

The briefing

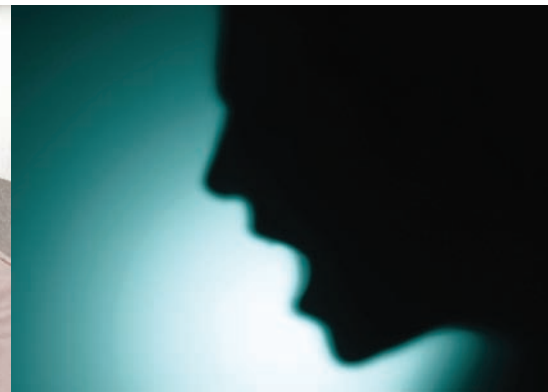
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Policing domestic abuse

This briefing explores the history, the changes in legislation and policy, and some of the key issues and challenges associated with the policing of domestic abuse.

Introduction

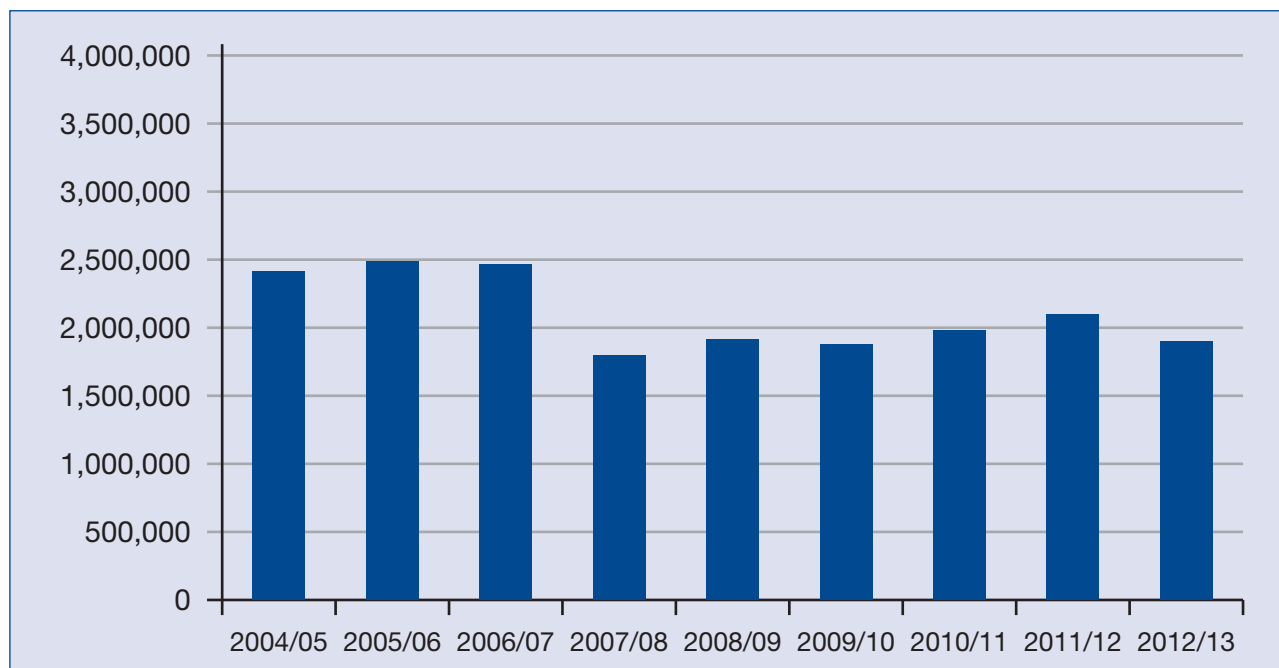
On average, two women a week are killed by a violent partner or ex-partner and domestic violence comprises 18 per cent of all violent crimes, accounting for one in six of all violent incidents reported to the police and a third of all female homicides. Notwithstanding the human and emotional costs, it is estimated that domestic abuse costs public services, such as criminal justice, health, social services and policing, almost £16bn (Walby, 2009). In contrast to other crimes, the fall in the prevalence of domestic violence has come to a halt in recent years.

This briefing explores the history, the changes in legislation and policy, and some of the key issues and challenges associated with the policing of domestic abuse.

Definition

There is no **statutory** definition of domestic abuse. Domestic abuse (often interchangeably known as domestic violence) is a general term that describes a range of behaviours, both physical and psychological. In March 2013 the Home Office broadened the government's

Figure 1: Estimated number of victims of any domestic abuse, including partner or family non-physical abuse, threats, force, sexual assault or stalking, British Crime Survey and Crime Survey for England and Wales.¹



definition of domestic abuse to include young people aged 16 to 17 and to cover coercive control, encompassing a pattern of controlling behaviour, rather than focusing on one act or incident.

The current, cross-government definition of domestic abuse encompasses:

Domestic violence: *‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass psychological, physical, sexual, financial or emotional abuse.’*

Controlling behaviour: *‘A range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence,*

resistance and escape and regulating their everyday behaviour.’

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

(Home Office, 2013b)

The definition also encompasses ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, but these are not covered in this briefing.

Why is domestic abuse an important issue?

According to the Crime Survey for England and Wales, there were an estimated 1.2 million female victims of domestic abuse and 700,000 male victims in 2012/2013.

¹ The 2007/8 British Crime Survey self-completion module on intimate violence did not include questions on stalking. The sample size is lower in 2010/11 than in previous years due to use of a split-sample experiment.

Although men experience domestic abuse too, both at the hands of women and other men, research shows female victims are subjected to more serious violence than males and suffer more severe psychological consequences (Ansara and Hindin, 2011). In a study by Shelter, 40 per cent of all homeless women stated that domestic abuse was a contributor to their homelessness; indeed it was the single most quoted reason for becoming homeless. (Women's Aid, 2013)

30 per cent of the female population (4.9 million women) and 16.3 per cent of the male population (2.7 million men) have experienced some form of domestic abuse since the age of 16. (Office for National Statistics, 2014)

In addition to adult victims, at least 750,000 children a year witness domestic abuse, and nearly three quarters of children on the 'at risk' register live in households where domestic abuse occurs (Women's Aid, 2013). The link between child physical abuse and domestic abuse is well established and children coming from homes where there is domestic abuse can suffer severe long term psychological damage; even those who are not direct victims may have some of the same behavioural and psychological problems as children who are themselves physically abused (World Health Organisation, 2002).

