



WOMEN'S ACCESS TO JUSTICE

• from
• reporting to
• sentencing

All-Party Parliamentary Group on
Domestic and Sexual Violence



All-Party Parliamentary Group on
Domestic and Sexual Violence

women's aid
until women & children are safe



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With thanks to:

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The APPG on Domestic and Sexual Violence is a cross-party group of MPs and Peers working towards the elimination of domestic and sexual violence; to highlight issues arising; and to contribute to the development of policies. Women's Aid Federation of England provides the secretariat to the APPG on Domestic and Sexual Violence.

Women's Aid is the national domestic violence charity that supports a network of around 300 local services working to end domestic violence against women and children in England. Our member services are integrated domestic violence service providers delivering a range of holistic services for women experiencing domestic violence and their children.

The Survivor's Charter on p59 of the report has been developed using the experiences which survivors shared with the APPG about their attempts to access justice. The Charter is a tool for any survivor of domestic violence to use to ensure that their needs are being met by the criminal justice agencies who are meant to support their access justice. The Charter is based around nine principles from reporting to sentencing. Survivors should be:

- Respected
- Believed
- Protected
- Supported
- Updated
- Heard
- Safeguarded
- Informed
- Empowered

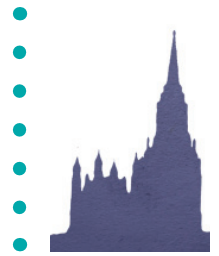
Acknowledgments

The APPG on Domestic and Sexual Violence would like to thank everyone who submitted evidence to the Inquiry on women's access to justice. We would particularly like to thank those survivors who submitted evidence from their experiences and those who took time to give oral evidence.

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FOREWORD



Rt Hon Baroness Scotland QC
Chair
APPG Domestic & Sexual Violence



Bridget Phillipson MP
Secretary
APPG Domestic & Sexual Violence

The title of the report *Access to Justice* suggests that justice is not being served at present. Sadly, for too many women this is the case. Considerable progress has been made but too many victims of domestic violence, the majority of whom are women, suffer at the hands of a partner or former partner. On average two women a week are killed as a result, and studies have shown this constitutes a significant proportion of female homicides.

Because most abuse usually takes place behind closed doors, the police are rarely called to the first incident. It takes on average 35 incidents for the police to be involved. They have a vital role to play in stopping perpetrators and holding them responsible for their actions. However, the evidence we received highlighted a lack of consistency across police force areas and within forces. The first response a woman receives can mean the difference between stopping abuse in its tracks or failure. More must also be done to break down the barriers to reporting.

As parliamentarians, we have a responsibility to ensure the right legislation is in place and that tackling domestic violence remains a priority for government. The All Party Parliamentary Group for Domestic and Sexual Violence was founded to bridge the gap between theory and practice, between law makers, enforcement agencies and the frontline services that play an invaluable role in supporting survivors.

The conclusions of this report and the testimony from serving officers, survivors and specialists alone will not solve the problems we have highlighted. We hope that government will act on these recommendations and build on our report.

There are five key outcomes from this inquiry:

- I. Data collection:** Greater understanding of domestic violence, its victims, and its perpetrators is crucial to tackling the issue. Data on arrests, prosecutions and hospital admissions are all necessary to build the most complete picture possible to target resources. Unfortunately inquiries from members of the All Party Group to government departments have highlighted that data relating to domestic violence cases is not collected or available in a format that can be easily accessible and shared. We have recommended the government review its data collection procedures as a first step to building a greater understanding of domestic violence.



2. **Training and awareness:** Our inquiry has shown that first responders in the police and justice systems are key to stopping abuse in its tracks and ensuring that the victim receives the support they need. We have recommended that all front line police officers and justice officials receive domestic violence awareness training to ensure a change of culture in the way victims, particularly women, are treated.
3. **Closing legislative loopholes:** Domestic violence is not an easy crime to understand; it is multi-layered and often misunderstood. The definition of domestic violence used by the Home Office highlights the psychological as well as physical harm an offender can cause. We recommend that government reviews the current legislation around domestic violence to close legislative gaps, such as giving consideration to criminalising coercive control and patterns of abusive behaviour.
4. **Effective prosecutions:** There is evidence to suggest that some police forces are placing less onus on a victim's witness statement and recognise the need to gather all-round good quality evidence. The use of body worn cameras by police when attending domestic violence calls is one example of effective policing in this regard. We recommend a move away from evidence solely based on victim testimony. The police should begin to build a case against a perpetrator the moment they walk through the door.
5. **Victim-centred approach:** The justice system needs to inspire confidence from all sides. Too often victims reported they felt unsupported and that the process was dehumanising. We recommend the government reviews ways to break down barriers to justice, increase information and communication with survivors about their case, invest in court facilities and access to technology so victims can testify remotely via video link.

The work we undertook was complex and we wish to pay particular thanks to our Secretariat Women's Aid for their support. We also want to thank the hundreds of police officers, sector specialists and the survivors themselves for taking part. Without their evidence this report would not have been possible.

We are grateful to Home Office Minister Norman Baker MP for taking the time to appear before the All Party Group to answer our questions, and will be writing to him and the Home Secretary to request a formal response to the recommendations and findings contained within this report.

If you are a survivor, a police officer or if you work in the justice or domestic violence sector the All Party Group would be keen to hear your views on the issues raised in this report.

Please get in touch by email at: APPG@womensaid.org.uk.



CHAPTER 1: INTRODUCTION TO THE INQUIRY

1. A growing body of evidence from within the sector campaigning for an end to domestic violence sector highlighted the need for a high level thorough investigation into women's ability to access to justice around domestic violence and in particular violence in intimate partner relationships. In light of this evidence the All-Party Parliamentary Group (APPG) on Domestic and Sexual Violence, supported by Women's Aid Federation of England, decided to conduct an Inquiry in order to shed light on key issues and make recommendations for change.

Methodology of the Inquiry

2. The APPG launched a call for written evidence in October 2013 which was circulated through the APPG networks, via Women's Aid and was hosted on the Women's Aid Survivors Forum to enable survivors to have a voice in the Inquiry. The Inquiry consultation was open for four weeks.
3. The call for written evidence asked respondents to fill in an online questionnaire regarding their experiences, or their service users' experiences, with police and the criminal justice agencies from reporting to sentencing. The APPG was delighted to receive 90 responses from a cross section of specialist organisations and individuals including the Minister of State for Crime Prevention Norman Baker MP, Dan Jarvis MP, Shadow Minister for Victims, numerous specialist domestic violence services, Independent Domestic Violence Advocates (IDVAs), representatives from various police forces, the Crown Prosecution Service (CPS) and many others. We were delighted to receive nearly 50 responses from survivors of domestic and/or sexual violence. A breakdown of those who submitted written evidence can be found in Table One:

Table One

Are you replying from an organisation, as a survivor or as an individual?		
Answer Options	Response Percent	Response Count
Organisation	37.4%	52
Survivor	35.3%	49
Individual	27.3%	38

4. Two oral evidence sessions took place in Parliament in November 2013 during the 16 Days of Action on Violence Against Women on Monday 25 November (International Day for the Elimination of Violence Against Women) and Wednesday 27 November (Please see Appendix 3 for the oral evidence session agendas). Over the two sessions the APPG heard from various witnesses including: Mr Norman Baker MP, Minister of State for Crime Prevention; members of the Violence Against Women and Girls (VAWG) sector including Polly Neate, Chief Executive, Women's Aid; the Crown Prosecution Services (CPS); the Association of Chief Police Officers (ACPO); survivors of domestic violence; and,

Independent Domestic Violence Advocates (IDVAs) from various Women's Aid member services; Refuge; Solace Women's Aid; Rape Crisis England and Wales, leading academics and Respect (please see Appendix 1 for a full list of witnesses).

5. The APPG would like to thank all those who took the time to submit written evidence and give oral evidence to the Inquiry. We would particularly like to acknowledge and thank all the survivors of violence who submitted evidence to the Inquiry. Without your input this Inquiry would not have been possible.
6. This report was produced by Women's Aid, the secretariat for the APPG, under the direction of the APPG Executive with support from the office of Bridget Phillipson MP. The report highlights the key findings from the oral and written evidence in relation to women's access to justice and identifies key recommendations as to how government can make steps to improve this situation for survivors.
7. The report follows a journey from reporting to sentencing showing the numerous and varied barriers that women face when trying to access justice including systemic and institutional barriers that exacerbate the weakness in the system itself.

Definition of Domestic Violence

8. Domestic violence is 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 but is not limited to the following types of abuse:
 - psychological
 - physical
 - sexual
 - financial
 - emotional
9. Controlling behaviour is: 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 is: 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 victim¹.
10. Intimate partner violence is a form of domestic violence, and it includes psychological, physical, sexual, emotional and financial abuse by a current or former partner or spouse.
11. Domestic violence is very common. Research shows that it can affect one in four women in England and Wales in their lifetimes, regardless of age, social class, race, disability or lifestyle.

¹ This is the current government definition of domestic violence as amended in 2013: www.gov.uk/domestic-violence-and-abuse

12. Domestic violence can take place in lesbian, gay, bisexual and transgender relationships, and can involve other family members, including children.

Gendered nature of domestic violence

13. Domestic violence is both a cause and a consequence of women's inequality in society, it is a gendered crime which is perpetuated within a misogynist culture that accepts and allows violence against women in many forms.
14. The tacit acceptance and unchallenged nature of domestic violence in society puts women at risk of violence and murder. Statistics have consistently shown that on average two women are murdered every week in the UK by a current or former partner². This constitutes around one third of all homicide with a female victim in the UK³.
15. Violence in all forms is unacceptable. Domestic violence is particularly pervasive and can affect anyone, at any age, from any class, race, religion or gender. Both women and men can be victims or perpetrators of domestic violence; however, women are much more likely to be the victims of domestic violence than men. 89 per cent of victims who have experienced four or more incidents of domestic violence are women⁴. Furthermore their experiences of domestic violence are likely to be more severe, repeated and to include sexual violence.
16. Professor Liz Kelly told the Inquiry, "We have lost our understanding of what domestic violence is. It is not incidences of crime it is a pattern of coercive control that women and children live with. It is a gender crime. The violence men are doing is through masculinity and imposing a particular kind of way of being a woman on the victim. And the children are witnessing this too. There is no way that you can think about this as being gender neutral. It is about gender roles."
17. While attention to domestic violence has increased in recent years there has been a tendency for rhetoric around domestic violence to be gender neutral. Government and statutory agencies have increasingly removed references to the gendered nature of domestic violence from discussion of provision for survivors. This has impacted directly on commissioning practices, with many specialist domestic violence services, that previously supported women, now required to also provide services for male victims from a total funding allocation that is much reduced: in other words exacerbating the impact of cuts to services for women and children. This approach fails to recognise that significantly fewer men experience the severity of domestic violence that requires specialist intervention or the lack of evidence that these are the types of services that men need.

2 Department of Health. (2005). *Responding to domestic abuse: A handbook for health professionals*. London; Home Office. (1999). *Criminal statistics, England and Wales*. London; Povey, D. (2004). *Crime in England and Wales 2002/ 2003: Supplementary volume 1 - Homicide and gun crime*. London.; Povey, D. (2005). *Crime in England and Wales 2003/ 2004: Supplementary Volume 1 - Homicide and gun crime*. London.

3 Smith, K., Osborne, S., Lau, I., & Britton, A. (2012). *Homicides, firearm offences and intimate partner violence 2010/ 2011: Supplementary volume 2 to Crime in England and Wales*. London.

4 Walby, S and Allen, J (2004) *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey*. London.

CHAPTER 2: EXPERIENCES WITH POLICE



18. *Police should give victim/s info. leaflet, and do follow-up visits to check victim/s when perp not there. Knowledge empowers victims. The more active help and support victim/s gets, the stronger they become so they can 'fight' back and make their life better. (written evidence, survivor).*
19. *The police should prosecute independently based on witness testimony. And photos of all marks on the victim should ALWAYS be taken. (written evidence, survivor).*

Before police contact

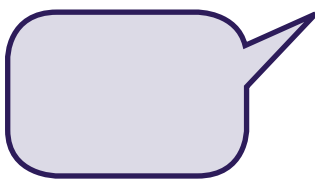
20. Evidence submitted to the Inquiry clearly demonstrated that before the point where women are able to phone the police or other criminal justice agencies to seek help they face an enormous barrier to overcome: the belief and fear that the police cannot, or will not, help them. Survivors and organisations told the Inquiry about the fears women have when considering contacting the police:
 - the fear of not being believed or taken seriously;
 - the fear of recriminations through counter claims from the perpetrator;
 - the fear of threats to themselves and their family being carried out if they report the abuse, including being killed;
 - the fear of having their children taken away from them if they expose themselves as living in a violent home;
 - the fear of the financial implications if the relationship ends or the perpetrator is put in prison;
 - the fear of state agencies prioritising any outstanding immigration issues over the violence;
 - the fear of involving the police if the woman is a sex worker and has had contact with the police previously;
 - the fear of having to become involved in daunting criminal justice proceedings; and
 - the fear that the criminal justice system is biased towards perpetrators.
21. When asked whether respondents felt that there were barriers in place to women accessing justice the vast majority of respondents (nearly 90%) said yes (see **Table Two overleaf** for a breakdown).

Table Two

Are there barriers to women disclosing domestic violence to the police and/or other criminal justice agencies*?		
Answer Options	Response Percent	Response Count
Yes	89.2%	108
No	8.2%	10
Don't Know	2.4%	3
Answered Question	121	
Skipped Question	18	

*Note: Criminal Justice Agencies include: Police; Crown Prosecution Service; Home Office; Ministry of Justice; Criminal Injuries Compensation Authority; Probation Service; Family Liaison Officers; Victim Care Unit; Witness Care Unit; Her Majesty's Court Service; National Offender Management Service.

22. Organisations reported that women survivors have very low levels of confidence in the police's ability to keep them and their children safe and deal with the perpetrator effectively. The evidence shows that this lack of confidence often comes from women's previous negative experiences of reporting violence to the police. In terms of sexual violence by partners or former partners, particularly if a woman has received a negative response she may feel too ashamed to report another incident of sexual violence.
23. ADVANCE, a specialist organisation in West London, carried out a survey with their service users in order to inform the Inquiry. They found that:



“women reported having a fear of not being believed, particularly for women who feel they are going to be blamed or judged. A lot of our service users are offenders, so if they have this history with substance misuse, homeless they are much more reluctant to contact the police [because] they feel they won't be taken seriously or believed.”

24. Furthermore, organisations reported that women with insecure immigration status can be very reluctant to approach the police for help as they may fear the involvement of a uniformed state agency and they may have very little understanding of the criminal justice system in the UK.
25. Recent research by Imkaan⁵ highlighted the power perpetrators have over victims if the victims have insecure immigration status and are fearful, for this reason, of being exposed

5 Imkaan is a UK-based, black feminist organisation dedicated to addressing violence against women and girls. As a second-tier, human rights organisation, with national membership, Imkaan represents the expertise and perspectives of frontline specialist women's services that work to prevent and respond to violence against women and girls.



to state agencies.

