides *et al.*, 2022); policing protest (Stott *et al.*, 2021); and public confidence in the police and police–community relations (e.g. Yogeve, 2022), including the disproportionate policing of minoritized communities (Nix *et al.*, 2021). Many of these studies situate their analysis within a broader discussion about what the pandemic means for policing and the acceptable boundaries of the policing mandate (see White and Fradella, 2020).

Indeed, the pandemic has generated a host of new challenges for police legitimacy (Jones, 2020)—an area of longstanding scholarly attention, which often finds public perceptions of the police to be unjust or uncompassionate, thereby undermining their legitimacy (Bradford *et al.*, 2021). In public narratives, the police have sometimes been constructed as the 'villains' of the pandemic, tasked with the 'dirtier responsibilities' of enforcing rules rather than as 'heroes' saving lives (De Camargo and Whiley, 2021). This is despite the considerable risks police faced while continuing their frontline work, and they are being tasked with an 'engage and explain' (over enforcement) approach to encourage public compliance to social distancing restrictions (see COP/NPCC, 2020, 4 E guidance). This approach speaks to 'policing by consent' being the underpinning of police legitimation in the UK (Grace, 2020; Kyprianides *et al.*, 2022), where the use of force is a last resort and the police are oriented primarily as 'peace officers' rather than law enforcers (Banton, 1964, p. 127).

The pandemic has also posed practical challenges to policing. Police resourcing and capacity were reduced because of significant numbers of personnel

³ DVPN/Os are court-approved restrictions placed upon perpetrators of domestic abuse for up to 28 days, which can, for example, prevent them from entering the home of the victim. They are applied for and administered by the police with the aim of providing immediate protection to domestic abuse victims (see Home Office, 2020).

being off-sick or self-isolating, new health and safety protocols, remote and socially distanced working, and changes in working schedules and staff training (Clements and Aitkenhead, 2020; Maskály *et al.*, 2021). Policing operations were impacted too, including increased barriers to investigations, proactive policing, and public engagement—engendering a host of documented innovative responses, including policy adaptations and use of enabling technologies (see Stanier and Nunan, 2021).

In the frontline context, we know frontline police work has always involved high-discretion, low-guidance, and low-visibility scenarios. Kyprianides *et al.* (2022) argue the uncertainty created by the fast-changing and often unclear pandemic legislative and guidance frameworks imposed on policing will likely have weakened officers' confidence in their own authority, and thus their ability to police in appropriate ways. Farrow (2020) suggests this uncertainty will likely increase officer discretion further, underlining the need to maintain public confidence in the police through a procedural justice approach that follows principles of fair, transparent, and equal treatment.

Accordingly, Hartmann and Hartmann predicted the pandemic would occasion a surge of frontline improvisation and practice changes, which they frame as reactive 'innovations':

The resources that officers usually rely on to solve their tasks may cease to be effective and the resources required for new tasks may simply not exist. The formal organization... may also struggle to provide generally applicable solutions to problems experienced 'on the ground'... the urgency of solving problems may increase, because the stakes of 'doing nothing' are high. (2020, p. 1094)

To date, there is little empirical research that speaks to these assertions. Initial studies indicate

some change in officer arrest practices, particularly a decrease in arrests for minor crimes and an increase in warnings issued, for example, for COVID-19 violations (Maskály *et al.*, 2021). UK police forces seemingly relied less on formal sanctions, such as arrest and charging, than their European counterparts in the earlier stages of the pandemic (Sage, 2020; c.f. Kyprianides *et al.*, 2022). The efficacy and sustainability of these altered responses remain unscrutinized—highlighting a key focus for future academic research (Maskály *et al.*, 2021).

Taken together, this emerging evidence demonstrates the need for an in-depth, mixed-method analysis of the impact of COVID-19 on frontline domestic abuse policing practice, which considers 'positive action' responses within the important, wider context of police legitimacy.