Some studies suggest they are also more likely to become either victims or abusers themselves in adult life (British Columbia Centres for Disease Control and Prevention and ORC Macro DHS, 2003; Indermaur, 2001; James, 1994 and World Health Organization, 2002), although the evidence on the proportion of those who are victims of child abuse who later engage in domestic abuse is contested, with estimates ranging between 30 per cent and 66 per cent. (Women's Aid, 2014c)

History of domestic abuse legislation

"It is only in the last ten years that domestic violence has been taken seriously as a criminal justice issue. Before that, the vast majority of cases were brushed under the carpet with the refrain 'it's just a domestic'".
Former Director of Public Prosecutions (DPP), Keir Starmer (Starmer, 2011)

The first official guidance to the police outlining their role and responsibility in protecting women (and children) from violence in the home was issued by the Home Office in 1986 and 1990. Police were advised to recognise domestic violence as a serious crime and recruit and train domestic violence officers based in specialist Domestic Violence Units. This was followed by legislation in 1996 (the Family Law Act) and in 1997 (the Protection from Harassment Act), which simplified and strengthened specific legal remedies, including non-molestation orders and occupation orders (see below). But despite these changes the police continued to be heavily criticised for their approach to domestic abuse (Joseph, 2006; Rights of Women, 2002 and Rose, 2007), which led to further changes in the law.

Consultation documents published in 2002 (*Justice for All* (Home Office, Lord Chancellor's Department, Law Officer's Department, 2002)) and in 2003 (*Safety and Justice*) paved the way for the passing of the Domestic Violence Crime and Victims Act, 2004, which brought in radical changes including:

- A new offence of causing or allowing the death of a child or vulnerable adult.
- Making common assault an arrestable offence.²

² The provision has since been repealed, as the Serious Organised Crime and Police Act 2005 made all offences arrestable, where there are reasonable grounds for believing that arrest is necessary.

- Giving co-habiting same-sex couples the same access to non-molestation and occupation orders as heterosexual couples, and making couples who have never co-habited or been married eligible for non-molestation orders.
- Making breach of a non-molestation order a criminal offence punishable, on indictment, by up to five years' imprisonment.
- Extending the availability of non-molestation and occupation orders to couples who have never lived together or been married.
- Allowing courts to impose restraining orders under the Protection from Harassment Act 1997 on those convicted of any offence, not just those convicted of harassment, and also on those acquitted of any offence.

Five years later, in 2009, the Association of Chief Police Officers (ACPO) adopted a new tool known as 'DASH' for identifying and assessing a victim's exposure to the risk of domestic abuse from suspected and convicted perpetrators. A year later, the Crime and Security Bill introduced Domestic Violence Protection Orders, and the Home Office launched a consultation (*Call to End Violence against Women and Girls*), which aimed to promote more localised responses, including a greater emphasis on prevention, better support for victims and increased partnership working to reduce risk. The consultation also recognised the impact of domestic abuse on families and children and officially acknowledged that men and boys could also be victims of domestic abuse. In March 2011, following the consultation, an action plan was published which incorporated many of these aims, including:

- Preventing violence from happening by challenging attitudes and behaviours which foster it.
- Providing adequate support where violence does occur.

- Working in partnership to obtain the best outcome for victims and their families.
- Reducing the risk to women and girls by ensuring that perpetrators are brought to justice.

The law today

Currently, incidents of domestic abuse are covered by a range of existing civil and criminal measures.

Civil measures

There are two main civil measures, non-molestation orders and occupation orders. The former aims to prevent a partner or ex-partner from using or threatening to use abuse or engaging in intimidating, harassing or threatening behaviour in order to ensure the health, safety and well-being of family members. Breach of a non-molestation order is a criminal offence, dealt with by the criminal as opposed to the civil courts, with a maximum penalty of five years imprisonment (under the Domestic Violence, Crime and Victims Act, 2004³).

An occupation order aims to prevent one party from entering the home or the surrounding area. It essentially determines who can live in the family home. Breach of an occupation order is not a criminal offence, but the court can attach a 'power of arrest', allowing a police officer to arrest without warrant where there is reasonable cause to suspect a breach. In an emergency, the court has the power to grant an interim order without the other party being aware of the proceedings.

For a civil law remedy, the victim can apply to the court without going to the police. There are a number of charities which help victims who want to go down this route, such as the National Centre for Domestic Violence⁴).

³ The victim can, however, elect to take the perpetrator back to a civil court.

⁴ <http://www.ncdv.org.uk>

The Home Office is currently reviewing whether to implement section 60 of the Family Law Act 1996, which would allow a 'prescribed person' such as the police or Local Authority, to make an application for a domestic violence injunction on someone else's behalf.

Domestic Violence Protection Notices (DVPNs) and Orders (DVPOs)

Following a fifteen month pilot in three forces, DVPNs and DVPOs were rolled out nationally from March 2014. A DVPN is the initial notice issued by the police under Section 24 of the Crime and Security Act 2010 to provide emergency protection to a victim of domestic abuse. The Notice contains prohibitions that prevent the suspected perpetrator from either returning to the victim's home or contacting the victim and aims to give the victim time to consider their options and decide what to do next.

The notice may be issued to a person aged 18 years and over if a police superintendent has reasonable grounds for believing that:

- the individual has been violent towards, or
- has threatened violence towards an associated person, and
- the DVPN is necessary to protect that person from violence or a threat of violence by the intended recipient of the DVPN.

A DVPN lasts for 48 hours, during which time the police must submit an application for a Domestic Violence Protection Order (DVPO) to the Magistrates' Court.

A DVPO enables the police and magistrates to put in place protection in the immediate aftermath of a domestic abuse incident. Using a DVPO, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days. These orders can be put in place more quickly than civil injunctions.

Magistrates can make a DVPO if two conditions are met:

- The court is satisfied on the balance of probabilities that the recipient has been violent towards, or has threatened violence towards, an associated person.
- The court thinks that making the DVPO is necessary to protect that person from violence or a threat of violence by the recipient.

A Home Office evaluation (London Metropolitan University, Middlesex University and Home Office Science, 2013) found that DVPOs were viewed positively by practitioners and victim-survivors and were associated with a reduction in re-victimisation.

Criminal measures

Depending on the nature of the offence, domestic abuse perpetrators can be prosecuted for offences under a number of statutes, such as:

- Criminal damage under the Criminal Damage Act 1971 s1 (1).
- Common assault under the Criminal Justice Act 1988 s39.
- Threats to kill under the Offences Against the Persons Act 1861 s16.
- Harassment under the Protection from Harassment Act s2(1) and (2), 4(1).
- Threatening behaviour under the Public Order Act 1986 s4.
- Sexual assault under the Sexual Offences Act 2003 s3.

They can also be prosecuted for the common law offences of manslaughter or murder.

Domestic abuse is frequently prosecuted as common assault, however this offence has a six-month time limit, meaning that the matter must be charged (or information must be laid)

within six months of the date of the alleged incident (Crown Prosecution Service, 2014). An amendment has been tabled to the Serious Crime Bill, which proposes removing the time limit for domestic abuse cases (Williamson, 2014).

Domestic Violence Disclosure Scheme (Clare's Law)

In February 2009, Clare Wood was tragically murdered by George Appleton, a man she had met on an internet dating site who, unbeknown to her, had a history of violence. In the months preceding her murder Ms Wood had contacted Greater Manchester Police alleging Appleton had caused criminal damage, harassed her, threatened to kill her and sexually assaulted her. At the inquest into Ms Wood's death, Coroner Jennifer Leeming said women in abusive relationships should have the right to know about the violent past of the men they were with.