“The first thing they asked ‘is your husband British?’ ‘Where are you from?’ ‘So what happened?’ When the last incident happened, after he was blackmailing me, doing things that I didn’t like, trying to control me, the police would say, ‘well he hasn’t hit you’ so we were both arrested and I was handcuffed and he wasn’t. It was funny that the first time I go to the police I get arrested, so I am not very happy with the police.”⁶



26. Often the police or criminal justice agencies appeared more concerned with an individual's immigration status rather than their account of abuse. This is a highly significant concern for women with insecure immigration status who may, often rightly, believe that the police will prioritise their immigration issue over their domestic violence situation.
27. The research also outlined that women with immigration/asylum issues were required to give higher levels of proof than UK citizens when they were experiencing gender based violence.

Survivor and professional experiences with the police action in domestic violence cases

28. Whilst the Inquiry asked respondents to provide examples of good practice and their experiences of police investigations of domestic violence the evidence was overwhelmingly that the criminal justice system lacks the ability to investigate domestic violence cases properly, protect survivors, and bring the perpetrators to justice. This section highlights barriers women face when dealing with the police, from the initial response to referrals to the CPS.

Police response and investigation

29. There were several key issues around police investigations of domestic and sexual violence that were consistently brought out in the evidence, the next section of the report will provide a further investigation of these factors. The key issues include:
 - a variable first response to an incident;
 - an inconsistent approach to the investigation of domestic violence within and between police forces;
 - over reliance on victim as witnesses and insufficient evidence gathering at the scene of crime;
 - lack of understanding about and training on domestic violence including patterns of coercive controlling behaviour in intimate partner violence (police not taking the severity of domestic violence seriously);
 - failure to recognise the overwhelming majority of victims of coercive control in intimate partner violence are women and the overwhelming majority of perpetrators are men;

⁶ Imkaan (2013) *Beyond the Labels: Women and girls' views on the 2013 mayoral strategy on violence against women and girls (VAWG)* <https://dl.dropboxusercontent.com/u/85173313/Beyond%20the%20Labels%20-%20final.pdf>

- assumption of the “perfect victim” by police which impacts on their response if a woman does not appear to match that ideal type;
- focus by police on physical injuries to the exclusion of other effects of domestic violence;
- police minimising the impact and importance of cases of domestic violence, including sexual and psychological violence in intimate relationships;
- women feeling disempowered by the police approach to investigation;
- lack of communication from the police to the victim.

A variable first response to an incident

30. Survivors and organisations reported that the initial police response will vary depending on the police officer who turns up to the incident. There is a lack of consistency in terms of response to domestic violence both across police forces and also between different officers within forces. This Inquiry has shown that the quality of the initial response is variable and women who experience a negative response are deterred from contacting the police again.



My experience has highlighted that it is not luck who you get when you first report an incident. (written evidence, survivor)

31. Women reported experiencing negative attitudes from the police and gave various examples of officers explicitly blaming victims:



On leaving my flat I was told [by the attending police officer] “don’t make a habit of it.” (written evidence, survivor)

32. Women with complex needs report to organisations that they feel very disengaged from the criminal justice system and experience victim blaming attitudes if they contact the police. There is a view shared amongst some organisations that the police have a particular view of a ‘victim’ and how these ‘victims’ should present themselves and their situation. When women feel that they do not fit this blueprint, they are reluctant to seek help and support from the criminal justice system. There needs to be a culture change within the police to ensure that women experiencing domestic violence are taken seriously and their situations understood. This can only be achieved through more comprehensive training and implementation of the existing guidance on responding to domestic violence.
33. Sumanta Roy from Imkaan told the Inquiry that in cases where there is a domestic violence survivor who might also have insecure immigration status (which can in itself be as a result of domestic violence), the police can focus on the immigration status to the detriment of the domestic violence. This leaves women more vulnerable to the perpetrator and facing more significant barriers which may leave them more reluctant to seek help in a domestic violence situation.
34. Further barriers that inhibit women’s contact with the police and criminal justice system exist for women from black and minority ethnic (BME) communities. They fear reprisals from the perpetrator; their family and/or community; such fears can be more pronounced if they are more isolated from the wider community and having to overcome religious

or familial pressure to not bring shame onto family honour. Furthermore the police's historic lack of understanding of, and willingness to engage with, these communities has further prevented women from minority communities from accessing justice. Women who identify as being from BME communities have reported to organisations that they feel that the police are prejudiced against people from their particular community and this increases their fear of and decreases their confidence in reporting any domestic violence to the police.

35. The APPG on Domestic and Sexual Violence notes that the UK Government has a duty to exercise due diligence to prevent violence, protect victims and punish acts of violence under international human rights law⁷. Ensuring that vulnerable women and their children get support to safely escape from domestic violence and to access justice is a basic and critical human right.
36. An Independent Domestic Violence Advocate (IDVA) who took part in the oral evidence session suggested that, despite the fact the onus for behaviour change should never be put on the victim of domestic violence but on the perpetrators, there is:

a gender imbalance from the police; women are left feeling that is a lot of responsibility put on them to do something about the perpetrator's behaviours.

(oral evidence, IDVA Staffordshire Women's Aid)



37. Evidence submitted to the Inquiry highlighted that women are frightened to report domestic violence to the police for fear of recriminations and reprisals from the perpetrator. Research has consistently shown that when a woman leaves an abusive relationship this is the most dangerous time. Women are at most of risk of homicide at the point of separation from, or after leaving, a perpetrator⁸.

38. Rights of Women reported:

We are often asked on the advice line if there is a 'witness protection scheme available in England and Wales' ... This question indicated the level of fear that some women have of retaliation from their perpetrators.



39. The fear, or experience, of not being believed by the police and other criminal justice agencies creates a significant barrier for women seeking help. An example from Refuge shows the negative impact this has.

"When I went to report at the police station, the Detective said: "you seem very intent on reporting this – so where's the marks then?" I don't think he believed me and he was very intimidating. (written evidence, survivor)



7 Article 4 (c and d) of the UN Declaration on Elimination of Violence against Women, 1993. <http://www.un.org/womenwatch/daw/cedaw/>. The Convention on Elimination of All Forms of Discrimination against Women and the work of the Committee reiterates the need for states to take appropriate measures to ensure women are free from all forms of violence. <http://www.un.org/documents/ga/res/48/a48r104.htm>

8 Lees, S (2000) 'Marital Rape and Martial Murder' in: Hammer, J and Itzin, N (eds) *Home Truths about Domestic Violence: Feminist Influences on Policy and Practice: A Reader*. Routledge: England: London.

40. Organisations reported the importance of good training on how to deal with an initial disclosure. The initial response from the police is critical in influencing women's confidence in the police and may impact on their likelihood of engaging with wider criminal justice system.
41. A significant concern raised in the written evidence was that the police respond to the incident of domestic violence, rather than the situation of violence that the woman is currently in. This means that the police attending will often not know the history of the household or relationship, they will not look for signs of coercive control nor examine the risk within the full context of the situation. This means that the appropriate safety planning and support may not be offered to the victim, or appropriate measures, including evidence gathering, put in place to apprehend or charge the perpetrator.

An inconsistent approach to the investigation of domestic violence within and between police forces

42. Through the written evidence women reported a 'mixed bag' of responses from individual police officers and highlighted the need for more consistency in the police's approach to domestic violence. The initial response and the quality of police investigations will depend on the Officer in Charge.

Women's Aid is aware of a very varied police response to domestic violence across England. There are some examples where the police response is very good and women feel supported throughout any investigation.

(written evidence, Women's Aid)

43. Many survivors responding to the Inquiry felt that the police have a very limited understanding of domestic violence and the impact it can have on victims. Respondents reported experiencing 'dismissive' attitudes from the police. Women reported being made to feel that they were '50 per cent to blame' for an abusive incident if they retaliated to the abuse.
44. A significant concern that was consistently highlighted in the Inquiry, from the first response and throughout the investigation, was the police's frequent inability to identify the perpetrator and victim correctly in a domestic violence situation. Research conducted by Professor Hester showed that in her study there were more overall arrests for men than women perpetrating domestic violence.

"Women were arrested to a disproportionate degree given the fewer incidents where they were perpetrators. Women were three times more likely to be arrested for violent offences."⁹

45. This evidence indicates that the police and criminal justice response to domestic violence does not take into account the gendered nature of domestic violence. Organisations have similar views.

⁹ Hester, M (2009) *Who Does What to Whom? Gender and Domestic Violence Perpetrators*. Northern Rock Foundation. University of Bristol, p.9.

A particular area of concern is the lack of focus by the police on identifying the primary aggressor in situations where both women and men are using violence in the relationship. Domestic violence is a pattern of abusive behaviour over time, where men tend to be the primary aggressor and where women may be using violence in order to protect and defend themselves and their children. Yet research shows that women are three times more likely than men to be arrested when they have used violence in an incident, even if some of this violence is used as protection or retaliation against a male primary aggressor.

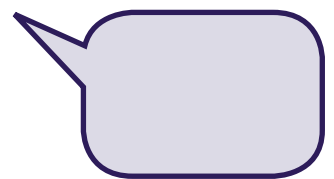
(written evidence, Professor Marianne Hester)



46. Different aspects of a domestic violence crime might be dealt with by different members of the police force – such as physical assaults and sexual violence - creating inconsistency of communication with the victim. Victims are not necessarily given a single point of contact within the police where there is both the physical and sexual elements of intimate partner violence present within in an abusive relationship.
47. As noted above, women reported their fear that the police will believe counter allegations from the perpetrator against them and will not distinguish between victim and perpetrator. This is further complicated by a police force where women are underrepresented and officers often lack even basic training on domestic violence. There is a well-documented lack of diversity within the police force, exemplified by the lack of women or BME police officers on the front line and in leadership positions. This creates a culture where misinformed views, for example towards victims of domestic violence, may go unchallenged and unchanged.
48. Assistant Chief Constable Louisa Rolfe recognises the importance of working to improve the response to domestic violence and to break down the barriers that women face when seeking help from the police.

There is a lot of do. I'm the first to recognise that the police response, whilst it has developed and has improved in certain areas, is not Universal. What I am hearing today [at the Inquiry oral evidence session] is consistent with what I have heard in my role so far... I meet regularly with other police regions to talk about best practice and improvements, representatives and stakeholders, I try very hard to think about how I might work with Chief Constables and others Chief Officers across the UK to improve the service.

(oral evidence, Assistant Chief Constable Louisa Rolfe)



Lack of understanding about and training on domestic violence

49. Women fear that involving the police will make things worse for them and the police will not give them the protection or support that they need. Women reported having little confidence in the police response to domestic violence if they do not have significant evidence of physical abuse. Many survivors described dismissive attitudes from the police when they have called the police to an incident, reporting that officers will often minimise and downplay the incidents that have occurred.

50. The police often show a lack of understanding of coercive control and the non-physical manifestations of domestic violence, this is reflected across the criminal justice system. Professor Liz Kelly explains how coercive control in violent relationships is experienced by the victims and how this impacts on how they are able to react to police intervention



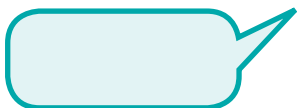
It is the repetition, the everydayness and unpredictability that characterises living with domestic violence for women and their children. Women adjust their behaviour to try and prevent further outbursts, narrowing the space in which they feel free to act. (written evidence, Professor Liz Kelly)

51. A further concern about the lack of understanding of coercive control in the criminal justice system is that currently prevalence data about domestic violence is based on single incidences of violence reported to the police. This data is not measuring the on-going patterns of coercive control and psychological abuse which are highly destructive and inhibit women's access to justice. The police need to be able to recognise and respond correctly to this form of violence to protect victims and their children and to effectively punish perpetrators.
52. Much of the evidence submitted to the Inquiry highlighted that the police generally have a very limited understanding of domestic violence and the impact it can have on victims. Many organisations and individuals commented that the police make 'flippant' and inappropriate comments to women reporting domestic violence.



The officer in charge of the case interviewed my husband and telephoned me afterwards to tell me about it. He told me that 'you're BOTH best out of the relationship!' I was extremely upset by this as I had done NOTHING wrong. I was the one who got beaten up and the policeman made me feel like I must have done something to deserve it or warrant it. (written evidence, survivor)

53. The lack of understanding of domestic violence and the inappropriate way police forces can respond to domestic violence can be explained in large part by the paucity of training the police have on domestic violence alongside an apparent lack of leadership.



The management and leadership of the police need to ensure that the officers carry out their job and implement this training. The rhetoric at the top is not at all translated to the bottom. Needs to be supervision on the ground.

(oral evidence, Refuge)

54. Between April 2010 and March 2013 the Independent Police Complaints Commission (IPCC) investigated 33 cases where there were concerns that the police may have failed to adequately protect a victim of domestic violence.
55. Responding to this Inquiry, the IPCC outlined a number of common weaknesses in the police response to victims of domestic violence. These include:
- Failure to complete (or inadequate completion) of risk assessments;
 - Call handling – failure to take and record full and accurate details;
 - Insufficient or inadequate training for staff;

- Inadequate resourcing of domestic abuse teams;
- Failure to keep the victim informed of any delays in police response;
- Linking previous incidents or history of domestic incidents therefore viewing incidents in isolation.

56. These concerns were reflected throughout the evidence submitted to the Inquiry. Where intimate partner violence includes rape or sexual violence this can confuse the police and survivors can be left feeling that either the sexual violence or physical or emotional violence are ignored.

There is still an issue when the domestic violence takes the form of sexual violence in that some officers fail to equate such abuse as rape.

(written evidence, Blue Sky Sexual Assault Referral Centre)



57. The Inquiry shows that there is still a culture of disbelief towards survivors of domestic violence. Women are frightened that the police will believe the perpetrators account of the incident rather than theirs. Moreover, organisations reported that their service users still experience victim-blaming attitudes from the police which can result in inappropriate and ill-informed questions and remarks from the police.

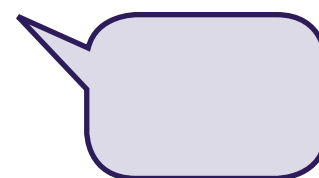
While responses are improving all the time I still feel there is a culture of victim blaming, especially where victims cannot leave their partners or where perpetrators will not let them go. (written evidence, individual social worker)



58. Organisations report that women with mental health issues can be particularly discriminated against in the criminal justice system. Police officers do not always have a good understanding of mental health issues or the psychological trauma that domestic violence has on survivors and the way this can manifest itself in survivors' behaviour.