The study

The paper stems from a study which involved partnership working with forces to produce timely empirical evidence across the first year of the pandemic to identify how COVID-19 and resulting lockdown measures were impacting domestic abuse⁴ and associated policing responses, with a view to informing ongoing police practice. Fieldwork was conducted with seven police forces in England, which are geographically and socio-economically diverse, and include small, medium, and large forces, urban and rural areas, with varying levels of crime and COVID-19 prevalence rates. The mixed-methods research design combines statistical analysis of police administrative data and officer interviews.

Statistical analysis

The dataset comprises all domestic abuse-flagged crimes⁵ and associated police actions recorded by the

⁴ Domestic abuse for the purposes of this paper refers to abuse occurring in ongoing/previous intimate partnerships and familial contexts involving persons aged 16 or over, as per the Domestic Abuse Act 2021 (see <https://www.legislation.gov.uk/ukpga/2021/17/part/1/enacted>).

⁵ Although domestic abuse non-crime incidents are an important element of police demand, last year constituting 42% of domestic abuse-related volume (ONS, 2021), the related police records available in this study contained very little information and no extractable data addressing positive action; as this is the focus of the present paper, we have thus excluded non-crime incidents from the analysis.

seven English police forces between 1 March 2018 and the 31 March 2021. After removing duplicates in the force-provided datasets, the total sample size was $n = 648,000$ crimes. This sampling method of including all domestic abuse crimes recorded within the study period means the sample (or census) is representative of the seven participating police forces. However, as police administrative data primarily document crime-related information for operational purposes, and not with strategic data analysis in mind, the data have proved limited for the systematic monitoring and analysis of police action—and extremely limited for positive action in particular. Additionally, poor police data quality is well documented (e.g. ONS, 2015), compounded by inconsistent force policies on what data are being collected and available for automatic database extraction. The following three variables are included in the descriptive statistics and basic significance testing presented: overall domestic abuse crime volume, domestic abuse-flagged crimes where DVPN/Os were used, and domestic abuse-flagged crimes resulting in arrest.

Police interviews

In total, 73 officers and staff from four of the seven police forces were interviewed between June 2020 and June 2021. Participants were recruited by forces directly, with each force circulating participant information sheets and consent forms via a staff email seeking volunteers to participate. A non-probability, purposive sampling technique targeting particular departments was adopted to ensure the participant sample included a varied range of ranks and roles, in order to engage with as many aspects of the police response to domestic abuse as possible. Due to this sampling method, and the significant variation within and between participant roles,⁶ the interview data are not generalizable or subject to quantitative analysis; however, they do provide important insight into officer experiences, perceptions, and practices which would not be available through the interrogation of police administrative data alone.

Three forces of varying sizes, demographic composition, and geographic locales were initially selected to take part in the interviews, based on their expressed capacity to participate in the resource-intensive interview process. In each instance, recruitment was facilitated by an in-force evidence-based policing research hub. Recruitment was initially successful in locating individuals interested in taking part. However, as the pandemic progressed recruitment became harder from January 2021 onwards—likely due to the cumulative pressure of the pandemic on both forces and individuals, and potentially a sense of domestic abuse returning to ‘business as usual’ after the initial pandemic fallout (see Johnson and Hohl 2021), possibly rendering the interview topic less desirable. Consequently, a fourth force agreed to participate in the interview research phase to advance participation, where one officer recruited participants via the same above-described sampling method.