A year later, a report by the Independent Police Complaints Commission (IPCC) into the murder of Clare Wood found flaws in police intelligence systems and individual failings by police officers *"who demonstrated in some cases a shocking lack of understanding about the nature of domestic violence."* These failings included:

- failure to adequately assess the risks;
- delays and errors by call handlers;
- a four month delay in submitting the case file to the Crown Prosecution Service (CPS) and
- a failure to understand the situation and recognise a pattern of behaviour.

Four years later, the Domestic Violence Disclosure Scheme (Clare's Law) was implemented across England and Wales to help address some of these failings. The scheme enables the police to disclose information about previous violent offending by a new or existing partner where this may help protect them from further violent offending.

The scheme involves two processes: a 'right to ask', which is triggered by a request by a member of the public, and a 'right to know', which is triggered by the police whereby they decide to disclose information to protect a potential victim. In both cases, relevant information is passed to a Multi-Agency Risk Assessment Conference (see below), which then decides whether or not to disclose it.

Although the pilot was deemed a success by the government (Home Office, 2013a) with 111 disclosures made during the pilot stage, only four people said they would go on to access support services. The guidance underpinning the scheme states that information should only be disclosed where there is a 'pressing need' to do so; as some have pointed out there are potential difficulties for the police in interpreting this term (Grace, 2014a). Concerns have also arisen in relation to the rights of the alleged offenders: under the scheme the police can release details of convictions, but also allegations, arrests, charges and failed prosecutions. Furthermore, to reduce the risk of harm to the reporter, an alleged offender is not notified that a disclosure has been made (Grace, 2014b).

Today, unlike in some other countries (e.g. Spain and the United States), there is no specific offence of domestic abuse. Advocates for introducing a specific offence argue that this would allow for a more holistic approach, enabling the police to spot patterns of controlling behaviour within intimate partner relationships and identify and flag offending at an earlier stage. A Private Members' Bill on this matter, sponsored by the Justice Unions' Group and the All Party Group on Stalking and Harassment was introduced to Parliament on 26 February 2014 but failed to complete its passage before the end of the Parliamentary Session (Parliament. House of Commons, 2014). Both the Conservative Party and the Labour Party have since announced that they will consider introducing a specific domestic

abuse offence (Mason, 2014a and 2014b) and in August 2014 the Home Office launched a consultation on the introduction of a specific offence to cover coercive and controlling behaviour in intimate relationships (Home Office, 2014b).

Policing domestic abuse

Call handling

In the UK, one domestic abuse related call is made to the police every minute (Stanko, 2000).

When a call is received, call-handlers ask a series of questions in order to assess the urgency of the incident and gauge the required response. The system will flag up an address or telephone number associated with a high-risk victim to help grade the call. The call handler should then provide the necessary advice to secure the victim's immediate safety, get as much information to support the officers responding to the call and be aware that the call itself could include vital evidence to be used to charge and prosecute the perpetrator.

An inspection of the policing of domestic abuse carried out by Her Majesty's Inspectorate of Constabulary (HMIC) in 2014 (HMIC, 2014) found that, on the whole, call handlers were effective in getting the right information from victims, sending an officer within one hour of the call and providing advice on how to keep safe until the responding officer arrived. However, it also found that out-dated information technology often meant that officers had little or no information about the perpetrator when they arrived at the scene or whether the victim was a repeat victim (forces were criticised for not tracking how many phone calls for assistance come from repeat victims). HMIC recommended that, as a minimum, all officers attending domestic abuse incidents should have:

- access to details of all previous incidents relating to the victim;
- records relating to the perpetrator;
- information about any risk assessments relating to the victim and any children; and
- details of any officer safety issues

In 2010, survivor interviews conducted by the NSPCC showed that in 90 per cent of incidents police had attended after one phone call. In 40 per cent of incidents three to four officers responded and in 25 per cent of incidents, five or more officers responded. 66 per cent of cases were responded to within 15 minutes. But in two cases of high level violence the police took over 12 hours to respond as the cases were incorrectly graded as 'routine' (Stanley et al., 2010).

Responding at scene

ACPO guidance sets out the priorities for the police in domestic abuse cases. They are to:

- Protect the lives of adults and children at risk.
- Investigate all reports.
- Facilitate action against offenders.
- Adopt a multi-agency approach.

The attitude of the responding officer is crucial in terms of gaining the victim's trust and confidence. A survey of victims by HMIC found officers need to demonstrate clearly that they take the incident seriously and empathise with the victim's plight. It is also important not to judge a victim who is intoxicated or has previous convictions. Officers must gather evidence, such as photographs, and prepare a detailed description of the scene. This can prove vital to a successful prosecution.

“The first hour after the police arrive on the scene is critical. How did the victim look? What was her demeanour? Was she injured? Was she dishevelled? Was furniture overturned or broken? Did the neighbours hear anything? Videos and photos of the scene can be invaluable; as can the tape of the ‘999’ call (very often the single most critical piece of contemporary evidence).” Keir Starmer, former DPP (Starmer, 2011)

Officers should be able to give advice to victims on how to keep safe, including explaining what will happen next in the process and directing victims to the range of remedies available to them, both criminal and civil.

Risk assessment

The DASH risk assessment tool has now been adopted by all police services and their partners. The model was developed after serious case reviews showed a number of failures in risk assessment, including insufficient information sharing, a lack of training in risk identification and failures to manage intelligence. The police use a standard set of questions to estimate risk, covering areas such as physical abuse; whether the victim is frightened; whether there is conflict over child contact; stalking and harassment; escalation of abuse; and whether the abuser has hurt other people or mistreated pets.

Research indicates that the model has delivered improvements, significantly helping the police to assess and manage the risk to victims (Hoyle, 2008). Since its introduction, the Metropolitan Police Service has witnessed a 58 per cent reduction in domestic homicide, serious incidents and repeat victimization (Justice Unions’ Parliamentary Group, 2012). But the 2014 HMIC Inspection of the policing of domestic abuse found that officers often viewed the DASH form as a compliance exercise, ticking the boxes rather than properly

understanding and assessing the risks to victim safety. Risk needs regularly reviewing – a standard-risk case can very quickly become high-risk and can even culminate in homicide – and officers need to be adequately trained and supervised in how to use their professional judgement and discretion in the evaluation process.

Multi-agency working and victim support

Government guidelines and ACPO guidance stress the importance of informing and involving other agencies, such as social services, when tackling domestic abuse. Multi-Agency Risk Assessment Conferences (MARACs) are regular local meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared between local agencies including police, health, child protection, housing, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. The victim does not attend the meeting but is represented by an IDVA who speaks on their behalf. Following the meeting, a risk focused, co-ordinated safety plan is drawn up to support the victim.