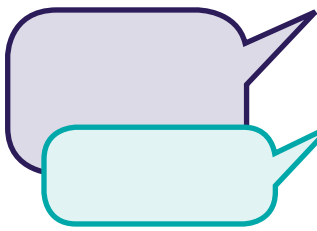
59. Most survivors who submitted written evidence to the Inquiry reported extremely negative experiences of the police to the Inquiry, where the police clearly have a very limited knowledge and understanding of domestic violence:

*I knew nothing about DV so asked him [police officer] about it. He told me not to worry that it was usually just a one off incident!!! He gave me the telephone number of ***** which had ceased to exist. Knowing what I now know I am amazed at his lack of knowledge about DA and his ineptitude at dealing with my lack of knowledge.* (written evidence, survivor)



60. There were two survivor respondents who reported positive experience with the police. These responses make it clear how important it is that the police are well trained on domestic violence and understand how their words and actions can impact a survivor.

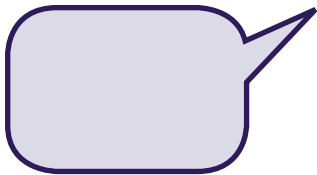
61. The majority of ADVANCE's referrals come from the police, and in a recent service user consultation, 83% of survivors agreed that they would contact the police again if in danger, with 76% stating they felt safer after contacting the police.



My own experience with the police has been brilliant. I have called them on two occasions and was treated admirably. (written evidence, survivor)

My local Police were reasonable and where fairly supportive ... but only after they finally believed me. (written evidence, survivor)

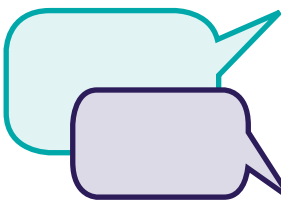
62. The accounts of good experiences of the police clearly show that good training on domestic violence significantly improves the police response. One survivor of domestic violence who gave oral evidence to the Inquiry had a very positive experience with the police due to the compassion and expertise of the officer that was assigned to the case. This highlights the need for more training and specialist officers within forces to ensure good police response and to instil confidence in survivors.



I think I have had an incredibly positive experience...I believe the reason we were able to get a successful prosecution was in large part down to her. If police officers like her could be involved in training. She was victim – centred, she was honest never gave me false expectations, I felt like she was there to support me rather than to get a prosecution. (oral evidence, survivor)

Police minimisation of crimes relating to domestic violence

63. The evidence collected through the Inquiry shows that limited understanding about domestic violence within the police, especially non-physical forms of domestic violence, can lead to minimal response and consequent lack of actions by the police. Responding organisations report the police can minimise the abuse survivors have suffered and will often take no further action where this should have been taken, particularly to protect the victim from further harm. This can further reinforce abusive behaviours in the perpetrators, who will face no significant action. This therefore reinforces the barriers that women face if they were to ever need to report an incident in the future.



*There seems to be a plethora of section 39¹⁰ assaults which progress through the court system and this is often downgraded to more serious offences.
(written evidence, survivor)*

What may have been charged as an ABH [Actual Bodily Harm] a number of years ago, attracting a greater punishment and a better opportunity to safeguard the victim through the appropriate sentencing has to a great extent been affected by this reduction. (written evidence, survivor)

I was told by a police man that unless I was beaten up four times, I had no need to be fearful of my husband. (written evidence, survivor)

¹⁰ Criminal Justice Act 1988 Section 39 – Common Assault.

Women feel disempowered by the police approach to investigation and the lack of communication

64. Organisations and survivors highlighted women's experiences of feeling that they have very little, or no, control over their case. Organisations reported that survivors can often be left feeling that their case was taken out of their hands by the police.

Far too many decisions are made without any consultation of the victim, and by people who know very little about the actual facts of the case.

(written evidence, survivor)

65. Organisations reported a lack of communication from the police to the victim which will put them at further risk and make them feel more vulnerable.

Many women also reported feeling disappointed by the lack of communication from the police following a report of domestic violence, which, in some cases, placed them at heightened risk of further violence. (written evidence, Refuge)

66. Survivors have reported to organisations that they feel they have little say over what happens to them when they contact the police. They fear that they will be pushed into criminal justice outcomes and making a statement when they might not want to be a part of such proceedings. They may also have fears around the involvement of children's social services if they report abuse and what this will mean for their family.

The whole process can feel very punitive for the victim and as though they have very little control or agency. (written evidence, RISE)

67. Women also report to organisations that they experience a limited response from the police once they have left the relationship, even if there is on-going harassment.

68. Some respondents suggested that the police response is improving over time, but still women often see the police as a last resort. In order to improve the response there are several steps that the police and criminal justice system would need to take.



Police contact recommendations

Police contact and response to domestic violence should focus on the safety of the victim and children, giving women confidence in reporting and preceding the effective prosecution of a perpetrator.

- ▶ All front line police staff should receive domestic violence awareness training which would form a key part of their continued professional development and include new orders such as Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme. Training should also include:
 - the different forms of violence that constitute domestic violence, such as intimate partner violence, child to parent violence, adult to child violence, elderly abuse, so called “crimes of honour”;
 - the forms of violence included in intimate partner violence, including sexual violence, and coercive control in intimate partner violence;
 - addressing police officers attitudes to and their understanding of intimate partner violence;
 - how to deal with an initial disclosure of violence in intimate partner violence.
- ▶ Every police force should have a specialist dedicated Domestic Violence Unit. The primary role of the unit should be:
 - the protection of victims;
 - specialist advice and support to frontline police;
 - effective investigations to ensure successful prosecution of perpetrators.
- ▶ Specialist training should be mandatory for all specialist police units, on-going and face-to-face (e.g. not relying on computer based training) training on domestic and sexual violence;
- ▶ Every victim disclosing domestic violence should have a contact person within the police to liaise with about their case to ensure consistency and support;
- ▶ Police should be mandated to inform survivors of local specialist services and proactively link survivors to local specialist domestic violence support services. This is crucial in order to ensure wrap-around support for the survivor;
- ▶ Funding for specialist domestic violence services which provide the gender-specific support that meets victims' needs should be continued and sustained. These services complement the work of the criminal justice system and are an integral support network for women accessing justice.

Risk assessments

69. In the evidence submitted to the Inquiry various forms of risk assessment were noted¹¹. The CAADA DASH (Domestic Abuse, Stalking and 'Honour'-Based Violence) was the most frequently referred to. The risk assessment used can vary from force to force as there is no statutory risk assessment tool used across police forces.

Good practice examples of the use of risk assessments

70. Identifying and addressing any risk women and their children face is a crucial role of the police when responding to incidents of domestic violence and as any subsequent case progress through the criminal justice system (CJS). The evidence submitted shows that despite some benefits of current risk assessments used, the limitation of risk assessments are numerous. These limitations are compounded by the lack of adequate training of police forces in how to complete the assessments and the lack of specialist local support providers and IDVAs to provide a holistic, multi-agency package of support to women disclosing domestic violence.

71. Some organisations suggested that criminal justice agency responses are improved with the consistent use of risk assessment, as a tool they can be used to ensure that there is a cross agency understanding of domestic violence risk¹². In the UK risk assessments have been shown to improve professional decision making and actions taken to protect victims identified as high risk¹³. However a reliance on risk assessment over good training and multi-agency working will put women at further risk, particularly if the risk assessment tool is inadequate or not used properly.

Limitations in the use of risk assessments

- They can be used as a tick box exercise.
- They do not adequately address psychological abuse and coercive control.
- They can not be used as a predictor of future harm.
- They do not ensure a consistency approach to risk assessments.
- They can be used in isolation from other safety planning and support work.

72. A critical analysis of risk assessments in domestic violence cases evidenced that both the content and the use of risk assessment tools varied between and within agencies.

11 Types of risk assessment

- ACPO DASH (Association of Chief Police Officers Domestic Abuse, Stalking and 'Honour'-Based Violence)
- Sara (Spousal Assault Risk Assessment)
- Barnados Risk Identification Matrix (DV RIM)
- SPECSS+ (Separation, Pregnancy, Escalation, Community Isolation, Stalking and harassment, Sexual Abuse)

12 Debonnaire, T (2012) What research says about domestic violence risk assessments. Community Care. http://www.communitycare.co.uk/2012/08/30/what-research-says-about-domestic-violence-risk-assessments/#.Uv4BAfl_tiY

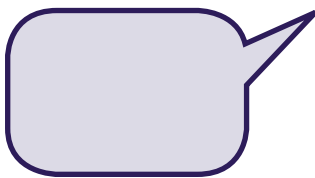
13 Robinson, A (2004) Domestic Violence MARACS (Multi-agency risk assessment conferences) for very high risk victims in Cardiff, Wales. A Process and Outcome Evaluation. Cardiff University: Cardiff.

The research shows that some practitioners use the risk assessments as an exercise to attempt to predict future risk rather than as a guide to effectively manage current risk¹⁴.

73. The Home Office review of Multi Agency Risk Assessment Conferences (MARACs)¹⁵ concluded that multi-agency responses to domestic violence are improved by strong leadership, good training and shared-cross agency understanding of domestic violence risks¹⁶.

Risk assessments used as a tick box exercise

74. Individuals from across the sector and those who have been themselves subject to risk assessments felt that paper based risk assessments were a 'tick box' exercise or a 'score sheet'. Survivors reported feeling that when the police attended a domestic violence situation their primary concern was filling out a risk assessment form, which has left women feeling unsupported and confused.



I completed 3 DVI forms. The first one I had no idea what the form was about and no awareness that I was in an abusive relationship. To have someone follow this up and explain to me would have possibly helped me see more clearly what I was dealing with. (written evidence, survivor)

75. Survivors felt concerned at the emphasis placed on completing these forms rather than supporting and safety planning with women. Risk assessments can mean that signs of domestic violence are missed if they do not fit the criteria contained in the forms.



Risk assessments from the police are adequate with their current forms that they fill in, however it seems pretty ineffective in so much that if the perpetrator doesn't strike/hit/assault you then the police are powerless to do anything but push paper around. (written evidence, survivor)

76. Alongside the onus on form completion, the often arbitrary nature of the risk assessment exercise can focus the risk the woman currently faces, and how to manage her behaviour, rather than what can be done to manage the perpetrators behaviour.

14 Hoyle, C (2008) *Will she be Safe? A critical analysis of risk assessment in domestic violence*. Children and Youth Services Review 30, 323-337.

15 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. By bringing all agencies together at a MARAC, and ensuring that whenever possible the voice of the victim is represented by the IDVA, a risk focused, co-ordinated safety plan can be 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: http://www.caada.org.uk/marac/Information_about_MARACs.html

16 Steel, N., Blakeborough, L and Nicholas, S (2011) *Supporting high-risk victims of domestic violence: A review of Multi-Agency Risk Assessment Conferences (MARACs)* London: Home Office.

Risk assessments do not adequately address psychological abuse, coercive control and patterns of behaviour

77. There is a concern that risk assessments do not adequately assess for psychological abuse and coercive control. Coercive control has been seen to be a significant predictor of future harm to women in violent relationship, as seen in the domestic violence homicide reviews.

It is so clear that the police do not understand coercive control, they don't ask about it. You can't ask about it through tick-box exercise... In one quarter to one third of cases where there has been a domestic homicide there is not a record of domestic violence being reported to anywhere not even in the family. Many of the relatives of those women who would say 'if only we'd known' they didn't see the control, the surveillance – people don't see this. If we continue with the risk framing we won't see this either, nor will the police, nor will the courts. Risk is a quicksand that we are sinking in.

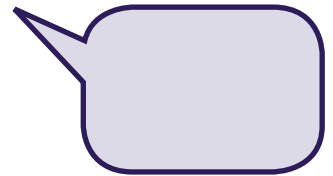
(oral evidence, Professor Liz Kelly)



78. It is crucial that antecedent events and patterns of abuse are picked up at the risk assessment stage. Currently, the evidence suggests that this is not happening.

many repeat victims deemed low/middle risk continue to be ignored again domestic abuse is about a pattern of behaviour and too many professionals focus only on the most recent incident often ignoring other factors such as a history of violence or new circumstances such as new partner/ end of licence.

(written evidence, Swindon Women's Aid)



Risk assessments are used as a predictor of future harm

79. Moreover, much of the evidence on risk assessment highlighted concerns that these are used as a way to predict the possible harm that someone may be subject to, and then only high risk women are offered the support all survivors might want and need. Research into risk assessment has shown that they are not very effective at predicting future harm; however they are more effective than professional judgement alone in preventing further violence¹⁷.
80. Respondents also felt that all women disclosing domestic violence should be able to access further support, rather than risk assessments being used a 'rationing tool' to decide who can get multi-agency support.

The police and criminal justice agencies need to recognise that risk assessments are not a predictive tool. There is no real way to pre-empt the harm that the victim of domestic violence may face. Furthermore risk can change very quickly depending on many factors out of the woman's control. Therefore it is essential that all women experiencing and reporting domestic violence must be given a



17 Kropp, P (2004) Some Questions Regarding Spousal Risk Assessment. Violence Against Women, 10: 676.


good response followed by good support, this must include direct referral to gender specific local specialist domestic violence services and information regardless of the level of risk that they are assessed at.

(written evidence, Women's Aid Federation of England)

81. Risk assessments should not restrict their focus to predicting the likelihood of further single incidents of physical violence. Risk assessments must contextualise an incident of domestic violence within a situation of domestic violence which may also have elements of psychological, financial and sexual abuse.

Inconsistency in how risk assessments are carried out

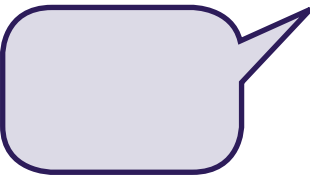
82. Concerns around risk assessments also extend to the inconsistency in how they are carried out and used in different police forces and agencies. There are various different risk assessment models used across police forces, and some organisations reflected concerns that the risk assessments are not being undertaken adequately.



The Home Office's recent report on Domestic Homicide Reviews, for example, notes "There were some examples where risk assessments did not take account of prior known incidents which meant that the true picture of escalation of abuse was not presented. (written evidence, Refuge)

Risk assessments are seen and used a distinct tool from other safety planning and support work


83. Risk assessments are one small part of an overall approach that should be taken to support domestic violence victims. Risk assessments should be seen as part of a much larger safety and support plan that is shared across all involved agencies. One police force commented:



More funding should be made available for support agencies for victims of domestic abuse, so that the victims have support during and following any court cases/complaints of DV- THEY MAKE A MASSIVE DIFFERENCE.

(written evidence, South Yorkshire Police)

84. Many respondents raised the importance of survivors' access to IDVAs and Independent Sexual Violence Advisors (ISVAs) and the need for more IDVAs so they can respond to medium and low risk cases too. It is essential that risk assessments are seen as part of a process and not the beginning and end of a process to keep women safe from their perpetrators.



There needs to be a review of the risk tool in a how it is used, how it can be used in different setting differently so women aren't asked the same questions five times over but asked the questions relevant to that agency.