The semi-structured interviews explored how officers perceived and responded to domestic abuse across the changing pandemic context, and focused on emerging challenges and changes to practice. To minimize demands on resources, and to elicit the opportunity for participants to address experiences pertinent to their particular role and positionality, the interview guide comprised a short series of five focused, open-ended questions (asking, for example, how the pandemic was impacting their professional duties and if they had adopted any new practices to respond to emerging challenges), proceeded by follow-up questions tailored to participant responses and/or topical prompts to ensure appropriate discussion points were sufficiently covered (e.g. risk assessment, safeguarding, arrest). Participants included frontline officers ($n = 32$); domestic abuse investigators ($n = 17$); safeguarding ($n = 8$); neighbourhood officers ($n = 3$); contact resolution and control room staff ($n = 7$); and senior officers with strategic domestic abuse oversight (domestic abuse leads, $n = 6$). In total, 25 participants were recruited from two forces, 8 from

⁶ Unlike the majority of frontline officers in our data sample who covered large residential areas, some participants, for example, were primarily tasked with responding to the night-time economy and therefore had little experience of responding to domestic abuse out with these circumstances. Others were variously placed on restricted duties due to self-isolation and shielding, etc.

the third, and 15 from the fourth, with a mixture of ranks and roles interviewed in each. The interviews were conducted by the lead author and took place either via phone or Microsoft Teams, lasting for 20–45 min. All interviews were recorded with the consent of participants and turned into anonymized transcripts.

The first five interviews were conducted as pilot interviews, to test the interview design and develop the coding framework. Originally, the interviews sought to capture snapshots of officers' experiences of policing during the pandemic at particular points in time, for example, to reflect the impact of the specific social distancing measures in place. However, this proved difficult in practice due to the rapid rate of lockdown changes (including 'local lockdowns') and recruitment delays. Participants additionally were keen to reflect on the entirety of their experiences across the pandemic and struggled to delineate between different social distancing phases. Accordingly, the interview guide was altered to accommodate participant experiences across the rolling breadth of the data collection period, meaning this study addresses the impacts of the pandemic as a whole on police practice, rather than specific social distancing contexts.

Once the interview transcripts were received, the data were interrogated for emergent themes using the principles of grounded theory, which involves analysis being undertaken inductively and iteratively to produce theoretical inferences rooted in the phenomena observed (see Charmaz, 2014). To achieve this, the first five interview transcripts informed the development of an initial thematic coding framework by the lead author, who conducted all of the qualitative analysis for this project, using data analysis software NVivo12 (see Rubin and Rubin, 2005). Alongside the police administrative data, the interview data were analysed on a rolling basis across the data collection period in order to update police partners on emerging results, with the coding framework being refined as necessary (predominantly via developing more detailed node hierarchies). Once data collection was complete, the coding was examined holistically to identify significant themes convergent

across the participating forces to inform the development of academic outputs. A second tranche of data coding, using a finalized coding framework which focused on frontline responses and positive action, was subsequently conducted for the purposes of this paper to ensure a systemized approach to analysis. The qualitative analysis was then triangulated with the finalized statistical analysis of police administrative data to inform and verify shared key findings (see Fielding, 2012).

Findings

Consistent with prior research, domestic abuse leads emphasized domestic abuse was a priority area for all participating forces from the onset of the pandemic (see Walklate *et al.*, 2022). Significant strategic policy measures were introduced relating to pre-emptive victim and perpetrator engagement, technological innovations, officer communications, and evidence-based policing.⁷ Participants additionally spoke of increased workloads, pandemic-related barriers to service delivery (see Stanier and Nunan, 2021), and the negative health impacts of working in such demanding conditions (see Frenkel *et al.*, 2021, Stogner *et al.*, 2020). A range of previously unidentified impacts of the pandemic on domestic abuse frontline and safeguarding responses were also observed, to which we now turn.

Changes to positive action

First, there was consensus amongst officers that their responses to domestic abuse 'did not change drastically', as the following quote exemplifies:

We've been business as usual, certainly around safeguarding... Yes, there's the aspect of the restrictions but obviously people need to be safeguarded first.
(Frontline officer, P1)

For example, participants reflected that despite being conscious of the additional risk potentially posed to victims, their existing risk assessment tools

⁷ Of course, these proactive policing measures may, in turn, have impacted the domestic abuse coming to police attention (see Ivandic *et al.*, 2021, for an example study).

and protocols were established and flexible enough to apply to the pandemic context:

We didn't change anything in terms of risk assessment... [it's] tried and tested. (*Domestic abuse lead, P2*)

However, the significant majority of frontline officers disclosed there had been some 'organic' changes to practice taking place 'on the ground':

There have been changes to practice, but it's been fairly organic and led by a reaction to the pandemic rather than any formal policy changes. (*Domestic abuse lead, P3*)

[Practice changes were] just part of the problem solving at a job... I didn't think it was a policy thing... most of it was trial and error for police officers at the scene. (*Response officer, P4*)

The reported practice changes primarily related to officers taking formal and informal forms of positive action to respond to new safeguarding challenges. Some of these were visible in the quantitative data, albeit to a limited degree. Five of the participating seven forces were able to provide arrest data in a way that could be linked to domestic abuse crimes, and two forces were able to provide data on DVPN/Os.

Table 1 reports the mean number of DVPN/Os recorded by two forces between 2018 and 2021, before and after the 23rd of March—the start date of the first national lockdown. The results suggest a statistically significant 31.6% increase in the use of DVPN/Os, from an average of 7.2 a week in 2019 to 9.5 per week in 2020 ($p = 0.04$). This increase is disproportionately greater than the year-on-year increase in recorded domestic abuse crimes observed for the same time period (12.7%). No statistically significant year-on-year change was observed for the pre-lockdown 1 January to 22 March period, indicating the observed increase

may be attributable to the onset of the pandemic and associated lockdowns, rather than long-term trends. However, one must be cautious not to over-interpret this statistical result; the police administrative data only capture police applications to the courts for DVPN/Os, not the numbers of orders granted, nor how many were subsequently adhered to or breached. Moreover, weekly averages fluctuate significantly, with post-23 March 2020 weekly DVPN/Os levels (9.5 a week) remaining below 2018 levels (12.6 a week). Further, participating forces noted concerns over the reliability of the DVPN/O flag, as a result of significant underuse of the flag on the police system, and officers recording DVPN/Os in case notes which were inaccessible to the researchers and not available for automatic data extraction.⁸ Nonetheless, this finding is consistent with interview reflections:

Never in my life had I done so many DVPNs and DVPOs. (Safeguarding, P5)

This relative increase in DVPN/Os after the onset of the pandemic is temporary, with the mean weekly number falling to 8.3 a week between January and March 2021, despite national lockdowns, below the levels observed during the same time period in all three previous years.

Arrest was another key area where practice changes could be observed. Graph 1 plots the weekly number of domestic abuse-related crimes and arrests from March 2018 to March 2021. After the onset of COVID-19 lockdowns on 23 March 2020, the number of weekly arrests jumps from an average of 707 a week (January to March 2020) to 807 a week. This is a statistically significant ($p = 0.001$) increase (26%) in arrests compared to the same time period in 2019 (640 a week), and is disproportionality greater than the increase in domestic abuse crimes over the same time period (12.7%). No such statistically significant change was observed for the pre-pandemic January–22 March

⁸ Additionally, it is important to note that officer applications to the courts for DVPN/Os will be interrelated to court functioning and availability. Nationally, different regions reported fluctuations in the availability of court hearings across various phases of the pandemic context, this could, in turn, have impacted officers' decisions to draw upon DVPN/Os as suitable tools for positive action.

Table 1: Descriptive statistics March 2018 to March 2021.