There are currently over 260 MARACs operating across England, Wales and Northern Ireland, managing over 57,000 cases a year. A pilot study carried out by Co-ordinated Action Against Domestic Abuse (CAADA) shows that nearly half of cases referred to MARACs experience no further police call outs and a fifth experience fewer call outs than before, which equates to a 64 per cent reduction in police costs (a saving of £736 per case). A more comprehensive review of the evidence on the effectiveness of MARACs carried out in 2011 concluded that they have the potential to improve victim safety and reduce re-victimisation and therefore may be a relatively cost-effective measure (Steel, Blakeborough and Nicholas, 2011).

Good practice

The 2014 HMIC Inspection found a number of examples of good practice demonstrated by forces such as:

- An effective strategic direction making domestic abuse a force priority, focusing on understanding the needs of the victim and keeping the victim safe.
- A domestic abuse response across the board from neighbourhood teams, response officers and investigators through to integrated offender management.
- Investment in training, including secondments and attachments for officers to work in the specialist areas, in some cases linked to career progression as a detective; and additional training for Police Community Support Officers to provide support to victims in the community.
- The use of IDVAs in police stations to help build the capability and expertise of officers.

Some key issues and challenges

Domestic abuse involves crimes where often one person's word must be taken over another's and it inevitably involves complex causes, many of which are hidden from public view. It has always been a challenging area for the police, who attracted heavy criticism during the 1980s and 1990s for their handling of incidents of domestic abuse. Although progress has been made in the last decade, the effectiveness of policing in this area is still relatively poor.

Maria Stubbings was killed by her ex-partner in 2008. Her killer was known to have a history of violence. In December 2008 Maria telephoned the police but her address was recorded incorrectly and the call was wrongly downgraded.

Maria's body was discovered one week later. The IPCC investigation into the case found Essex Police had missed a large number of opportunities to safeguard Maria and failed to monitor the escalating risk or detain her killer. Two subsequent cases prompted HMIC to examine whether domestic abuse was being correctly handled by Essex Police.

The 2014 HMIC Inspection of policing domestic violence (HMIC, 2014) found:

- "The overall police response to victims of domestic abuse is not good enough."
- "Domestic abuse is a priority on paper but, in the majority of forces, not in practice."
- "The police response to domestic abuse is too often focused on the offender and the individual criminal offence under investigation, rather than looking at the situation as a whole, for example patterns of repeat offending."

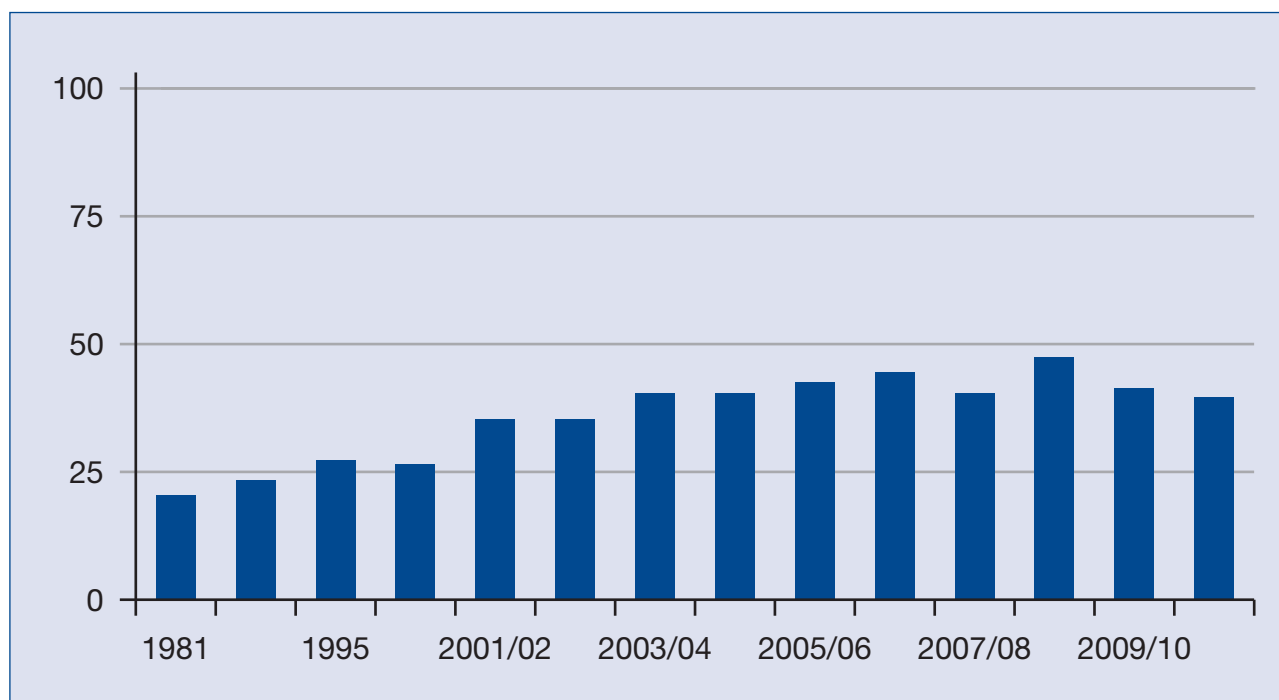
Traditionally the police have immunity from negligence that occurs during the investigation or suppression of a case. However, in a landmark case, the parents of Joanna Michael have been granted leave by the Supreme Court to sue South Wales police after the IPCC found a series of failings by call handlers (IPCC, 2010). Joanna died in 2009 at the hands of her ex-partner.

The following looks in more detail at some of the key issues and challenges facing the police and their partners in this field, including the problems of under-reporting, attrition, victim confidence, police training, dealing with children and developing a more preventative approach.

Under-reporting

Fewer than one in four people who suffer abuse at the hands of their partner report it to

Figure 2: Percentage of British Crime Survey domestic violence reported to the police.
Source: British Crime Survey and police recorded crime (Chaplin, Flatley and Smith, 2011).



the police (Home office, 2014a) and victims can be unforthcoming even at the point of investigation. Research suggests women will have been assaulted on a number of occasions prior to calling the police and that the average length of an abusive relationship is five years (Co-ordinated Action Against Domestic Abuse, 2012).