(oral evidence, Diana Barran, CAADA)

Examples of good practice

85. Despite the clear concerns around the use of risk assessments there were some examples of good practice, where risk assessments enabled the victim to get the support they needed.
86. Multi-Agency Risk Assessment Conferences (MARACs) were described by survivors as a 'good service potentially' but without an effective IDVA they are limited and without clear actions to follow up they are not effective.

Takes far too long to organise meeting for multi-agency. Might help agencies. But victim/s left to stew in perp's juice, very much at risk whilst waiting, and even then very little happens after the MARAC. (written evidence, survivor)

87. Good practice examples of risk assessment were exclusively linked to situations where there was evidence of joined-up working between organisations and an effective local MARACs and IDVAs. Local specialist domestic violence services also add to the effectiveness of risk assessments as they enable the criminal justice agencies to carry out their work whilst the woman is being supported guided through the process.

*I had DASH¹⁸ in **** and it worked really well. There were 2 MARACs and the services was joined up. However when I moved **** again the services were not at all joined up and in fact they seemed to be totally unaware of the effect of DV on people.* (survivor, written evidence)

Risk assessments in sexual violence in intimate partner violence cases

88. The risk inherent in all forms of intimate partner violence may also come from the survivors themselves rather than always being an external risk from the perpetrator. The threat of suicide amongst women in abusive relationships is significant as women can sometimes see ending their life as the only way out.

Risk in cases of sexual violence may not come from perpetrators. They may be dead. The risk may be more related to the impact of trauma on her life.
(oral evidence, Dr Marianna Tortell, Rape Crisis England and Wales)

89. Rape Crisis England and Wales noted that there is a lack of understanding about sexual violence throughout the criminal justice system, including in intimate partner violence cases, and how risk can be manifested in sexual violence cases.

18 The CAADA DASH - Domestic Abuse, Stalking and 'Honour'-Based Violence risk assessment tool



Risk assessment recommendations

Risk assessment carried out by the police should focus on the safety and the needs of individual women.

- ▶ Risk assessments should draw on multiple forms of information and evidence about the perpetrators background and any antecedent incidents of domestic violence.
- ▶ The focus of the risk assessment process should be safety planning and supporting the woman, not on completing a form.
- ▶ When completing the risk assessment form the professional should take into account the woman's evidence, her level of fear, any coercive control and psychological abuse and any evidence collected. It should not be tick-box exercise.
- ▶ Any victim of domestic violence should be signposted to specialist support services regardless of their assessed level of risk. There should be an understanding of the distinct needs for support and safety of women victims of domestic violence.
- ▶ Follow up from a risk assessment process should be supporting women to access specialist support services and ensuring that her on-going safety is a key outcome.

Evidence handling

Good and bad practice examples of police evidence collection and handling

90. The information submitted to this Inquiry creates a picture of generally quite poor evidence collection in domestic violence cases. The Inquiry heard anecdotal evidence that the CPS can sometimes be reluctant to take forward domestic violence cases unless there is significant evidence of domestic violence to ensure a successful prosecution. This is leaving women who report domestic violence in a very vulnerable position as decisions about their case will be based only on the evidence collected.
91. Many witnesses outline concerns about police failing in collecting relevant evidence in a timely way. Poor quality evidence collection means that key proof of domestic violence will often be missed for example, photos will not be taken of all relevant injuries or property damage. Furthermore evidence not collected at the time of the call-out can lead to delays in criminal justice action due to further evidence being required. The quality of the evidence will diminish over time and evidence of physical injury may fade.
92. There is heavy reliance on the statement of the survivor and less onus on all-round good quality evidence collection.

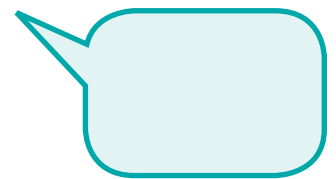


It is rare to see any evidence gathering beyond the statement of the victim. In a research study of our IDVA service (that is based in a SDVC) it was found that there were a number of issues with police evidence gathering - most notably - a lack of good quality photographic evidence, 999 tapes rarely used, CCTV not

*often considered, the statement of the victim was not always well completed.
(written evidence, Birmingham and Solihull Women's Aid)*

93. Considering this focus on the victims' witness statements it is even more concerning to learn from numerous survivors who took part in the Inquiry that they felt their evidence was incorrectly or inaccurately recorded on their statement.
94. The police are clearly cognisant of the CPS' reluctance to take cases forward without significant input from the survivor and plenty of evidence. However, the responses to this Inquiry would suggest that the police will often advise women that there is not enough evidence for their case to proceed, rather than ensuring enough good quality evidence is collected from all possible sources.
95. One respondent was advised to retract her statement by the attending officer as it was only 'low level DV'.
96. Police response tends to focus on hard evidence of physical violence, for example injuries that can be photographed. This places too little importance on other evidence, for example from third parties like GPs or social workers. Additionally this limited focus of evidence collection means that crucial aspects of domestic violence which are more difficult to evidence (such as coercive control and psychological abuse) may be ignored.
97. Respondents suggest there is still a culture of disbelief towards domestic violence survivors within the police and this is fostered in a reluctance of the police to carry out good quality investigations when it comes to domestic violence situations.

Refuge is extremely concerned by the poor quality of police investigations into domestic violence. Many women in our 2012 MPS focus group and 2013 survey reported that the police often failed to investigate and gather evidence and were reluctant to arrest the perpetrator even when it was clear that a serious assault had taken place. (written evidence, Refuge)



98. This means that women may have little confidence in the police response to domestic violence if they do not have significant evidence of physical abuse.
99. There is evidence to suggest that some police forces are placing less onus on the women's witness statement when referring cases to the CPS. One such example of practical policy enabling this to happen is the use of body worn cameras when attending domestic violence incidences in order to capture evidence. There are some encouraging reports where cases are being built for potential victimless prosecutions in order to ensure that a woman has some opportunity to avoid a traumatic experience of going through the Court process. Prioritising the safety of survivors was talked about as a factor in best practice examples of the police response to evidence collection.

I am aware of many incidents where Officers have prioritised the safety of the victim even when it is apparent that no evidence to charge an offender is present. I am further aware of many examples where officers have made significant efforts

*to investigate offences even when there is unlikely to be enough evidence of charge.
(written evidence, professional)*

100. It is imperative that there is a renewed focus on evidence collection from the 999 to the police attending to the witness' statement to ensure the best possible chance of keeping the victim safe and bringing the perpetrator to justice.



Evidence handling recommendations

The handling of evidence in domestic violence, and sexual violence in intimate partner relationships, should focus on building a strong evidence base to ensure successful prosecution:

- ▶ The victim's witness testimony should not be used as the primary form of evidence and the police should gather all possible evidence to enable a victimless prosecution to be taken forward;
- ▶ Evidence such as 999 tapes, statements and photographs taken at the scene should be collected as an absolute minimum;
- ▶ All police officers should wear and switch on body cameras when they attend a domestic violence incident;
- ▶ Evidence of the psychological violence and coercive control should be collected by the police and included in the evidence referred to the CPS.

Government action on police and criminal justice response to domestic violence

101. Clearly there are significant improvements that need to be made across police practices. The All-Party Group welcomes the HMIC Inquiry reviewing police force handling of domestic violence cases. The Minister, Norman Baker MP, told the inquiry the HMIC review will help to inform the College of Policing guidance, and that the Government intend to make sure that key lessons are taken into account from Domestic Violence Homicide Reviews, in particular to ensure better multiagency working. The Minister noted that this was happening at the Government level with engagement between departments through the Inter-Ministerial Group on Domestic Violence.

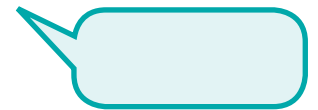
102. The Minister also informed the Inquiry of the planned introduction of Domestic Violence Protection Orders (DVPOs) and the Domestic Violence Disclosure Scheme¹⁹ as announced by the Home Secretary on 25 November 2013.

¹⁹ The Domestic Violence Disclosure Scheme is also known as Clare's Law.

- 103.** On 25 November 2010 to mark the International Day for the Elimination of Violence Against Women, the Government launched a paper outlining the Government's commitment to achieving a vision where 'no woman or girl has to live in fear of violence' through prevention, provision, partnership working and reducing risk²⁰. In March 2011 The Government published an Action Plan²¹ outlining how the aims of the Government's Call to End Violence Against Women and Girls document can be met and a refresh of this plan has been published annually.
- 104.** Dan Jarvis MP, Shadow Victims Minister, gave evidence to the Inquiry raising concerns around how to encourage more victims to come forward, ensuring that the criminal justice system is fit for purpose around domestic violence and how domestic violence can be prevented.
- 105.** The Shadow Minister also raised concerns around the cuts to funding for specialist domestic violence services and outlined that these cuts are increasing pressure put on the ending domestic violence specialist sector. He noted the cuts are making it harder for the government to:

'guarantee the availability of a safe environment for any woman or man who is in need of protection'.

(written evidence, Dan Jarvis MP Shadow Minister for Victims)



Domestic violence protection orders

- 106.** Domestic Violence Protection Orders (DVPOs) were a new power introduced in the Crime and Security Act (2010). The orders were piloted for 12 months in three police forces across England from 2012-2013, after a review the Home Office announced they would to be rolled out nationally.
- 107.** There are many respondents who feel that even though Domestic Violence Protection Orders (DVPOs) may help some women by providing them with the time to think about the situation and give them some valuable breathing space after the incident, there is no guarantee that violent men will stay away from the home, even after a Protection Order has been issued. There are others who feel that DVPOs can be extremely effective, "*but their success largely depends on women positively reporting any breaches, and trusting that if they do report they will be adequately protected.*" (written evidence, Greater Manchester Police).
- 108.** Professor Liz Kelly reported to the Inquiry that DVPOs are a good new innovation by the government:
- they allow the police to immediately remove the perpetrator. It creates space where women are able to something to help themselves and act for themselves. I would*

20 Home Office (2010) Call to End Violence Against Women and Girls https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97905/vawg-paper.pdf

21 Home Office (2011) Call to End Violence Against Women and Girls: action plan https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118153/vawg-action-plan.pdf

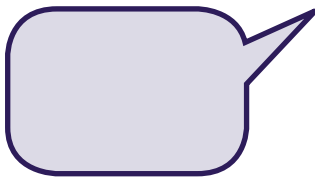
say yes the police are important and the criminal justice system is important but by understanding where the harm is our first concern should be ensuring that someone feels able to act for themselves and make decisions for themselves and have the space in which to do this. (oral evidence, Professor Liz Kelly)

109. The evaluation of DVPOs recommended that breaches be criminalised to increase the protection of victims as inadequate sanctions were being given by courts for breaches.²²

Domestic Violence Disclosure Scheme (DVDS)²³

110. The Domestic Violence Disclosure Scheme enables people to ask the police to check to see whether their partner has a record of abusive offences and then consider sharing this information with the potential victim, or the person best placed to protect the potential victim. The aim of the scheme is to enable potential victims to make an informed choice on whether to continue the relationship, and should provide help and support to assist the potential victim when making that informed choice.

111. The Minister for Crime Prevention, Norman Baker MP, spoke about the roll-out of DVDS as he gave oral evidence to the Inquiry:



I was able last week to visit a refuge in Wiltshire, which is one of the pilot areas, and met one or two women who had taken part in the scheme and had a positive experience of taking part in the scheme and it changed their lives for the better as a consequence. So I feel very positive about this scheme, not just to the women who take part in it but also more important perhaps to society as a whole as it will enable to the police to be yet more assiduous and it requires multi-agency working to ensure that there is coordination at local level.
(oral evidence, Norman Baker MP)

112. Other respondents to the Inquiry were positive about this new measure, though this needs to be part of a range of measures to protect women.



We believe this can be a positive step, but only one step. We need a cultural change in the response that the police make – Clare's Law can't fulfil its potential without a cultural shift within the police and without proper funding in place to support the specialist services that can support women through the Criminal Justice System.

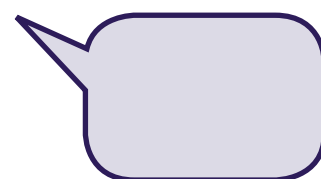
(oral evidence, Women's Aid)

22 L Kelly, et al, *Evaluation of the Pilot of Domestic Violence Protection Orders*, Home Office Research Report 76, November 2013, p7 and p21.

23 A pilot of the scheme commenced with forces in Gwent and Wiltshire in July 2013, then Greater Manchester and Nottinghamshire in September 2012. The pilot came to an end in September 2013 and it was announced on 25 November that the scheme would be rolled out throughout all police forces with the implementation deadline set as March 2014. From September 2012 to September 2013 Greater Manchester Police received 126 "right to ask" and "right to know" applications. 72 disclosures were made to the applicants.

113. When a woman makes a “right to ask” application they clearly have serious concerns that their partner is, or could be, violent towards them. Many perpetrators may have no criminal record relating to domestic violence, therefore a woman who is told there is no domestic violence background may be given a false sense of safety by the police. To strengthen the effectiveness of the scheme to protect women and children from a violent or potentially violent partner, Women’s Aid outlined the following recommendations to the police in their evidence:

When a disclosure of a history of violence or abuse is made to the woman the police should be required to regularly follow up with the woman for at least 2 years whether or not she leaves that partner. We would recommend at least every two months. (written evidence, Women’s Aid)



All women who make a “right to ask” application, regardless of whether their partner has no relevant previous convictions or history of violence, are provided with information about the number for the 24 Hour National Domestic Violence Helpline (run in partnership with Refuge) on 0808 2000 247 and local support services available for women victims of violence. The police should also monitor any incidences of violence behaviour by the partner, whether perpetrated against the woman or not. (written evidence, Women’s Aid)



The Use of Police Cautions

114. Many survivors who responded to the Inquiry found in their experience that cautions were “not effective”, “useless” and some found them “rubbish”. Survivors reported that a “measly caution” to a perpetrator meant nothing when they are accustomed to getting away with violence. Organisations reported concerns that cautions can reinforce violent and abusive behaviour as perpetrators will feel that they have ‘got away with it’.

Perpetrators experience being cautioned as getting away with it. - Women need to be listened to and kept informed; safety should be the over-riding priority.

(written evidence, ADVANCE)

115. Worryingly respondents reported incidents when the perpetrators would go on to cause greater harm by damaging the survivors’ property or even attacking the children after being given a caution and the police have left the property. These respondents told the inquiry that perpetrators need much stronger punishment and the police need more training to recognise the harm that domestic violence can, and does, cause.

116. One specialist dedicated domestic violence service, My Sisters Place, felt that cautions are not appropriate for domestic violence. They consulted with women and found that they often did not receive enough information about what a caution would mean for them or the perpetrator. Furthermore, for some of these women their partners/ex-partners had been given more than one caution.