	2018			2019			2020			2021		
	1–22 March	23 March–31 December	1 January–22 March	23 March–31 December	1 January–22 March	23 March–31 December	1 January–22 March	23 March–31 December	1 January–22 March	23 March–31 December	1 January–22 March	23 March–31 March ^a
All domestic abuse crimes (mean weekly count)	3,301	3,646	3,700	3,870	3,888	4,361	4,457	3,693				
- % change to same period previous year	-	-	-	6.1% ^{**}	5.1% ^{**}	12.7% ^{***}	14.6% ^{***}	-				
DVPN/Os (mean weekly count)	10.8	12.6	10.3	7.2	12.0	9.5	8.3	9.0				
- % change to same period previous year	-	-	-	-42.9% ^{**}	16.4%	31.6% [*]	-30.6% [*]	-				
Arrests (mean weekly count)	696.2	719.4	699.9	640.3	707.5	806.9	759.0	938.5				
- % change to same period previous year	-	-	-	-11.0% [*]	1.1%	26.0% ^{***}	7.3% [*]	-				

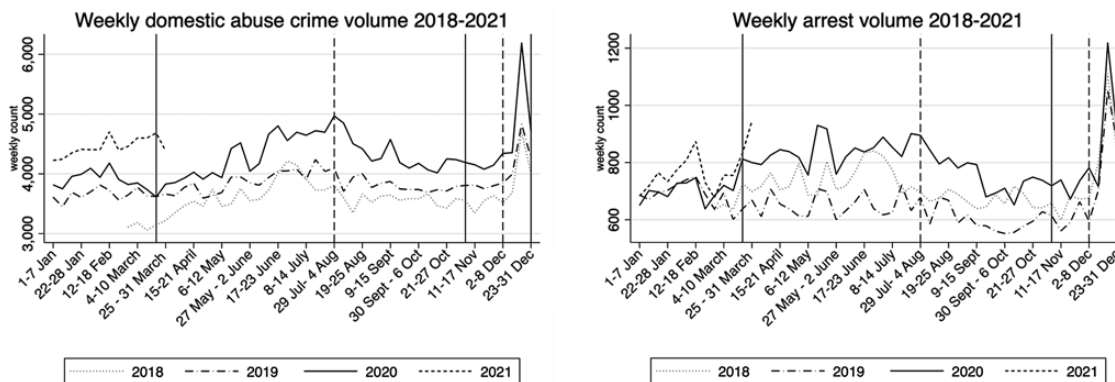
Note: Domestic abuse crime volume for seven out of seven forces, arrest data five out of seven forces, and DVPN/O two out of seven forces.

^a Not comparable to the full 23 March–31 December period due to strong seasonal patterns.

*** $p < 0.001$;

** $p < 0.01$;

* $p < 0.05$.



Graph 1. Domestic abuse-related crimes and domestic abuse-related arrests 2018–2021.

period, again suggesting the increase in arrest is not a long-term rise predating the pandemic, but may be attributable to the lockdown context.

The interviews provide some context to these findings. Some officers said their awareness of the amplified risks to victims during lockdowns and their lack of alternative options meant they made increased use of their arrest powers:

There was a lot more breaches of the peace... people getting locked up just for the fact that there was nowhere else for them to actually go. (*Response officer, P6*)

However, other participants described an increase in the threshold to arrest, particularly as the pandemic progressed:

With regards to custody...we were kind of... 'don't be bringing people in unnecessarily'... I think we were a little bit more lenient, especially if there was no previous on the address.' (*Response officer, P7*)

The increase in arrest relative to recorded domestic abuse-related crimes appears temporary. Police-recorded domestic abuse continued to increase in 2021, by 14.6% compared to the same pre-pandemic period of 2020 ($p < 0.001$), and whilst the average number of arrests remained higher than at any pre-pandemic period, the rate of increase slowed. Mean weekly arrests in January–22 March 2021 rose by a statistically significant 7.3% compared to the same (pre-pandemic) time period in 2020 ($p = 0.03$).

Officer interviews also provided insights into practice adaptations that were not visible in the

police administrative data—particularly regarding informal forms of positive action that officers might employ at incidents deemed 'lower level', where a formal course of action was not clearly mandated.