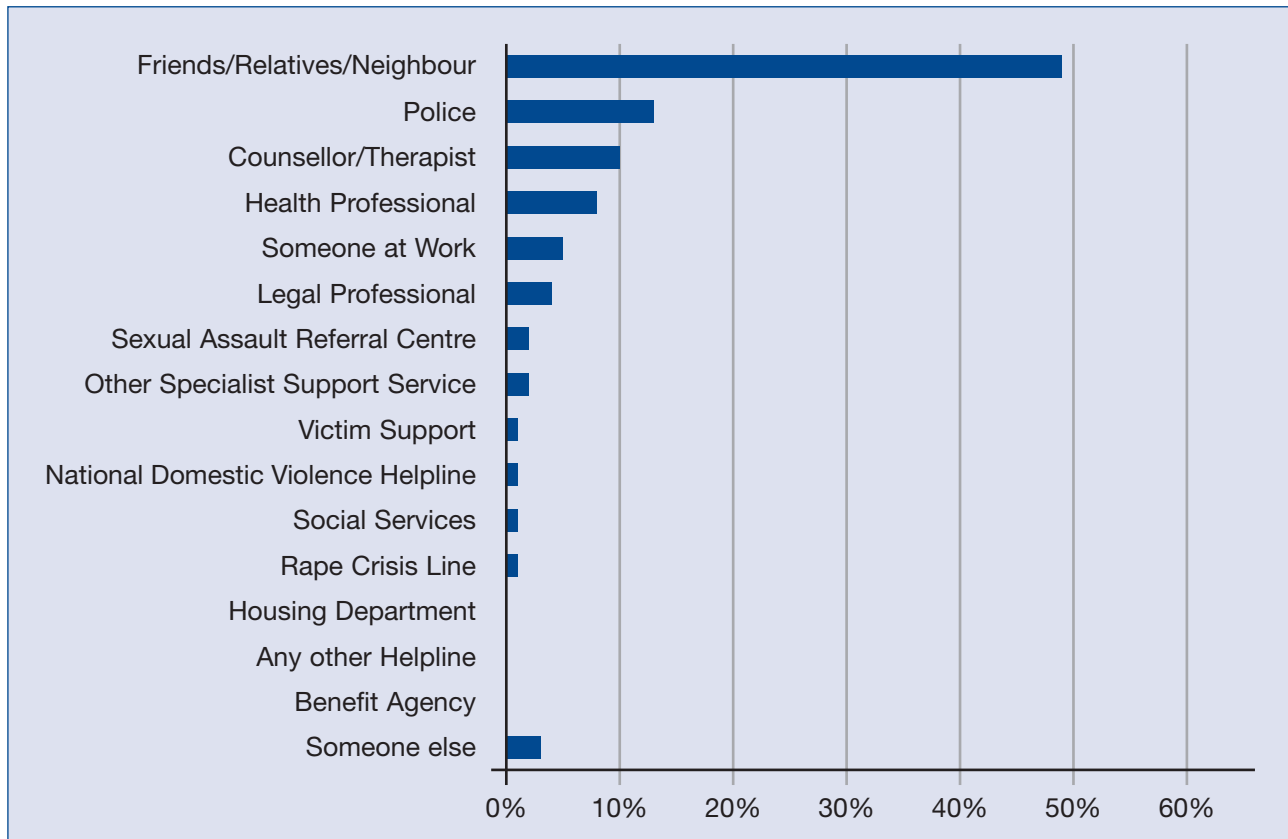
According to data from the Office of National Statistics, in 2011-12 the main reasons for not reporting abuse were that the incident was trivial (44 per cent) or that victims perceived the police would not (or could not) do anything about it. 35 per cent felt the incident was private (Office for National Statistics, 2013a). A survey for the 2014 HMIC Inspection identified the following reasons for not reporting domestic abuse to the police; fear of retaliation (45 per cent); embarrassment or shame (40 per cent); lack of trust or confidence in the police (30 per cent); and worry over the effect on children (30 per cent). As Figure 3 shows,

victims are most likely to report abuse to friends and family (49 per cent), with only 13 per cent turning to the police.

A 2012 study conducted by Durham University and the Northern Rock Foundation (Northern Rock Foundation, 2012) of 577 women in the North East and Cumbria found that only half (49 per cent) said they would definitely report domestic abuse to the police if it happened to them, although 89 per cent said they would report rape by a stranger, and 68 per cent would report rape by someone known. This study suggests that there is still some way to go to encourage victims to come forward and report domestic abuse to the police.

Under-reporting can also be a major issue among asylum seekers and immigrants, as concerns about deportation and entitlement to support take precedence. Some women even face a risk of retribution from their own community for reporting domestic abuse (Women's Aid, 2009a).

Figure 3: Who victims of domestic violence tell about their abuse (out of the 62 per cent who *did* confide in someone). Source: Crime Survey for England and Wales. (Office for National Statistics, 2013b)



If domestic abuse is not directly reported to the police, it can be challenging for the police to identify or investigate it properly. Domestic abuse can manifest as other crimes, either by the abuser (harassment, stalking, and even homicide) or the victim (prostitution, theft, substance misuse) and ACPO guidance outlines a number of possible domestic abuse related incidents that may appear otherwise, such as street disorder, antisocial behaviour, assault, criminal damage, animal abuse or nuisance calls (ACPO and NPIA, 2008).

Good multi-agency working can improve reporting rates by, for example, co-locating practitioners or placing domestic violence advisers in hospitals rather than police stations. For women who feel isolated, or those in a heavily controlled relationship, maternity

appointments, GPs and schools often provide the best opportunity to disclose information. One study of home visits in pregnancy found that where there is an open and non-judgmental dialogue between nurse and patient, a safe space can be created which allows victims to talk about their experiences (Mejdoubi et al., 2013). Research also shows that when domestic violence project workers are based within police community safety units or where the police are based within a project (one-stop-shops), victims are more likely to report domestic abuse to the police (Hester and Westmarland, 2005).

Attrition

There are widely recognised problems with cases dropping out of the legal process at

different stages for different reasons. This problem, commonly known as ‘attrition’, (Hester, 2006) has been identified as a particular issue in relation to police investigation and prosecution of domestic abuse cases.

“Where the CPS can get a case to court, the overwhelming majority of defendants plead guilty, with only a small proportion electing for a trial. Where there are trials, most prosecutions succeed. But the critical problem is persuading victims not to withdraw from the process along the way, either by retracting, refusing to give evidence or withdrawing support for the case.” Keir Starmer, former DPP (Starmer, 2011)

In 2004, a report by HMIC found that at each stage of the process there was a 50 per cent reduction in the number of cases proceeded with (Her Majesty’s Crown Prosecution Service Inspectorate and Her Majesty’s Inspectorate of Constabulary, 2004), and in 2009/10 over 6,500 domestic abuse cases failed because the victim either did not attend court or retracted evidence, which equates to one in three of all failed cases (Starmer, 2011). Overall, victims refuse or are afraid to give a statement in one out of every six recorded incidents (The Police Foundation, 2013).

Together with the police, the Crown Prosecution Service (CPS) has taken steps to tackle the problem of unsuccessful prosecutions, setting out in some detail the approach to be taken when victims withdraw support for the prosecution.

The Director of Public Prosecutions, Alison Saunders, has pledged to make domestic abuse and rape a priority for the CPS. She points to concerns about insensitive or inadequate contact with

prosecutors, which can also be a cause of attrition. Saunders has announced her intention to create a nationwide network of victim liaison units, staffed by specialists, to respond sensitively to victims and explain the court process (Bentham, 2013).

In serious cases, the CPS may even proceed with the prosecution without the victim’s consent, once all the reasons for withdrawal have been carefully explored (Crown Prosecution Service, 2009). But despite some earlier good progress, the number of cases referred to the CPS for prosecution has fallen in the last couple of years.