117. The CPS aide-memoir on domestic violence outlines that ‘cautions are rarely appropriate in domestic violence cases. This is because such cases involved a breach of trust and are

unlikely to be the first offence.²⁴ The guidance is clear that out of court disposals should not routinely be used in domestic violence situations due to the course of conduct attached to domestic violence, particularly intimate partner violence. Cautions do little to address the pattern of violence and control and are not able to keep a woman and her children safe from the perpetrator.

- 118.** Louisa Rolfe, ACPO, told the Inquiry that most forces have a policy that cautions are not appropriate in domestic violence cases.

the difficulty is a lot of victims do not wish to put themselves and their family through a traumatic justice process and therefore if they feel that there is another option where they don't have to court. I'm concerned at the rate of caution. It should only be in the case where specialist officers have worked with the victim and the family and looked at things properly. (Assistant Chief Constable Louisa Rolfe, oral evidence)

- 119.** Organisations responded that women will often only call the police after experiencing on average 35 incidents of domestic violence, therefore a caution is not an appropriate criminal justice measure to use. Women's Aid commented that, "cautions do not take into account coercive control and other forms of emotional and psychological violence." Women's Aid's surveys include questions on reporting to police and their response, such as how many times they had reported and what action was taken if any. In 2013, no further action was taken for almost a third of refuge residents, and for 19% of non-refuge service users. No further action was the more likely outcome where an incident had only been reported once; (50% of refuge resident cases where no further action was taken, and 45% of non-refuge service user cases where no further action was taken)²⁵.

- 120.** Some responding police forces felt that in certain circumstances conditional cautions should be given as a means of

directing a perpetrator to engage in some form of rehabilitation programme around either alcohol, drug use or both, or compel them to undertake a perpetrators programme. (written evidence, Merseyside Police)

- 121.** Wiltshire Police on the other hand do not agree with conditional cautions as they "cannot be 'policed' and there is no sanction for breaches of conditions, also there are not enough accredited voluntary programmes, nationally, to support conditional cautioning.

Cautions are not seen as a good result by women, but as a good result by perpetrators, who see this as 'getting away with it'. (written evidence, survivor)

²⁴ CPS Domestic Violence (including Aide-memoire) http://www.cps.gov.uk/legal/d_to_g/domestic_violence_aide-memoire/#a09

²⁵ Unpublished data from Women's Aid survey of service users from the Annual Survey 2013. www.womensaid.org.uk/annual-survey, 538 women across a number of Women's Aid member services responded to the question around police contact.

122. The Minister, Norman Baker MP, noted at the Inquiry: *"in terms of the Justice system, the Justice Secretary has launched review of Out of Court disposals to ensure those matters are being dealt with properly and we are not seeing matters that should be prosecuted consigned to the no-action file."* (oral evidence, Norman Baker MP)
123. The APPG agrees with the CPS that Out of Court Disposals are inappropriate in domestic violence cases, particularly intimate partner violence. The severity and complexity of intimate partner violence and the power and control used by the perpetrator means that cautions are ineffective, completely inappropriate sanctions and can result in further serious harm to victims. Further evidence is required to establish whether Out of Court Disposals are an appropriate or effective sanction for use with other forms of domestic violence, such as child to adult abuse. The APPG therefore believes that Out of Court Disposals should not be used in intimate partner violence cases.

Domestic Violence Protection Orders, the Domestic Violence Disclosure scheme and Cautions recommendations

Civil remedies and the Domestic Violence Disclosure scheme need to prioritise the safety of women and signpost women to specialist services for support.

- ▶ All police officers and relevant police staff should receive adequate training on the use of DVPOs and DVDs to ensure that these policies are implemented correctly and women are signposted to the relevant help and support.
- ▶ A breach of a DVPO should be a criminal offence to better protect victims²⁶.
- ▶ All breaches of civil orders should be included in evidence in any criminal cases regarding the same perpetrator.
- ▶ Where an application for a Domestic Violence Disclosure has been made safety planning and support should be offered to the woman regardless of whether their partner has previous convictions for violence.
- ▶ Out of Court Disposals, such as cautions, should not be used in intimate partner violence cases. Where there is evidence significant enough to caution a perpetrator of domestic violence other more rigorous criminal justice measures should be put in place instead.

26 Criminalising breaches of Domestic Violence Protection Orders is a recommendation of the Home Office Review of DVPO Pilot https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf p.7.



CHAPTER 3: CROWN PROSECUTION SERVICE AND THE COURTS

Issues with the criminal justice system

124. The Inquiry asked for evidence regarding women survivors' experiences of the criminal justice system. The evidence highlighted many areas which need improvement and the hugely detrimental impact that the criminal justice system can have on women's lives when they are not treated appropriately at each stage. This section will look at specific aspects of the criminal justice system and women's experiences of them. They include:

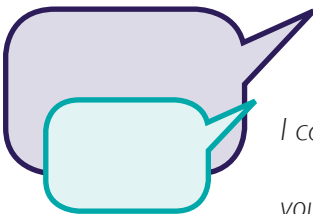
- police referral to the CPS;
- length of court process and communication;
- treatment of witnesses who are also victims and court facilities for witnesses who are victims;
- lack of understanding of domestic violence by professionals in the Courts.

125. Survivors who contributed to the Inquiry shared their personal experiences of the system which they describe as very stressful and often overwhelming, leaving women feeling unsupported and frightened:

For me it was not a good experience. I felt my needs, my anxieties and my concerns were not important. I felt very disempowered by the process and very let down.

(written evidence, survivor)

126. Survivors shared that negative experiences of the criminal justice system left them wishing that they had not reported the domestic violence in the first place. They felt unable to report again due to the experience of feeling like they were being treated as the criminal rather than the victim and the loss of control and disempowerment they felt from the system.



I would never report it again I have been destroyed and have lost everything.

(written evidence, survivor)

I can fully understand why women don't report now. (written evidence, survivor)

you have to be quite robust to keep going through the system which feels bullying.

(written evidence, survivor)

... it can be horrific to have to relive the abuse and then be scrutinised, questioned, not believed, not acted upon, no direct support given. It is actually unimaginable unless you have been through something similar. (written evidence, survivor)

The treatment that I received from the justice system was deplorable, and I would never feel able to recommend that any other victim seek their help.

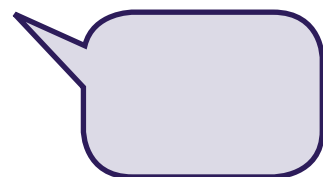
(written evidence, survivor)

127. A specific issue that was highlighted during the oral evidence sessions of the Inquiry and which greatly concerns the APPG is the criminalisation of women survivors of violence by the criminal justice system.

We have concerns that women survivors of sexual violence themselves are being criminalised. This is because the police have decided that they have committed a crime as they have inconsistencies in their account, they don't understand the effects of trauma, (oral evidence, West London Rape Crisis)



Women's Aid is particularly concerned that women trying to access the criminal justice system as a victim of a crime are ending up being criminalised themselves. We know that women who have experienced trauma, such as domestic violence or rape, may behave in certain ways that could put them at risk of being in contempt of court for example being in touch with the perpetrator or dropping out of criminal justice proceedings. ... This shows a deeply ingrained misunderstanding about the victims of domestic and sexual violence and a lack of empathy for them within the criminal justice system. (written evidence, Women's Aid)



Police referrals to the CPS

128. The Minister, Norman Baker MP, stated at the Inquiry oral evidence session that, "I am personally concerned at the referral rate from police to CPS and how the CPS interprets these referrals and what they do with them."

129. The length of time referrals to the CPS from the police take is significant issue for many women seeking help from the criminal justice system. The lack of urgency with which referrals to the CPS can be made alongside slow decision making processes can often leave women waiting for long periods of time to discover if the perpetrator will be charged. Imkaan reported that women do not feel supported or informed by the police or CPS and that there is poor communication between the police and victims.

130. Information from Freedom of Information requests in 2013 showed that there was a 13 per cent decrease in referrals of domestic violence cases from the police to the CPS since 2010²⁷. The APPG is aware that the Director of Public Prosecutions brought together a number of agencies in September 2013 to discuss this issue and we look forward to hearing the outcome of those discussions.

131. Sumanta Roy, Imkaan, reported at the oral evidence session that there is a clear, "hierarchy of victims: if you are involved in prostitution or an asylum case women are treated with high levels of suspicion and disbelief."

²⁷ Travis, A (2013) Police referrals of domestic violence cases drop 13%. The Guardian. www.theguardian.com/society/2013/sep/03/police-referrals-domestic-violence-cases-drop

132. The police must take every incident seriously.



Like Keir Starmer , formerly the Director of Public Prosecutions, said you shouldn't let the victim build your case for you but right from the time when you first attend an incident you should start to build a case for the victim.

(oral evidence, Women's Aid)

133. Confidence in the criminal justice system is further destroyed through the lack of action the police and courts take when a perpetrator breaches an Injunction or Court Order; this leaves the survivors feeling extremely vulnerable and unable to rely on the police response.



There have been hundreds of breaches yet the police do not enforce it and yet I am afraid to pursue it as I am in hiding , my whereabouts have been disclosed indirectly to my ex before by the police. (written evidence, survivor)

Length of court process and communication failure

134. Evidence submitted to the Inquiry highlighted long delays in processing cases coupled with a lack of communication and information about progression of cases contributes to women's negative experiences of the criminal justice system.



One woman I am supporting has reported seven breaches of a restraining order To little avail, no arrests as yet ... CPS are still looking at a charging decision, but are taking very long in the process and every day the victim lives in fear'.

(written evidence, professional)

135. Long delays are apparent throughout the criminal justice system, from CPS charging decision to setting court dates.

136. The intimidating formality and confusing nature of the justice process and lack of communication to victims about an on-going case are also cited as reasons for attrition. One service provider responded that they are seeing an increasingly bleak picture of domestic violence cases in the legal system



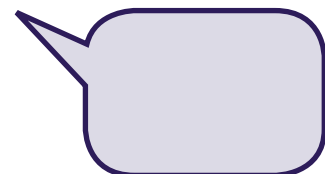
We can see a continual decline in guilty pleas, a reduction in successful outcomes for DV cases locally. The continual decline in performance, lack of prioritisation for DV cases, the length of time it is taking for offences to reach court, the increase in adjournments or increase in double trial bookings (so cases are not heard) is having a major impact on the perception of victims and indeed other members of the local community. (written evidence, Swindon Women's Aid)

Cases are often adjourned again and again so women can be left waiting for months for their case to be heard, in this time women may drop out after receiving pressure from the perpetrator to withdraw a case or to settle our of court.

(written evidence, Women's Aid)

- 137.** The complexities of the criminal justice system alongside the numerous professionals, and professional bodies, women have to deal with alongside the lack of on-going communication from those professionals makes progressing through the system extremely challenging for women.

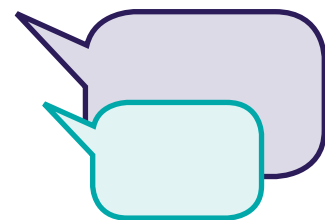
Women are often expected to cope with many different agencies, and their extremely complex requests, expectations and even demands, during a time they are at an unbelievably [sic] low point, as a survivor of sustained and complex abuse and violence, with little or no support are expected to navigate and perform for the system. (written evidence, survivor)



- 138.** Communication between women and the police and the criminal justice system was also raised as an issue. Failures to keep women properly informed about their case and how it is progressing leads to them feeling disempowered and unsafe.

Women don't feel supported and informed –poor communication between the police and victims. (oral evidence, Imkaan)

were it not for my dad I would have been removed from the initial process. By being in court I heard everything and felt more empowered. The option to attend court appearances should be explained to victim. (written evidence, survivor)



- 139.** The Istanbul Convention on Combatting and Preventing Violence Against Women and Domestic Violence also states that, "Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand."²⁸ Furthermore article 56 states that it must be ensured that, "victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively."²⁹

- 140.** In January 2014 the Prime Minister told the House of Commons Liaison Committee that the Government will be ratifying the Istanbul Convention later in 2014, when the Anti-Social Behaviour Crime and Policing Bill receives Royal Assent. The APPG on Domestic and Sexual Violence welcomes this announcement which will strengthen the protection available for women escaping domestic violence.

28 Article 19 - Istanbul Convention on Preventing and Combatting Violence Against Women and Domestic Violence.

29 Article 56b - Istanbul Convention on Preventing and Combatting Violence Against Women and Domestic Violence.

Treatment of witnesses who are also victims and challenge of court facilities for witnesses who are victims

141. Evidence submitted to the Inquiry also highlighted significant concerns around the treatment of women in the criminal justice system as witnesses only rather than as victims and witnesses. It is vital that all women are supported through the court process as victims/survivors and are not treated solely as witnesses providing integral testimony. Many women find the court process intimidating and are concerned for their safety. An increasing number of women experiencing domestic violence report mental health issues and are particularly vulnerable witnesses. Women's Aid Annual Survey 2013 of around 200 domestic violence services in England found that the number of women staying in refuge accommodation on Thursday 27 June affected by mental health issues was 47% (this has increased by over 10 percentage points since 2012)³⁰.



The system treats women survivors of abuse as witnesses rather than victims, they are expected to attend court and give a coherent and eloquent account of the abuse that they have suffered. Obviously for women who have suffered domestic violence this can be incredibly traumatic and can put them at further risk of harm to their physical and mental well being. Women are seen as witnesses not victims in the criminal justice system. This impacts on how they are treated by the judiciary and the level of support that they are given.

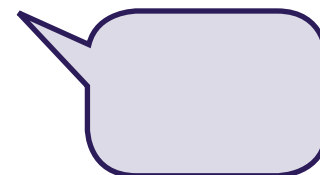
(written evidence, Women's Aid)

- 142.** Specialist domestic violence courts can help give women the best opportunity to provide evidence and use special measures that can be afforded to them.
- 143.** Video link evidence, in women only spaces, should be available for survivors so that they do not have to attend Court to give evidence as many responses suggest a key barrier for women accessing justice is the thought of having to face the perpetrator in Court. Women feel pressure to attend as their solicitor may tell them that the Jury will want to see the victim, respondents feel this burden on victims is unacceptable.
- 144.** The importance of challenging the concept of the "perfect victim" or "perfect witness" came out strongly through the evidence submitted to the Inquiry. There is a great deal of misconception in the justice system about the true nature and impact of domestic violence and questioning why a woman did not leave, and therefore was not a "perfect victim", only ensures that professionals are inclined to not believe her. It was felt that this often came down to a lack of understanding of domestic violence by statutory agencies (see section below).
- 145.** The treatment of women as witnesses and victims in the criminal justice system and the impact this has on them was a key theme of the Inquiry. The Government have recently published their Code of Practice for Victims of Crime which aims to address some of these issues and lay down the rights that victims have during the justice process. In the

code women survivors of domestic violence are eligible for enhanced status as a victim³¹. Dan Jarvis MP, Shadow Victim's Minister submitted written evidence to the Inquiry and stated that,

a. The Shadow Justice team is committed to, and working towards, enshrining a Victims' Code into law. This will create greater accountability for victims at all stages of the criminal justice system, stringent complaint procedures, and security in the knowledge that victims' rights are backed up by the full force of the law.