[If] clearly action needed to be taken then it didn't really change anything, we'd either be arresting or doing everything we needed to, to protect the person...[but] the lower-level situations... [were] difficult... 'Well, what can we do in this situation?' (*Response officer, P8*) We've had to think outside of the box and make alternative provisions to what positive action actually means... a bit more of, 'If I take you to your mum's will you stay there, and can I bring you in for a voluntary interview rather than taking you into custody?' (*DA investigator, P9*)

As per the last quote, a subject repeatedly raised was that of 'separating parties', a practice apparently routinely employed when an arrest is not deemed appropriate.

It was a lot simpler previously when we could tell people to go...for a night... to give them both that space... [Now] you've either got to make the call of sending them for a walk... or you go in above the COVID guideline rules. (*Response officer, P10*)

Officers often converged in expressing their concern about leaving parties together after a domestic

incident, but simultaneously of breaking public health restrictions and putting others at risk of the virus. However, alternative positive action strategies employed in such circumstances reportedly included finding hotel accommodation, use of Breach of the Peace legislation, and DVPN/Os.

Discretion and police legitimacy

A significant number of frontline officers identified increased discretion (supporting [Farrow, 2020](#)) to be a driving factor for their positive action changes:

Before a lot of discretion was taken away from us... Whereas now it's come back... with reference to domestics. There is a lot more pressure... it's not easy to deal with domestics on your own. (*Response officer, P11*)

Here this officer characterizes their experience of increased discretion as 'difficult', echoing many others we spoke to. Significantly, this difficulty stemmed from officers' uncertainty and confusion about what constituted the best course of positive action, with 'rules and regulations...constantly changing' in the evolving pandemic context:

It was a difficult one because there was no clear guidance about what was the right or wrong thing to do...we just had to use our common sense. (*Response officer, P12*)

Obviously this was brand new, unprecedented, so you're constantly thinking, 'Well, can we do that?... 'Is that practicable?' (*Response officer, P10*)

Although participants reflected, they eventually 'settled in' to the new context some uncertainty persisted, underpinned by their concerns about balancing the safeguarding of victims with proportionality—mirroring broader tensions relating to police legitimacy that have arisen across policing contexts during the pandemic.

Trying to balance everything... the needs of the victim, the suspects, the scenario, the threat... the COVID conditions... difficult decisions. (*Domestic abuse lead, P13*)

We have to be... proportionate. You can't put out a fire with a watering can, but...if you go over and above it can lead to a more volatile situation...or make somebody reluctant to call the police... next time. (*Response officer, P14*)

This concern about proportionality was particularly significant, given officers' awareness of the difficulties facing the public during the pandemic:

90 per cent of our job is dealing with people who are struggling... and what they're going through with COVID has been... massive...it's been very much about... protecting people's mental health... It's been a real challenge. (*Response officer, P15*)

When asked, more than half of frontline officers perceived they were attending an increased number of 'isolated' or 'situational' domestic incidents precipitated by the stresses of the pandemic, rather than escalating domestic abuse or ongoing coercive control.

We were going to people... unknown to the police in any way... if I could deal with it another way and it was low-level then I would because you risk criminalising people who've already got enough stress going on with every-thing. (*Response officer, P16*)

As the above exemplifies, some officers were concerned about the impact of their actions on police legitimacy, particularly regarding members of public who they perceived 'wouldn't ordinarily call the police' about domestic abuse were it not for the pandemic. However, these officers' interpretations of there being a higher 'situational' domestic abuse volume are not supported by the data or literature, which indicate domestic abuse has gotten worse for victim survivors (Hohl, under review). This discordance demonstrates the continuing salience of poor officer understanding of domestic abuse (e.g. [Robinson et al., 2018](#)), particularly because officers' interpretations of incidents informed their decision-making and practice:

Everybody argues so who are we to storm into somebody's house... and

then just start arresting people?... Other than, giving some kind of relationship advice, being a bit of a counsellor/ therapist or separating them for a bit, there's no other positive action really. (*Response officer, P17*)

As this above comment demonstrates, most officers who perceived there to be an increase in 'situational' incidents during the pandemic were concerned about the illegitimacy of using formal positive action measures such as arrest in these contexts. Here the officer describes how, in such circumstances, they instead sought techniques akin to 'engage and explain' to improve the situation (i.e. paralleling the [COP/NPCC 2020](#), 4 E pandemic guidance and/or [Banton's \(1964\)](#) 'peace officer') by adopting informal actions that fall out with established safeguarding practices.