Effective evidence gathering is crucial to the prosecution case, particularly where a victim withdraws from the case. Officers should from the outset build the case on behalf of the victim rather than relying on the victim to build the case for them. However, the 2014 HMIC Inspection, which reviewed 600 cases, found that photographs of injuries were taken in only half of all cases, and in three cases out of ten the officer’s statement missed out vital details such as a description of the scene or the injuries of the victim.

There is some research on what can help to increase the prosecution rate. In America, a study that assessed the impact of five different officer actions on whether a prosecution was filed, found that obtaining photos increased the likelihood of prosecution by 60 per cent, but listing more than one charge in the police report increased it by 248 per cent. Listing more than one charge also increased the chances of a criminal conviction by 142 per cent as juries often give single charge defendants the benefit of the doubt (Nelson, 2013).

As well as building a case, a thorough investigation demonstrates to both victim and perpetrator that the incident is being taken

seriously. Sound evidence increases the strength of the prosecution case and officers can help by collecting 999 tapes, taking good photographs or using body worn cameras, which are being piloted in a number of forces (e.g. Hampshire, Essex and the Metropolitan Police). New guidance on the use of cameras has recently been issued by the College of Policing, but arguably the most important mechanism for reducing attrition rates is to ensure, as research has demonstrated, that the victim trusts the police and the justice system to secure their safety (Hester, 2006).

Victim confidence

Historically, the lack of attention given by the police to domestic abuse cases has taken its toll on victim confidence, which is a crucial element in tackling domestic abuse: without the victim's help, policing and prosecuting domestic abuse is extremely difficult, as already illustrated in relation to underreporting and attrition.

Campaign groups such as Refuge and Women's Aid have been particularly critical of the police/criminal justice response to domestic abuse, referring to systemic failure (Horley, 2013) and, at various times, pressing for a public inquiry:

"The police and state response to victims of domestic violence is lamentable. In the last five years, the Independent Police Complaints Commission (IPCC) has found evidence of serious police failure in domestic violence cases in Essex, Manchester, Nottingham, Gwent, London, West Midlands, Lancashire, South and North Wales – to name just a few."
Sandra Horley, Chief Executive, Refuge (Horley, 2013).

Women's Aid report that many victims view calling the police as an option of last resort. Victims fear they will not be believed or taken seriously. Some communities, for example

Black and Minority Ethnic groups, have very particular reservations about approaching the police related to their concerns about racism against themselves or their partner; other communities express concerns about their immigration status; about their sexual orientation; or about their involvement in drugs or prostitution (Women's Aid, 2009b).

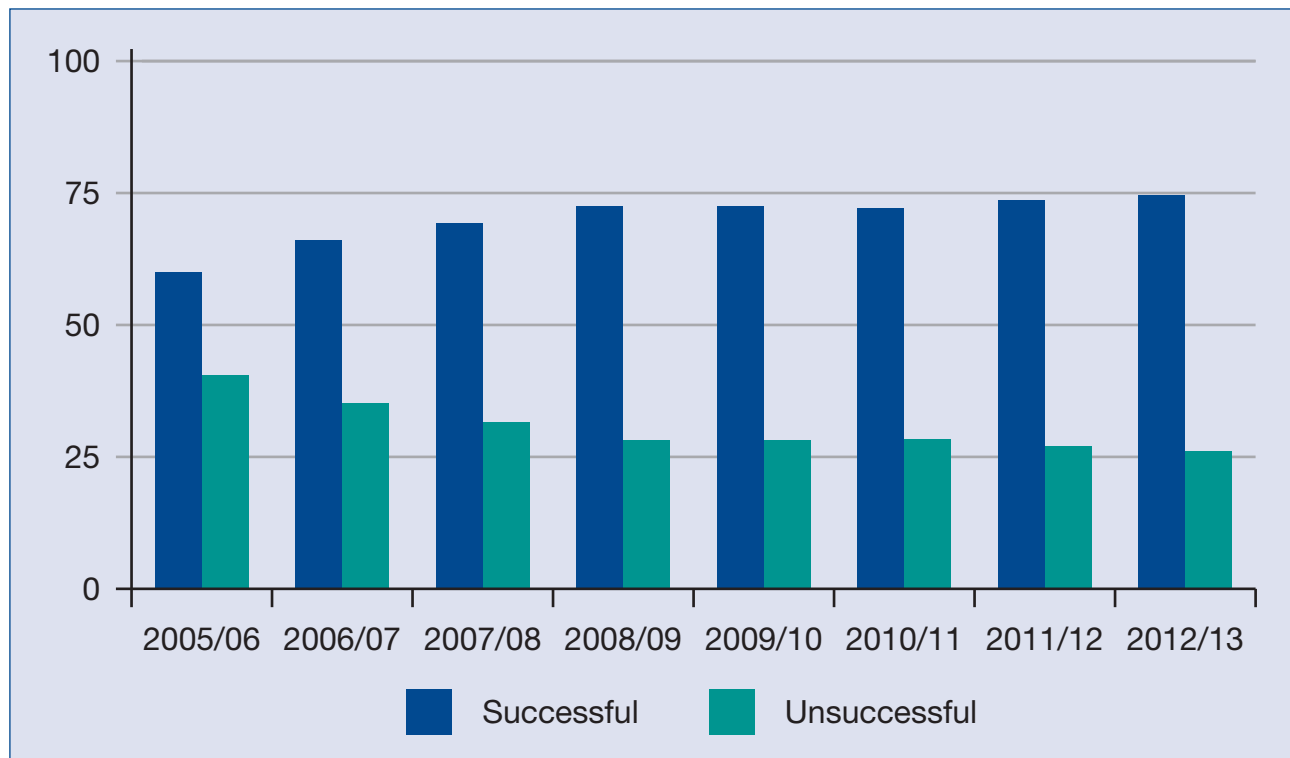
But it is important to recognise that the majority of victims of domestic abuse who report incidents are actually well served by the police and the CPS. According to the 2010/11 British Crime Survey, the 72 per cent of victims who told the police about their experience of abuse are satisfied with the outcome they got (36 per cent were very satisfied and 36 per cent were fairly satisfied) and three out of four victims found the police and CPS either very or fairly helpful. This doesn't, however, automatically translate into victims feeling safer, with only 55 per cent feeling safer (14 per cent actually felt less safe) (Smith et al., 2012).

Confidence in the criminal justice system

In contrast to the prosecution rate (cases resulting in charges), the conviction rate (charges resulting in conviction) for domestic abuse cases has been steadily increasing over the last ten years. In 2005 about 60 per cent of CPS prosecutions for domestic abuse succeeded (Crown Prosecution Service, 2006). By 2012/13, the conviction rate was over 70 per cent (see Figure 4). However, the data presented in Figure 4 masks the fact that in recent years (2010-2013), the **number** of convictions for domestic abuse fell by 11 per cent despite a continuing rise in the number of incidents of domestic abuse reported to the police. Thus just when more victims are reporting domestic abuse to the police, the justice system is securing fewer convictions.