(written evidence, Dan Jarvis MP)



Lack of understanding of domestic violence by professionals in the Courts

146. Evidence submitted to the Inquiry highlighted the lack of understanding that many frontline professionals in the criminal justice system, such as court officials and judges, seemed to have on domestic and sexual violence:

there is a lack of understanding regarding DV in both criminal and family law processes. in the CJS women are often held responsible for the abuse, and prosecutors do not effectively challenge the unsubstantiated accusations made by defence solicitors.

(written evidence, Birmingham and Solihull Women's Aid)

147. In order to address this inconsistency in understanding of domestic violence the APPG believes that all frontline justice professionals should receive specialist training on domestic violence and its impact on women and their children. The APPG is encouraged to see that the CPS now requires all prosecutors to complete face to face training on domestic violence and warmly welcome this. We also know that there will be e-learning for prosecutors on issues such as domestic violence and older people and teenage relationship abuse which we also welcome.

148. The APPG is also aware that the CPS has established a VAWG strategy; created a VAWG External Consultation Group which includes representatives from the sector; and publishes an annual report on VAWG and would encourage all agencies to develop policies and practices similar to that of the CPS.

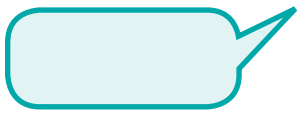
Attrition in domestic violence cases

In the context of the report we are talking about attrition in terms of 'drop out' rates for domestic violence and sexual violence criminal justice cases.

149. The Inquiry raised significant concerns around the high levels of attrition in domestic violence cases.

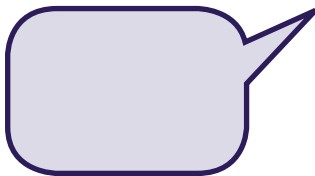
³¹ Code of practice for victims of crime (Ministry of Justice, 2013) <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime>

- 150.** The level of confidence that survivors have in the justice system is strongly linked to attrition rates in domestic violence. Currently, according to the evidence submitted to this Inquiry, levels of confidence survivors have in the system to deliver genuine justice is very low.
- 151.** Survivors stated that the approach of the criminal justice system has a big impact on attrition. Many shared their personal experiences of the system which they describe as very stressful and often overwhelming leaving women feeling unsupported and frightened:



For me it was not a good experience. I felt my needs, my anxieties and my concerns were not important. I felt very disempowered by the process and very let down. (written evidence, survivor)

- 152.** The disempowerment and lack of control women feel they have over their involvement with the criminal justice system has a significant impact of the level of attrition. Survivors talked about moving from one controlling relationship (the perpetrator) to another (the criminal justice system). If the survivor is not kept informed at every stage of the criminal justice proceedings they may be more likely to disengage from the process.
- 153.** Much of the written evidence submitted on this area stated that women who do not feel supported through the criminal justice system are more likely to drop out. Respondents felt that the support around survivors during any criminal justice proceedings is absolutely key to ensuring lower levels of attrition and positive criminal justice outcomes:



Women need to be believed and supported whilst kept informed. Where this is not the case this has a negative impact on engagement. (written evidence, ADVANCE)

Successful outcomes of domestic abuse cases brought to the courts is currently on average 80% this is an acceptable limit but believed that we could improve on this if ALL victims were supported through to the court process with and IDVA. (written evidence, Lancashire Police)

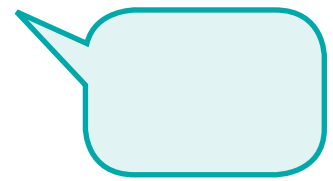
- 154.** Research that looked at rape cases, including in intimate partner violence, and levels of attrition as they progressed found that three quarters of cases dropped out at the police stage and involved many vulnerable victims, for example those with mental health issues³².
- 155.** The evidence submitted to the Inquiry indicated some key factors that can help address attrition rates in domestic violence cases. These include specialised support for women victims from specialist support services, a women centred (or victim focused) approach to justice and high levels of multi-agency working. Research by the CPS in 2013 also found these factors to be important for successful prosecutions³³.

³² Hester, M. *From report to court: rape cases in the criminal justice system in the North East*. (July 2013)

³³ CPS (2013) *Domestic violence, non-engagement or Withdrawal of Victims* http://ccrm.org.uk/images/docs/7.11a%20dv_non_engagement_withdrawal_victims.pdf

[For domestic violence] we end up with a conviction rate of around 3% around the UK if you look from arrest to conviction. The figures I look at are the victim figures from where the victim reports. The figure for rape is 6-7%. Women use the CJS in different ways.....Some want the police to come in and manage the situation, stop the violence but they don't always want the abuse to be taken through the criminal justice system. Others need and want the criminal justice system to protect them through prosecution. The figure for prosecutions should be more like 75%.

(oral evidence, Professor Marianne Hester, with reference to Professor Hester's 2013 research report³⁴)



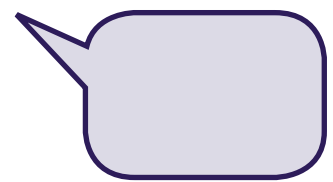
Tackling attrition

Specialist support services and Specialist Domestic Violence Courts enhance the work of the justice system and can reduce attrition

156. Evidence submitted to the Inquiry suggested that success in going through the criminal justice system for domestic violence is linked to the availability of specialist support. This could be specialist support from an Independent Domestic Violence Advocate (IDVA) or Independent Sexual Violence Advocate (ISVA), being heard in a Specialist Domestic Violence Court (SDVC), being dealt with by a specialist police officer and generally being supported through the whole process by one person. Knowledge of domestic and sexual violence by solicitors or Judges also supported women to continue with the case.

157. In terms of survivors of sexual violence in intimate relationships, evidence suggested that Sexual Assault Referral Centres (SARCs) can have a very positive impact on the levels of victim attrition.

SARCs can and do have a major positive influence here. By providing victims with a warm, supportive and above all sympathetic and understanding response from the start they can be embraced by the system instead of feeling rejected by it and so find it easier to tolerate any subsequent difficulties in achieving justice. (written evidence, Blue Sky Sexual Assault Referral Centre)



158. SDVCs can help give women the best opportunity to provide evidence and use special measures that can be afforded to them. There is a need for dedicated specialist domestic violence support services to help women through the court process.

159. *Women's access to justice is being further impinged through the cuts to services which are there to support them (written evidence, Women's Aid).*

160. Oral evidence from the Minister for Crime Prevention, Norman Baker MP, also mentioned the role of SDVCs. Members of the Questioning Panel noted that some of these courts are closing which is a concern for the APPG. A recent Parliamentary Question showed that the numbers of specialist domestic violence courts decreased between 2010 and 2011

³⁴ Hester, M (2013) *From Report to Court: Rape and the Criminal Justice in the North East*. Bristol: University of Bristol.

from 143 to 135³⁵. The Government have affirmed however, that there were no plans to close any existing SDVCs or cancel the two courts that are awaiting accreditation. The Inquiry highlighted the importance of retaining the SDVCs and ensuring adequate provision to enable them to operate effectively.

See Table

(1) Two SDVC pending accreditation³⁶

Number of specialist domestic violence courts (SDVC) operating in England and Wales from 2005-13

Year	Number of SDVCS
2005-06	21
2006-07	64
2007-08	104
2008-09	127
2009-10	143
2010-11	143
2011-12	135
2012-13	135
2013-14	(1)137

- 161.** Most respondents, including the police forces that completed the survey, outlined the essential work of local support dedicated specialist domestic violence services to reduce the chances of victim attrition. Currently where support is available it is often scarce - and there can be a continual question mark over IDVA funding - so women may not be able to access this support until one or two days before a court case.

A woman-centred multi-agency approach can make women feel support and empowered through the justice process

- 162.** A strong multi-agency approach can help to reduce victim attrition and increase victim confidence in the system. To be effective the approach must be woman centred with the safety of women as its primary goal³⁷.



A multi-agency approach seeks to ensure that all the needs and concerns of the victim are met and this is largely well executed and well received through, for example, the MARAC process. . . . This process ensures that agencies offer a coordinated approach that will seek to address health issues, housing problems, access to financial support, counselling, social services and child social care etc. (written evidence, professional)

- 163.** The approach to justice where the woman is believed and put at the heart of the case and process has a hugely positive impact on attrition rates. Marianne Hester's research found that where a victim focused approach was used alongside high levels of multi-agency working this led to a higher proportion of cases going to charges, more cases going to court and a higher rate of convictions³⁸.

35 House of Commons, 28 Oct 2013 : Column 380W

36 Ibid.

37 Coy, M and Kelly, L (2011) Islands in the Stream. Henry Smith Charity. <http://www.henrysmithcharity.org.uk/documents/IslandsintheStreammainreport2011.pdf>

38 Hester, M. From report to court: rape cases in the criminal justice system in the North East. (July 2013)

Experiences of the criminal justice system recommendations

The criminal justice system as a whole should be more women-centred in its approach to women survivors of domestic violence.

- ▶ Every frontline professional working in the criminal, family and civil justice system should receive domestic violence awareness training.
- ▶ Criminal justice agencies should have a clear understanding of the nature and impact of coercive control and psychological abuse. This will help to ensure that more survivors will have their full experience of domestic violence recognised by the criminal justice system rather than just individual incidents of physical violence.
- ▶ The Government should consider ways of closing the legislative gaps relating to domestic violence, for example by criminalising coercive control and patterns of abusive behaviour.
- ▶ Existing guidelines for communication with victims involved in criminal justice proceedings should be reviewed implemented properly, to ensure victims are kept informed of the progress of their case.
- ▶ The speed of referrals from the police to the CPS and subsequent decision making by the CPS must improve. Delays in the criminal justice process often put women's safety at risk³⁹.
- ▶ Discriminatory attitudes of criminal justice professionals need to be addressed; particularly with regard to the stereotype of the "perfect victim and witnesses", to ensure that all women are able to access justice equally.
- ▶ Victims should be regularly updated about their case and have a named person they can contact with questions or queries.
- ▶ Safety facilities available in most criminal courts, such as separate entrances and video-linking facilities should be extended to all criminal courts and introduced in family and civil courts.
- ▶ An analysis of the extent of criminalisation of women survivors of domestic or sexual violence in should be carried out.
- ▶ Data on outcomes of sentencing should be collected by a central agency (for example the Ministry of Justice or the Office for National Statistics) and publicly available.
- ▶ The funding for SDVCs courts should be sustained to ensure that their numbers do not decrease and they are available throughout England.

39 Bridget Phillipson MP asked a Parliamentary Question on the length of time the CPS to provide advice to the police on charging in cases of domestic violence and rape. http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140224/text/140224w0004.htm#140224w0004.htm_wqn15

Experiences of the family and civil justice system and alternative approaches to justice

164. This Inquiry focused on the experiences of survivors in the criminal justice system specifically, however the evidence we collected did raise certain issues in other areas of justice, particularly the family and civil justice system. These issues included women's access to legal aid, alternative approaches to justice and safe child contact.

Access to legal aid

165. In the written evidence to the Inquiry the majority of respondents stated that they had concerns about the impact of the cuts to legal aid on women survivors' access to justice.

Table Three

Do you have any concerns that recent cuts to legal aid are, or will be, impinging on women survivor's access to justice?		
Answer Options	Response Percent	Response Count
Yes	83%	73
No	8%	7
Don't know	9%	8
Answered Question	88	

166. The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) came into effect in April 2013, removing legal aid for the majority of private family law matters. Regulations stated that private family matters which would otherwise be outside the scope of the legal aid scheme could still be available for those affected by domestic violence. Legal aid would be available if survivors could provide prescribed evidence that they had experienced domestic violence.

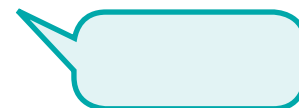
167. However, recent evidence collected by Rights of Women from women survivors of domestic violence who were attempting to access legal aid for family law since April 2013 found that:

- Half of all women in both surveys who had experienced or were experiencing domestic violence did not have the prescribed forms of evidence to access family law legal aid. This reflects the findings of our earlier research on the gateways.
- 16.7% of respondents to our survey had to pay over £50 to obtain copies of the required evidence.
- 37.5% of respondents had to wait longer than 2 weeks to get copies of their evidence.
- 60.5% of respondents took no action in relation to their family law problem as a result of not being able to apply for legal aid. 23.7% paid a solicitor privately and 15.8% represented themselves at court⁴⁰.

40 Evidencing domestic violence (Rights of Women, 2013)

168. The APPG believes that legal aid is an essential tool for the protection of women and children from domestic violence. It enables women to secure protection orders, establish safe child contact and access safe accommodation; which in turn can empower women to escape violent relationships. We are concerned by evidence that indicates women's lack of access to legal aid.

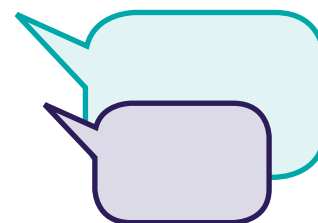
"Our court post has had an increase of 76% in clients not being able to access legal aid since the LASPO changes." (written evidence, Aurora New Dawn)



169. Most of the evidence submitted to the Inquiry stated that women were unable to access legal aid because they couldn't provide the prescribed evidence to prove they were a survivor of domestic violence. However there were other issues with legal aid raised including the decreasing numbers of solicitors willing to take on domestic violence cases and legal aid being agreed but not being processed in time for the court case.

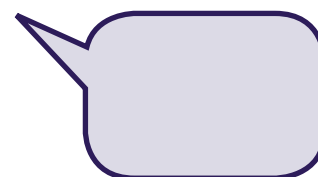
We have seen a reduction in solicitors and law firms who are willing to take on legal aid DV cases. (written evidence, Swindon Women's Aid)

Legal aid has not been put in place in time for the court case so the woman has had to represent herself. The women are terrified of their perpetrator and they are then expected to question them in court. (written evidence, professional)



170. Lack of access to vital legal aid that women survivors of domestic violence are entitled to is severely restricting women's access to justice and potentially forcing them to stay in an unsafe relationship:

More women are putting up with DV as they fear they do not have the funds to seek legal support/advice. This is putting victims of Domestic violence off from pursuing any formal complaints for fear of not only being able to finance any complaints through the systems. (written evidence, South Yorkshire Police)



Alternative approaches to justice

171. The inquiry invited two expert witnesses to discuss alternative approaches, according to religion, to justice for BME communities in England. These approaches clearly impact on BME women's human rights.

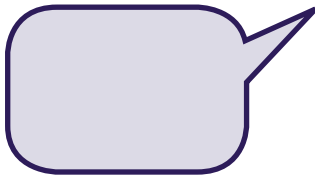
172. Pragna Patel, Southall Black Sisters, shared concerns around alternative forms of justice.