Inter-agency working

Finally, and interconnected to concerns about proportionality, repeatedly safeguarding officers referenced the most useful form of positive action was engaging with available third-party services, to facilitate support for victims requiring interventions beyond a criminal justice response:

IDVAs and the external agencies... they are really helpful with helping with rehousing and getting victims back on their feet in whatever way they can. (*DA investigator, P18*)

Therefore, in addition to asserting the need for clearer guidance on positive action for officers, these interview participants stressed the importance of sustainably funded, multi-agency working:

Do not cut funding to third sector agencies... I'd rather see that funding being cut... from our services, than from them without a shadow, without a doubt. (*Safeguarding, P5*)

Discussion

Taken together, the findings reveal that police officers employed significant changes when responding to domestic abuse at the strategic level (see [Walklate et al., 2022](#)) but also in the frontline context, 'on the ground'. This supports the predictions of [Hartmann and Hartmann \(2020\)](#), and demonstrates that officers expanded and increased their practice changes, or 'innovations', to solve the 'non-canonical' problems generated by the pandemic; namely, adapting their positive action to meet the new challenges of responding to domestic abuse. The findings show that participants viewed these changes as intertwined with the increase in discretion afforded to officers (see [Farrow, 2020](#)).

The practice adaptations we identify speak to the malleability, or 'procedural informality' ([Waseem, 2021](#)) of positive action. Officers reflected the meaning of positive action necessarily changed them during the pandemic, engendering the development of new practices over this period. A significant number of officers converged in reporting they adopted more informal positive action responses to domestic abuse across the course of the data collection period (e.g. separating parties rather than using arrest), especially in the face of uncertainty and for cases they perceived to involve 'low-level', 'first-time', and/or 'situational' incidents, precipitated or compounded by the stresses of the pandemic. Such procedural informality, [Waseem \(2021\)](#) suggests, assists police in their attempts to enact 'problematic' policies during times of crisis—to mitigate, for example, the negative impacts of unclear policy directives, and to manage demand and uphold police legitimacy. Police confusion over what constitutes positive action when applied to particular domestic abuse contexts has long been observed and documented ([HMICFRS, 2017](#), p. 10). As such, paralleling the argument that the pandemic has exposed and possibly compounded poor officer understanding of domestic abuse made elsewhere ([Johnson and Hohl 2021](#)), our findings here suggest the COVID-19 context has intensified pre-existing problems with officer understanding and mobilization of positive action.⁹

⁹ It is important to note that such confusion and/or poor understandings regarding both positive action and domestic abuse may well be compounded by issues of definitional clarity (see e.g. [Kelly and Westmarland, 2014](#), regarding domestic abuse).

This is not to say the positive action changes identified in this study are necessarily problematic or harmful; some of these adaptations, such as victim-led approaches and inter-agency partner working, could well represent steps forward for the policing of domestic abuse. However, forces must now evaluate and monitor the efficacy and impacts of all pandemic-related domestic abuse practice changes, including those which forces seek to take forward as the pandemic recedes (see e.g. [HMICFRS, 2021](#)). In totality, it is crucial these practice adaptations are considered in context (Hartmann and [Hartmann, 2020](#)); that means recognizing the unparalleled, challenging and constraining circumstances in which officers were operating, and the emphasis placed on prioritizing informal engagement to build public trust in wider UK policing governance. Moreover, participants consistently stressed their positive action changes were motivated by a desire to do the ‘right’ thing (i.e. deemed most proportionate, legitimate, practicable, and effective), including adopting a victim-focused approach.