The fall in the number of convictions may be linked to the reduction in the provision of legal aid for victims of domestic abuse following

Figure 4: Percentage of successful and unsuccessful prosecutions of domestic violence cases in England & Wales by year. Source: Crown Prosecution Service, 2011.



changes to the eligibility rules in 2013. Under the new system, a claimant has to produce ‘trigger evidence’, such as a letter from social or health services, to prove that they are a victim of abuse in order to claim legal aid, but even then there are strict criteria which further restrict access. It has been estimated that nearly half (46 per cent) of domestic abuse victims will now be ineligible for legal aid under the new arrangements (Rights of Women, 2012).

Despite the increase in the proportion of successful prosecutions (see Figure 4), victims still complain about the lack of support during the criminal justice process; once they get to court victims often feel alone and ill-informed about the progress of their case (The Police Foundation, 2013). To address this, Specialised Domestic Violence Courts (SDVCs) were established in 2006 and by 2011 there were 145 SDVCs in the UK, although the number has fallen slightly over the last two years to

137 (Hansard Debate, 2013-14) due to public sector funding cuts.

Specialist courts allow a partnership approach to domestic abuse by the police, prosecutors, court staff, the probation service and specialist victim support services. Research undertaken by the Centre for Justice Innovation and the New Economics Foundation (Centre for Justice Innovation, 2014) found that since their introduction, SDVCs have increased both the number of successful prosecutions and the proportion of prosecutions that are successful in domestic abuse cases. It also confirmed that good SDVCs can speed up justice for victims and keep them safe. The report recommends better data collection by SDVCs on victim satisfaction and re-offending; re-accrediting SDVCs to ensure they are delivering to the principles of effective practice; and trialling supervision to ensure perpetrators appear before courts on a regular basis.

The Labour-founded Victims' Taskforce, chaired by Keir Starmer, is considering proposing a new Victims' Act to encompass a range of rights such as the right for victims to review a police or CPS decision not to proceed with their case; the right to be kept fully informed of progress in the investigation of crimes; and greater protection for vulnerable victims facing cross-examination.

Research suggests that a lower proportion of women retract if they are properly supported and fully informed and the focus provided by specialist courts enables a continuity and framework within which this support can be delivered. But Independent Domestic Violence Advisors (IDVAs) can also help to provide support throughout the process.

IDVAs work with victims of domestic abuse, usually from the point of crisis, in order to assess the level of risk and help them decide an appropriate course of action, including practical steps to secure their (and their children's) safety. Trained by Co-ordinated Action Against Domestic Abuse (CAADA), IDVAs enable links with agencies and act as a bridge between the victim and MARACs. HMIC's 2014 Inspection (HMIC, 2014) found that IDVAs play a critical role in supporting the police's response to domestic abuse, particularly the service they provide to high-risk victims. This is supported by research, which has shown that two thirds of all victims supported by an IDVA report a cessation or reduction of domestic abuse as a result (Co-ordinated Action Against Domestic Abuse, 2009). Until the public spending cuts, increasing use was made of Independent Domestic Violence Advisors (IDVAs), but despite additional government funding in 2010, their numbers are now falling, according to a poll carried out by CAADA.

Victim confidence in the criminal justice system hinges in part on being able to deter

perpetrators from further offending. Domestic violence perpetrator programmes (DVPPs) are run by a variety of public bodies, such as probation and the prison service, as well as the voluntary sector, however, evidence of their effectiveness is not conclusive (NICE, 2014) (see further details under 'Prevention Work' below).

Some professionals question whether higher prosecution and conviction rates will actually achieve what the majority of victims want (The Police Foundation, 2013). The strategy of arresting alleged perpetrators of domestic abuse has been popular since a 1984 experiment in Minneapolis (Sherman and Berk, 1984) which found that arrest was more effective in preventing future violence than attempting to counsel both parties, or sending assailants away from the home. However, this finding has been disputed more recently, with one study concluding that mandatory arrest laws can in fact increase intimate partner homicides (Sherman and Harris, 2014). The study followed up on an experiment carried out in Milwaukee in 1987-8 and found that victims whose partners were arrested were 64 per cent more likely to have died early, compared to victims whose partners were warned but not removed by police.⁵

The primary concern of many victims of domestic abuse is simply to ensure the violence stops and that their children are protected. Some even choose to continue living with their partner following contact with the police. Prosecution is not necessarily right for every victim and a debate needs to be had on alternatives to prosecution, which are still relatively rare. The use of Restorative Justice (RJ) techniques in this field is controversial and

⁵ This study is the subject of debate concerning the integrity of its methodology – see comments of Evan Stark PhD, MSW Professor Emeritus, School of Public Affairs and Administration, Rutgers University and Leverhulme Professor, University of Edinburgh at <http://www.cam.ac.uk/research/news/mandatory-arrest-in-domestic-violence-call-outs-causes-early-death-in-victims>.

many charities, including Women's Aid (2003), are opposed to its use in domestic abuse cases. However, others argue that, as formal methods of criminal justice are not always successful, broader forms of justice should be trialled, at least alongside traditional prosecution (Hudson, 2002). One study has looked at the use of RJ post-conviction, as a means of restoring the power balance between victim and offender (Miller and Iovanni, 2013).

A pilot is currently underway in Hampshire (Project CARA: Cautioning and Relationship Abuse) to study the effect of early intervention. Where an offender admits a minor domestic violence offence and a DASH assessment shows a victim to be low-risk, the police can offer the offender a caution on the condition that he attends a series of workshops to resolve personal issues and to understand the impact of his behaviour on the spouse and children. Initial results from the first twelve months of the project show that those who attended the workshops were 46 per cent less likely to re-offend.

Police training

Tackling domestic abuse is core police business and training in key areas such as investigative practice, working with vulnerable people, communication and empathy should contain a domestic abuse element. HMIC's 2014 Inspection was critical of police training, which relies to a large extent on e-learning, rather than more practical, on-the-ground training. It found that in many cases, officers are failing to gain the skills necessary to identify and assess domestic abuse.

"Without effective supervision and training in place forces are leaving the matter of the competence and capability of the responding officer almost entirely to chance." HMIC 2014

Officers often lack the skills and knowledge necessary to identify dangerous patterns of

behaviour in domestic abuse perpetrators, particularly in cases where there is psychological intimidation and control, rather than physical violence (HMIC, 2014).

Training needs to focus on developing officer understanding of coercive control and course of conduct offences as well as on appreciating the psychology of what happens to victims over time in an abusive relationship and why they might want to withdraw from a case (The Police Foundation, 2014). The 2014 HMIC Inspection report encourages officers to recognise that perpetrators may use a variety of tactics to manipulate and control proceedings when officers attend the scene including denial; normalising their behaviour; forgetting the incident; blaming the victim; and counter-allegations. The very nature of coercive control is a difficult concept to understand and many officers have trouble empathising with low-level repeat cases, and may mistake victims as culpable rather than vulnerable.