They are often presided over by religious patriarchal leaders, they are often religious, homophobic, misogynistic. It is very important that access to justice remains key and central for all women. When we look for alternative we are looking more ways to empower women to access justice rather than to bypass justice.



(oral evidence, Southall Black Sisters)

173. Nazmin Akthar, Muslim Women's Network, also raised concerns around the proliferation of alternative forms of justice in England:



We believe that the push towards alternative justice is not appropriate. Women are being made to feel guilty that they are wasting police resources when there is just a good system in the family home or Sharia court. Sharia courts are run by men predominantly, women go there believing that this is what they must do as they don't have an alternative. They are told their option is the sharia court, once they are there they are pushed aside.

(oral evidence, Muslim Women's Network)

174. Particular concerns were raised in the Inquiry that the CPS had been encouraged to drop charges against alleged perpetrators in some cases on the grounds that they would be dealt with through alternative forms of justice. The impact of this on victims is that they many women will not get justice and instead will be taken back into the family with the perpetrator.

Safe child contact

175. Concerns around the level of understanding about domestic violence in the family courts, particularly pertaining to child contact cases, was raised in the evidence collected. Perpetrators have used access visits to attack and even kill their victims. The very real fear that women face for themselves and their children through child contact is a central concern for survivors.

176. Survivors highlighted the difficulties in presumption of child contact by the perpetrator. They reported feeling victimised further through child contact and moreover that their children are being put at risk through this presumption.



My experience in the family law cases is that unless you are hospitalised, then your experience is not taken seriously or at all. Domestic abuse is not taken into account when child contact orders are made. There is the assumption that if it is mild abuse then you should just get on with it because well, fathers have a right to see their children.

(written evidence, survivor of domestic violence)

177. The impact of domestic violence on children was also not routinely considered in the justice system meaning that children's safety was not taken into account as a primary concern. Furthermore, it was stated that criminal justice agencies do not understand that perpetrators will very often continue to intimidate and control women through child contact proceedings.



Agencies do not seem to understand that many perpetrators continue the abuse of the woman through the child contact, often child contact is ordered to go ahead when the woman knows it is not safe and is detrimental to the children. (written evidence, professional)

- 178.** Evidence submitted to the Inquiry also highlighted the need to take into account the wishes and requests of the children in child contact cases. Evidence was also raised around the decreasing numbers of supervised contact centres which may disincentivise the decision of supervised contact.
- 179.** In their evidence, domestic violence charity Refuge highlighted the 29 children who had been killed during unsupervised contact between 1994 and 2004 in England and Wales. They stated that New Zealand has legislation that prioritises safety rather than presumption of contact. The 1968 New Zealand Guardianship Act means that child contact is not granted unless it can be demonstrated that it is safe for all parties concerned. This was developed and implemented against the background of three child murders during court ordered contact.
- 180.** Evidence submitted by Rights of Women also highlighted their research which explored the experiences of women and children in child contact proceedings. Their research showed that women and children have negative experiences of family justice system's response to domestic violence. To improve safety for women and children in the system they recommended a, "robust and statutory framework in place within the family justice system which ensures the early identification and effective response to women and children's experiences of domestic violence, setting out the respective roles and responsibilities of all key professionals in the system."⁴¹
- 181.** Women's and children's right to life must be prioritised over the perpetrators right to contact with their children. This is a requirement in the Istanbul Convention⁴² which requires that all legal measures to protect victims are consistent, including perpetrators access to the victim. The Convention requires that significant incidents of violence are taken into account when deciding visitation and custody rights of children and that the rights and safety of the victim and children are not jeopardised.
- 182.** It is vital that the safety of the women and children are paramount in the family courts and child contact cases. The impact of domestic violence needs to be better understood by professionals and children need to be involved and asked for their views and opinions by professionals trained in domestic violence and the impact on children.

41 Rights of Women Picking up the pieces (2012)

42 The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic violence (2011), Article 31.



Experiences of the family and civil justice system and alternative approaches to justice recommendations

Survivors' access to justice should not be limited by restrictions to legal aid or restrictions in family law.

- ▶ The criteria of evidence for the Domestic Violence Gateway for legal aid should be widened to include accessing specialist domestic violence outreach services.
- ▶ There should be no charge for women to access the evidence needed for legal aid purposes.
- ▶ Alternative approaches to justice should never be used in cases of intimate partner violence.
- ▶ The welfare of a survivor's child is paramount alongside a survivor's right to safety. These principles should be prioritised by the justice system over a perpetrator's right to child contact.
- ▶ The family law system should ensure that the child's safety is the paramount concern in any child contact proceedings. Where domestic violence has been experienced there should be no automatic right to contact for the abusive parent. The APPG recommends further exploration and investigation of the possible implementation of an approach to child contact similar to that in New Zealand.

Sentencing perpetrators

Sentencing guidelines and the impact on survivors of violence

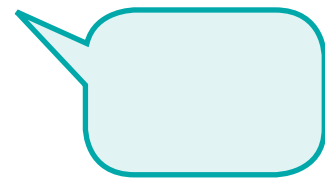
183. The current sentencing guidelines for domestic violence are published by the Sentencing Council and set out overarching principles for sentencing⁴³. The sentencing guidelines for sexual violence are included in the sentencing guidelines for sexual offences, also published by the Sentencing Council⁴⁴.

184. The Inquiry asked for evidence relating to the sentencing guidelines, how effective they are and the impact on women survivors of violence. The majority of survivors who submitted evidence to the Inquiry felt that the sentencing guidelines were neither fair nor appropriate. Sentences were seen as remarkably lenient (for example suspended sentences) given the gravity of the offences. Again, information given to survivors about the sentencing options and what it means for them was a huge concern. Some compared the sentences imposed in a domestic violence context with the same crime carried out in a non-domestic context:

43 Sentencing Guidelines Council (2006) Overarching Principles: Domestic Violence. Sentencing Guidelines Secretariat http://sentencingcouncil.judiciary.gov.uk/docs/web_domestic_violence.pdf

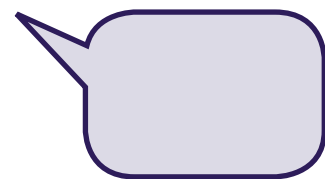
44 Sentencing Guidelines Council (2007) Sexual Offences Act 2003: Definitive Guidance. Sentencing Guidelines Secretariat http://sentencingcouncil.judiciary.gov.uk/docs/web_SexualOffencesAct_2003.pdf

In my particular case where my ex husband is being prosecuted for GBH the police have even agreed with me that he would already have been treated more quickly and harshly if he had committed GBH on a stranger. I have been disgusted at the pathetic sentences handed out for DV. I have been unable to walk or work for 10 months since my husband beat me up putting my business and home at risk and putting me under severe added pressure. In the meantime he has been able to continue working and living his life with no penalty whatsoever. (written evidence, survivor)



- 185.** In addition it was felt that sentences often fail to take account of the impact of the offence on a survivor's life on a long term basis. A perpetrator may get two weeks imprisonment but survivors often report feeling they have been given a life sentence 'your perception of yourself and life is permanently changed'. Survivors responding to this Inquiry believe that often sentences are not adequate according to the crime committed nor the distress and difficulty involved in asking for help pressing charges in the first place:

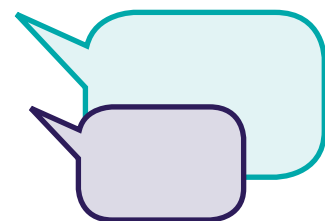
the courts are very rarely made aware of the full extent of the offender's behaviour or the background facts of the case, and the maximum sentence is rarely given. Many victims, like myself, feel that the sentence imposed in no way reflects the pain and anguish, and the disruption, that we have been through in bringing the case to court. (survivor, written evidence)



- 186.** Evidence from organisations and individuals raised concerns with the sentencing guidelines and how they were being used.

I think the guidelines ought to be tougher to realise the wider implications of DA [domestic abuse]. (written evidence, Nottinghamshire Police)

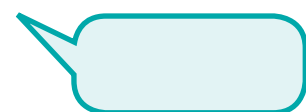
It is not sentencing guidelines that are the issue necessarily but how they are followed. We are seeing increasing numbers of fines being issued in DV cases - this is not an appropriate sentence and certainly does not take account of the severity of the crime. (written evidence from local specialist domestic violence service)



The sentencing guidelines are pretty robust, the implementation is another matter. (oral evidence from Jo Todd, CEO Respect)

- 187.** There were suggestions that domestic violence should be seen as an aggravating factor in a crime, to be taken into account when sentencing (similar to hate crimes).

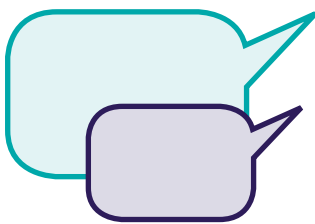
Violence within a domestic setting should be seen as aggravated due to the impact it has on the victim, their children and wider family. (written evidence, Merseyside Police)



- 188.** This is also highlighted in Article 46 of the Council of Europe's Convention on Preventing and Combating Violence against Women and Domestic Violence which the UK

Government has signed and has committed to ratifying⁴⁵. The Article states that the circumstances of being in an intimate partner relationship with someone or the offences were committed repeatedly should be taken into account as an aggravating factor when determining a sentence for a perpetrator⁴⁶.

- 189.** It was also argued by domestic and sexual violence organisations and the police forces submitting evidence that there should be more emphasis in sentencing guidelines on coercive control to reflect the reality of a pattern on violence and control:



I believe there should be a specific criminal offence of domestic violence that recognises coercive control. In Canada strangulation/suffocation is a serious offence with appropriate sentencing powers. In the UK this often amounts to a common assault with sentencing powers that do not reflect the true horror of what happened. This should be reviewed in the UK. (written evidence, Greater Manchester Police)

There should be more emphasis on coercive control and the fact that domestic abuse is a pattern of behaviour in sentencing guidelines because exploration of individual incidents does not reflect the level of risk or harm.

(written evidence, professional)

- 190.** The current legal system in England means that coercive and controlling behaviour that happens within an intimate partner relationship is not criminalised; however as soon as the relationship ends that behaviour is criminalised by stalking laws. Recent research has identified this gap and states, “in its approach to stalking, the law adopts a model of crime that, nomenclature aside, seems more closely aligned with the realities of domestic violence.”⁴⁷ This is a clear gap in protection for women experiencing domestic violence.
- 191.** Sentencing for sexual violence in intimate partner violence was also raised as a significant concern. Again, the implementation of sentencing guidelines appears to vary in terms of robustness with apparently lenient sentences for serious sexual violence
- 192.** In common with survivors, some organisations were concerned about the prosecution process and the disproportionate sentences for domestic violence compared to other crimes. Some organisations noted that in many cases perpetrators get ‘let off’ because an incident is seen as a ‘one-off’ or lapse of character. This raises two concerns, firstly that violence within the family is not being treated the same as violence in the community and secondly if the violence is actually a “one off” given the failure of front line police officers to understand and identify coercive control in intimate partner relationships and the lack of an offence of coercive control.
- 193.** The lenience of sentencing in domestic violence cases can be seen when compared

45 14 January 2014 Liaison Committee – Prime Minister committed to ratifying the Istanbul Convention when the Anti-Social Behaviour, Crime and Policing Bill has received Royal Assent.

46 Council of Europe Convention on preventing and combating violence against women and domestic violence (2011).

47 Tuerkheimer, D. Yale Journal of Law & Feminism (2013) *51 BREAKUPS, Yale Journal of Law and Feminism.

to sentencing for other crimes. For example, in October 2013 a Newcastle United fan who punched a police horse at a football match was been jailed for a year. While just over a week later in Colchester a man was jailed for 16 weeks for punching his pregnant girlfriend in the stomach. The victim miscarried the following day, but prosecutors could not prove he was responsible.

Sentencing recommendations

Sentencing of perpetrators should be proportionate to their crime and consider the impact they have had on women survivors of violence.

- ▶ The Sentencing Guidelines on domestic violence should be monitored and a review of their implementation carried out;
- ▶ Data on sentencing should be collected nationally and made publicly available.

Data collection

194. The oral evidence session highlighted the lack of publicly available data on convictions, custodial data and sentencing. There is a vital need for data collection at the national level and for data to be publicly available on sentencing and convictions. Such data is essential for evaluation and to inform policy making:

We can get some information about probation but that is a small percentage. The system isn't accountable so we don't know if the sentencing guidelines are being properly implemented or not and we can't measure the effectiveness of this sentencing. There is a lot of evidence at police and CPS level but then it just stops. I don't think that they are collecting it and not publishing it it's that I don't think that it is being collected. (oral evidence Jo Todd, CEO, Respect)

195. The CPS are not collecting the full range of statistics they have access to in order to elucidate a full picture of the criminal justice response to domestic violence. When asked during the Inquiry about access to statistical data around convictions, custodial data and sentencing outcomes the response suggested that the CPS no longer collects this data:

We are tracking convictions but we are not tracking the outcome of the sentencing – the sentence imposed by the Court whether it is a fine or community sentence ... We are tracking the rate of prosecution, the rate of conviction and the volume of crime. (CPS, oral evidence)

196. The lack of data on sentencing outcomes was a significant concern to the panel of the APPG Inquiry, and in particular Baroness Scotland, who highlighted that data on sentencing outcomes had been collected previously and this important information is no longer being collected centrally.

197. A Parliamentary Question tabled by Bridget Phillipson MP asked about the number of victimless prosecution there had been in cases of domestic violence. The response from the Solicitor General was that the Crown Prosecution Service does not maintain a central record of victimless prosecutions⁴⁸.

198. As mentioned earlier in the report domestic violence prevalence data does not currently measure on-going patterns of coercive control and psychological abuse. This means a significant portion of experiences of domestic violence are not being included in national statistics.



Data Collection Recommendation

- ▶ Data collection by police forces on domestic violence should be gender desegregated, should include the age and relationship of the victim and perpetrator and whether there is repeat victimisation.

⁴⁸ HC 17 February 2014 c705W – c706W (reference to a House of Commons Written Answer) http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140213/text/140213w0001.htm#140213w0001.htm_spm0

CHAPTER 4: CONCLUSION AND RECOMMENDATIONS



Conclusion

- 199.** At present many women experiencing domestic violence, including sexual violence in intimate partner relationships, do not have access to justice and their human rights are being consistently undermined.
- 200.** Contributions to the APPG Inquiry indicate that the criminal justice system is regularly failing to hold perpetrators of domestic violence to account for that violence. Furthermore, when sanctions are imposed they are often so limited and the abuse so pervasive that perpetrators are able to continue abusing their victims.
- 201.** The lack of access to justice for women survivors of violence is unacceptable. Violence against women is recognised internationally as a violation of women's human rights and a form of discrimination against women⁴⁹. It should be treated as such by the police and Criminal Justice System.
- 202.** Based on the evidence submitted to the Inquiry, the APPG has developed a set of recommendations, below, to address failings and improve women's access to justice. The APPG has also developed a Charter which outlines the treatment which women survivors of violence should expect from the criminal justice system. We urge the Government to and all those involved in the criminal justice system to sign up to the Charter.
- 203.** The APPG believes that, until the recommendations are implemented, women survivors of violence and their children will continue to be failed by our justice system. Some will pay for this with their lives whilst perpetrators are not held to account for their actions.