However, the lack of availability and testability of reliable police administrative data pertaining to positive action prohibits a rigorous assessment of these practice adaptations. Particularly, informal and newly adapted positive action practices—such as separating parties, apparently a commonly used safeguarding mechanism—are not systematically recorded on police systems as extractable data, and are therefore unyielding to outcome evaluation. While forces did conduct their own monitoring of domestic abuse responses, due to the same data limitations, this was commonly conducted via dip sampling (e.g. of case notes by hand), necessarily limiting the scalability of analysis, and therefore empirical rigour.

In the absence of rigorous evaluation, caution must be taken in proceeding with embedding any new positive action ‘innovations’ developed during the pandemic into frontline knowledge, policies, and practice. Some of the informal resolutions identified, such as ‘going for a walk’ or ‘words of advice,’ even if well intended could risk minimizing the seriousness of domestic abuse and exposing victims to further harm, particularly if underpinned by poor officer understanding (see [Westmarland *et al.*, 2018](#)). Without

visibility and analytic scrutiny, there is concern some of these policies may be applied inappropriately, inconsistently, and carry unintended consequences (see e.g. [Sherman and Harris’s \(2015\)](#) work on police action in Milwaukee, which linked increased victim death rates to domestic abuse arrests)—potentially undermining the efficacy of police intervention, and the procedural justice principles that spearheaded British policing during the pandemic.

Conclusion

This paper has presented evidence on frontline officer responses to domestic abuse during the pandemic, particularly addressing the use of positive action. The findings suggest officers predominantly felt their general approach to domestic abuse and risk assessment remained unchanged. However, within the high-discretion, low-visibility environment of frontline policing, the majority of officers disclosed using their discretion to ‘organically’ adapt elements of their positive action to the pandemic context, within existing frameworks. Examples provided included officers temporarily making greater use of DVPN/Os, changing arrest practices, and informal positive action measures. A significant number of officers identified victim safeguarding as a priority but simultaneously expressed concern about proportionality, mirroring broader tensions relating to police legitimacy that have arisen during the pandemic (see e.g. [Kyprianides *et al.*, 2022](#)).

Beyond the pandemic context, the findings speak to the invisibility of positive action and safeguarding practices within police data, and also within public, political, and academic understandings of police responses to domestic abuse, which remain primarily oriented towards criminal justice outcomes. Positive action as a holistic concept remains under-developed and under-explored in evidence-based policing research and policy-making—despite it comprising a significant component, if not the majority, of police domestic abuse action. Therefore, while the focus is shifting towards low charge rates ([HMICFRS, 2021](#)), we argue our view and analysis of domestic abuse police work must simultaneously expand beyond criminal justice interventions and performance measures, to encompass positive action in all of its forms. This

would ensure police forces are operationalizing effective practices, and provide greater recognition, transparency, and accountability for contemporary policing domestic abuse responses. Such a development would also emphasize the route to addressing domestic abuse cannot sit with criminal justice alone; as our participants stressed, engaging with third-sector and other statutory agencies was crucial for supporting and safeguarding victims, a testament to the value of a 'whole system' approach to domestic abuse.

Finally, domestic abuse guidance should be developed to prepare for future pandemics, lockdowns, or similar emergency scenarios, addressing safeguarding and positive action protocols in a clear, operationalizable way that will support officers with structuring their practice. However, much work is required to address the longer term challenges that persist in the policing of domestic abuse, to ensure effective police responses both within and out with times of crises. This includes advancing officers' operational understanding of domestic abuse, inter-agency partnership working, and police data capabilities, especially in the context of positive action. The need for longer term developments is particularly acute, given the pandemic has exposed and compounded the *existing* domestic abuse crisis, rather than created it. It is crucial, therefore, that focus is retained on addressing domestic abuse going forward, capacitated by the sustainable and sufficient resourcing of police forces and support services, to ensure holistic and longlasting change.

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Conflict of Interest

The authors note there are no competing interests to declare.

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