Dealing with children

130,000 children in the UK live in households with high-risk domestic abuse (Fisher, 2012).

In households where there is domestic abuse, children commonly witness incidents. In 75 per cent to 90 per cent of cases, children are in the same or the next room to where the domestic abuse is taking place (Women's Aid, 2014b). Research by CAADA in 2014 (Co-ordinated Action Against Domestic Abuse, 2014) found 62 per cent of children exposed to inter-spouse domestic abuse were themselves physically harmed. Yet, mothers are often concerned about reporting harm caused to their children for fear that social services may remove the child (Tickle, 2014).

Police officers need to be alert for signs of abuse affecting the child. According to one study, (Richardson-Foster et al., 2012) children

often feel excluded by the police at incidents and, for their part, officers can be reluctant to speak to children directly, either because they feel they lack the confidence or skills to deal with children, or because of concerns about distressing them further.

“For children and young people, the police officer who appears at a domestic violence incident offers the potential for order and normalcy to be restored in the midst of disorder and confusion. The officer who ignores a child or young person exposed to domestic violence may have lost a valuable opportunity to convey reassurance and authority as well as the chance to link the child to relevant support services.” (Richardson-Foster et al., 2012)

Prevention

In its 2013 inquiry into Essex police, HMIC found: *“Generally there was a poor level of awareness among local officers of the identity of the most prolific domestic abuse perpetrators in their area. There was also little in the way of analysis carried out in relation to repeat perpetrators to support targeted activity through the force’s intelligence processes”* (HMIC, 2013).

The 2014 HMIC Inspection suggested that the police could do more prevention work, such as using neighbourhood policing teams to target and manage the local perpetrator population and ensuring intelligence analysts do more to support disruptive action.

“Forces should consider applying the same disruption tactics that work so successfully against members of organised crime groups against their most harmful perpetrators of domestic abuse.” (HMIC, 2014).

The causes of domestic abuse are complex and multitudinal, which makes the development

of preventive strategies difficult. Further, policy and practice has tended to focus on dealing with the immediate, such as handling high-risk cases, rather than developing a longer term, more proactive/preventative approach.

The Early Intervention Foundation divides prevention into three categories:

- Universal Service (which is geared to all citizens; such as education about domestic abuse through schools or increasing identification of abuse via the healthcare system).
- Early Intervention (geared to young people at risk, such as support services).
- Late Intervention (geared towards perpetrators).

In a review of domestic abuse (Early Intervention Foundation, 2014) the Foundation found little evidence that either the first or third categories of intervention would yield results and modest evidence that efforts in the second category (targeting young people at risk) reduced violent behaviour. Research for the National Institute for Clinical Excellence (NICE) in 2013 echoes this, (British Columbia Centre of Excellence for Women’s Health, 2013) finding limited evidence on primary prevention programs but moderate evidence that intervention in relation to those at risk (such as universal screening for abuse in pregnancy) can improve identification and reduce violence. It recommended further research be undertaken in the field of prevention.

The Hull ‘Strength to Change’ Service was launched in 2009. It is led by the National Health Service and aims to help men stop patterns of partner abuse. Participants must volunteer for the programme, committing to a 52 week course. A 2011 evaluation of the programme (Stanley, 2011) found the project had made a positive impact on perpetrator behaviour and attitudes, and women described their partner as calmer and less violent.

Some prevention work is being developed with ‘well-meaning men’. The vast majority of men do not condone violence against women, and websites such as www.acalltomen.org aim to encourage men to positively promote gender equality and speak out against violent or degrading language and behaviour. The aspiration is to achieve the kind of cultural and societal change that occurred with drink-driving (The Police Foundation, 2013).

Information campaigns may also help to prevent domestic abuse. A poll by YouGov found 48 per cent of UK adults said that good public information on the subject would help them decide what to do should they suspect that a friend or family member was being victimised. (Standing Together, 2011). To this end the Home Office has funded an advertising campaign, ‘This is Abuse’, to raise public awareness and provide information about domestic abuse. 38 per cent of 18 to 24 olds in the same survey stated that being educated about domestic abuse in school would be very useful.

Recent research by Lancaster University, 2013, found that domestic abuse increases during England World Cup football matches – especially if the perpetrator’s team loses. Thus incidents of domestic abuse rose by 38 per cent in Lancashire when the England team played and lost but only increased by 26 per cent when England won or drew compared with days when there was no England match. Incidents of domestic abuse were also found to be 11 per cent higher the day after an England match. Similar links have been identified in Scotland (Williams et al., 2013).

a briefing to assist PCCs with the changes, (Association of Police and Crime Commissioners, 2014) and a number of PCCs included grants to domestic violence services in their policing plans. NICE Guidance (NICE, 2014) recommends that, before commissioning, an assessment is undertaken to understand the need for domestic violence services, alongside a mapping exercise to identify all local services and partnerships that work in domestic violence and abuse. This will allow PCCs to develop an integrated strategy, covering alcohol and drug dependency as well as mental health, social care and domestic abuse.

In March 2014 victims’ services, including those for violence against women and girls, began to be commissioned by Police and Crime Commissioners (PCCs). The Association of Police and Crime Commissioners produced

Conclusion

Domestic abuse is a difficult issue for the police to handle; one which they have historically dealt with reluctantly and, on the whole, ineffectively. However there have been a number of changes in recent years and attitudes to domestic abuse, both in policing and the wider society, have begun to shift. The introduction of Specialist Domestic Violence Courts and the emphasis on MARACs and risk assessment have helped to provide a more holistic response and it is hoped that the creation of IDVAs and DVPOs will continue to improve victim confidence in policing and the criminal justice system. The recent HMIC Inspection should also raise the performance of the police, particularly with regard to call handling, victim safety and criminal investigations. But against this, the public sector cuts have already begun to bite into the resources available for tackling domestic abuse.

According to one study, nearly a third of the funding for the domestic abuse and sexual abuse sector within local authorities was cut between 2011 and 2012, a reduction from £7.8 million to £5.4 million (Towers and Walby, 2012). Women's Aid reports that 320 women, almost nine per cent of those seeking refuge, were turned away on a typical day in 2011 due to lack of space and, in 2012, an estimated 27,900 women were turned away from the first refuge they approached (Taylor, 2013). Charities are warning that domestic abuse refuges are being closed across the country due to the competitive tendering process used by local authorities and the Home Secretary, Theresa May has stated that there is a great deal of ignorance about the way domestic violence services are commissioned by local authorities (Laville, 2014).

The HMIC Inspection also raised concerns over resourcing, especially the fall in funding for IDVAs, for which there is now insufficient

funding to adequately support all high risk MARAC cases (HMIC, 2014). Delivering an effective multi-agency response to complex issues like domestic abuse is becoming increasingly problematic as public services such as mental health and drug and alcohol services retreat to their core statutory responsibilities. With no statutory underpinning, even MARACs are at risk and the next round of cuts, due in 2015, will no doubt further erode the capacity of the police and their partners to deliver an effective local, multi-agency response to the problem of domestic abuse.

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