⁴⁹ General recommendations made by the Committee on the Elimination of Discrimination against Women. General Recommendation No. 19 (11th session, 1992), see also Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, (Istanbul Convention) Article 3 – Definitions. The Istanbul Convention was signed by the UK Government in June 2012.

Recommendations



Police contact recommendations

Police contact and response to domestic violence should focus on the safety of the victim and children, giving women confidence in reporting and preceding the effective prosecution of a perpetrator.

- ▶ All front line police staff should receive domestic violence awareness training which would form a key part of their continued professional development and include new orders such as Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme. Training should also include:
 - the different forms of violence that constitute domestic violence, such as intimate partner violence, child to parent violence, adult to child violence, elderly abuse, so called “crimes of honour”;
 - the forms of violence included in intimate partner violence, including sexual violence, and coercive control in intimate partner violence;
 - addressing police officers attitudes to and their understanding of intimate partner violence;
 - how to deal with an initial disclosure of violence in intimate partner violence.
- ▶ Every police force should have a specialist dedicated Domestic Violence Unit. The primary role of the unit should be:
 - the protection of victims;
 - specialist advice and support to frontline police;
 - effective investigations to ensure successful prosecution of perpetrators.
- ▶ Specialist training should be mandatory for all specialist police units, on-going and face-to-face (e.g. not relying on computer based training) training on domestic and sexual violence;
- ▶ Every victim disclosing domestic violence should have a contact person within the police to liaise with about their case to ensure consistency and support;
- ▶ Police should be mandated to inform survivors of local specialist services and proactively link survivors to local specialist domestic violence support services. This is crucial in order to ensure wrap-around support for the survivor;
- ▶ Funding for specialist domestic violence services which provide the gender-specific support that meets victims’ needs should be continued and sustained. These services complement the work of the criminal justice system and are an integral support network for women accessing justice.

Risk assessment recommendations

Risk assessment carried out by the police should focus on the safety and the needs of individual women.

- ▶ Risk assessments should draw on multiple forms of information and evidence about the perpetrators background and any antecedent incidents of domestic violence;
- ▶ The focus of the risk assessment process should be safety planning and supporting the woman, not on completing a form;
- ▶ When completing the risk assessment form the professional should take into account the woman's evidence, her level of fear, any coercive control and psychological abuse and any evidence collected. It should not be tick-box exercise;
- ▶ Any victim of domestic violence should be signposted to specialist support services regardless of their assessed level of risk. There should be an understanding of the distinct needs for support and safety of women victims of domestic violence;
- ▶ Follow up from a risk assessment process should be supporting women to access specialist support services and ensuring that her on-going safety is a key outcome.

Evidence handling recommendations

The handling of evidence in domestic violence, and sexual violence in intimate partner relationships, should focus on building a strong evidence base to ensure successful prosecution:

- ▶ The victim's witness testimony should not be used as the primary form of evidence and the police should gather all possible evidence to enable a victimless prosecution to be taken forward.
- ▶ Evidence such as 999 tapes, statements and photographs take at the scene should be collected as an absolute minimum.
- ▶ All police officers should wear and switch on body cameras when they attend a domestic violence incident.
- ▶ Evidence of the psychological violence and coercive control should be collected by the police and included in the evidence referred to the CPS.



Domestic Violence Protection Orders, the Domestic Violence Disclosure scheme and Cautions recommendations

Civil remedies and the Domestic Violence Disclosure scheme need to prioritise the safety of women and signpost women to specialist services for support.

- ▶ All police officers and relevant police staff should receive adequate training on the use of DVPOs and DVDs to ensure that these policies are implemented correctly and women are signposted to the relevant help and support.
- ▶ A breach of a DVPO should be a criminal offence to better protect victims⁵⁰.
- ▶ All breaches of civil orders should be included in evidence in any criminal cases regarding the same perpetrator.
- ▶ Where an application for a Domestic Violence Disclosure has been made safety planning and support should be offered to the woman regardless of whether their partner has previous convictions for violence.
- ▶ Out of Court Disposals, such as cautions, should not be used in intimate partner violence cases. Where there is evidence significant enough to caution a perpetrator of domestic violence other more rigorous criminal justice measures should be put in place instead.


⁵⁰ Criminalising breaches of Domestic Violence Protection Orders is a recommendation of the Home Office Review of DVPO Pilot https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf p.7.

Experiences of the criminal justice system recommendations

The criminal justice system as a whole should be more women-centred in its approach to women survivors of domestic violence.

- ▶ Every frontline professional working in the criminal, family and civil justice system should receive domestic violence awareness training.
- ▶ Criminal justice agencies should have a clear understanding of the nature and impact of coercive control and psychological abuse. This will help to ensure that more survivors will have their full experience of domestic violence recognised by the criminal justice system rather than just individual incidents of physical violence.
- ▶ The Government should consider ways of closing the legislative gaps relating to domestic violence, for example by criminalising coercive control and patterns of abusive behaviour.
- ▶ Existing guidelines for communication with victims involved in criminal justice proceedings should be reviewed implemented properly, to ensure victims are kept informed of the progress of their case
- ▶ The speed of referrals from the police to the CPS and subsequent decision making by the CPS must improve. Delays in the criminal justice process often put women's safety at risk⁵¹.
- ▶ Discriminatory attitudes of criminal justice professionals need to be addressed; particularly with regard to the stereotype of the "perfect victim and witnesses", to ensure that all women are able to access justice equally.
- ▶ Victims should be regularly updated about their case and have a named person they can contact with questions or queries.
- ▶ Safety facilities available in most criminal courts, such as separate entrances and video-linking facilities should be extended to all criminal courts and introduced in family and civil courts.
- ▶ An analysis of the extent of criminalisation of women survivors of domestic or sexual violence in should be carried out.
- ▶ Data on outcomes of sentencing should be collected by a central agency (for example the Ministry of Justice or the Office for National Statistics) and publicly available.
- ▶ The funding for SDVCs courts should be sustained to ensure that their numbers do not decrease and they are available throughout England.

51 Bridget Phillipson MP asked a Parliamentary Question on the length of time the CPS to provide advice to the police on charging in cases of domestic violence and rape. http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140224/text/140224w0004.htm#140224w0004.htm_wqn15



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Survivors' access to justice should not be limited by restrictions to legal aid or restrictions in family law.

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Sentencing recommendations

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- ▶ The Sentencing Guidelines on domestic violence should be monitored and a review of their implementation carried out.
- ▶ Data on sentencing should be collected nationally and made publicly available.



Data Collection Recommendation

- ▶ Data collection by police forces on domestic violence should be gender desegregated, should include the age and relationship of the victim and perpetrator and whether there is repeat victimisation.



SURVIVOR'S CHARTER

Reporting domestic violence to the police and taking a case through the justice system can be a difficult and confusing experience. The police and other criminal justice agencies are there to support you and help you to get justice for your experience of domestic violence.

Below is what you should expect from the justice system as a minimum. If you feel that your experience does not reflect these principles then you can complain as your right to justice is not being met.

- ▶ **RESPECTED** – you should be treated with respect by every person you deal with, from the police to the courts.
- ▶ **BELIEVED** – you should feel that you have been believed by any member of a criminal justice agency and that your concerns are taken seriously.
- ▶ **PROTECTED** – you should feel safer once you have spoken to the police or any criminal justice agency and that they have put measures in place to protect you from further harm.
- ▶ **SUPPORTED** – you should feel supported by the criminal justice system and you should be told where you can go to get extra help and support for you and your children.
- ▶ **UPDATED** – you should be kept regularly updated on the progress of your case, and the work of the relevant criminal justice agency, throughout the whole process.
- ▶ **HEARD** – you should be asked by the police if you want to write a statement about how the violence has impacted on you which will be read out in Court.
- ▶ **SAFEGUARDED** – if you have to go to court as a witness you should be offered special measures to keep you safe and away from the perpetrator, for example a separate entrance or video-link when you give your evidence.
- ▶ **INFORMED** – the Witness Care Unit should inform you of any sentence given to the perpetrator within one working day and explain to you what this means.
- ▶ **EMPOWERED** – the criminal justice system is there to help you to be safe but also access justice for the violence you have suffered. The above principles should be adhered to and should help you to be empowered through the process.

For further information and how to make a complaint about the different criminal justice agencies then please visit www.womensaid.org.uk/accesstojustice

0808 2000 247 - Freephone 24 Hour National Domestic Violence Helpline

Run in partnership between Refuge and Women's Aid Federation of England.

The Helpline service provides support, information and a listening ear to women experiencing domestic violence and their children and plays a pivotal role in assisting women and children to access a place of safety in a refuge, or to access other local advocacy and support services. The Helpline also offers support and information to friends, family members and external agencies that are calling on behalf of a woman.



APPENDIX

Appendix I: List of organisations who submitted evidence

- Addaction
- ADVANCE
- Against Violence and Abuse (AVA)
- Andover Crisis and Support Centre
- Angie Stewart Cambridge Women's Aid Project coordinator
- Aurora New Dawn
- Bedworth Heath Nursery and Children's centre
- Berkshire East & south Bucks Women's Aid
- Birmingham and Solihull Women's Aid.
- Blue Sky Centre (Sexual Assault Referral Centre) for Coventry & Warwickshire
- Dan Jarvis MP, Shadow Justice Minister
- East Thames Group: Beverly Lewis House 'Safe House' for Women with Learning Disabilities
- Faculty of Forensic and Legal Medicine, Royal College of Physicians
- The Birchall Trust
- Great Yarmouth refuge
- Her Centre Director
- IMKAAN
- Impact Family Service Coordinator
- Independent Sexual Violence Advocate (ISVA)
- IPCC
- Lancashire Police
- Leeway Domestic Violence and Abuse Service
- Legal Advisor and Counsellor
- Merseyside Police
- Metropolitan Police
- My Sister's Place
- North Wales Police
- North Yorkshire Police
- Nottinghamshire Police
- Provide (Trading name for Central Essex Community Services)
- Rape Crisis England and Wales
- Rape Crisis Tyneside and Northumberland
- Refuge
- Rights of Women
- Rise
- Rugby Borough Council
- Solace Women's Aid
- South Yorkshire Police
- St Mungo's
- Staffordshire Police
- Swindon Women's Aid
- The Old Reading Room (reading & wellbeing projects)
- Treetops SARC Hampshire
- Warwickshire and West Mercia Police
- Warwickshire County Council
- Warwickshire Police
- West Mercia Police
- Wiltshire police
- Women's Aid Federation of England
- Your Sanctuary

Appendix 2: List of Inquiry questions

1. Are you replying from an organisation, as a survivor or as an individual?
2. Are there barriers to women disclosing domestic violence to the police and/or other criminal justice agencies? [Criminal Justice Agencies include: Police; Crown Prosecution Service; Home Office; Ministry of Justice; Criminal Injuries Compensation Authority; Probation Service; Family Liaison Officers; Victim Care Unit; Witness Care Unit; Her Majesty's Court Service; National Offender Management Service].
3. If answered yes to Question 2 please explain what you think these barriers are, and in relation to which Criminal Justice Agency and how you think these barriers can be overcome.
4. What are the current risk assessments that are used by the police and criminal justice agencies and how effective are these risk assessments? What further action needs to be taken to ensure all women victims of violence are protected?
5. What are your observations and experiences of how investigations into domestic violence are being handled by the police and what improvements would you like to see?
6. Do you know of any best practice examples of how the police are investigating domestic violence cases, working alongside other agencies and organisations? Please highlight the appropriate answer.
7. If answered yes to question 6 please provide further detail below.
8. How effective are Cautions and Domestic Violence Protection Orders in protecting women from domestic violence and in inhibiting any further violence and harassment from the perpetrator? Please give details.
9. What impact do the approaches of the criminal justice agencies (as listed in question 1), and their treatment of vulnerable victims and witnesses in domestic violence cases have on the level of victim attrition?
10. What impact do the approaches of the criminal justice agencies (as listed in question 1), and their treatment of vulnerable victims and witnesses in domestic violence cases have on women's children and safe child contact?
11. Do you have any concerns that recent cuts to legal aid are, or will be, impinging on women survivor's access to justice? Please highlight the appropriate answer below.
12. Do you have any evidence on the impact of legal aid reforms on women experiencing domestic violence and how that has impacted on their access to justice? Please provide detail
13. How do women victims of domestic violence and their children experience the criminal justice system in criminal and family law cases for example child contact, separation and divorces proceedings. Is their experience of domestic violence always taken into account? Are there any best practice examples where women victims of domestic violence and their children are supported through the judicial process in order to reduce levels of attrition?
14. Are the sentencing guidelines for domestic violence cases, and subsequent sentences, fair and appropriate?
15. Are there any further comments regarding women's access to justice that you would like to include?

Appendix 3: Agendas for the oral evidence sessions

Monday 25 November 2013

Questioning Panel

- Baroness Scotland of Asthal QC
- Bridget Phillipson MP
- Baroness Thornton
- Baroness Gardner of Parkes
- Baroness Gould of Potternewton

Witnesses

- Norman Baker MP, Minister for Crime Prevention
- Polly Neate, Chief Executive Women's Aid
- Assistant Chief Constable Louisa Rolfe, National Policing Lead for Domestic Violence
- Refuge Manager, Reigate and Banstead Women's Aid
- Dr Marianna Tortell, Rape Crisis England and Wales
- Independent Domestic Violence Advocate, Staffordshire Women's Aid
- Diana Barra, Chief Executive, CAADA
- Jane Keeper, Director of Operations, Refuge
- Professor Liz Kelly, London Metropolitan University
- Eleri Butler, CEO, ADVANCE
- Sumanta Roy, Research and Policy Manager, Imkaan
- Independent Domestic Violence Advocate, My Sister's Place

Wednesday 27 November 2013

Questioning Panel

- Baroness Scotland of Asthal QC
- Bridget Phillipson MP
- Emma Lewell-Buck MP
- Caroline Lucas MP

Witnesses

- Nazmin Akthar, Muslim Women's Network
- Pragna Patel, Southall Black Sisters
- Independent Domestic Violence Advisor, Your Sanctuary
- Nick Hunt, Crown Prosecution Service
- Independent Domestic Violence Advisor, Solace Women's Aid
- Independent Sexual Violence Advisor, West London Rape Crisis
- Emma Scott, Rights of Women
- Natalie Collins, Spark
- Independent Domestic Violence Advisor, RISE
- Professor Marianne Hester, Bristol University
- Jo Todd, CEO Respect

*All Party Parliamentary Group on Domestic and Sexual Violence Inquiry
Women's Access to Justice: From Reporting to Sentencing*

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