



**VICTIM  
SUPPORT**

# Survivor's justice

How victims and survivors of domestic abuse  
experience the criminal justice system

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## Introduction

**The Government defines domestic violence and abuse as: “any incident or pattern of incidents of controlling, coercive, 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. The abuse can encompass, but is not limited to: psychological, physical, sexual, financial and emotional.”<sup>1</sup>**

Domestic abuse (DA) is pernicious and can have a significant impact on the physical and emotional wellbeing of the individuals and families that experience it. The devastating nature of the abuse is highlighted by the fact that one third of all adult homicides are domestic abuse related, and almost half of all female victims of homicide were killed by a partner or ex-partner.<sup>2,3</sup> While it is widely recognised that physical violence is used as a form of power in intimate relationships, domestic abuse can take many less or non-violent forms, such as verbal abuse, stalking, coercive control, humiliation and isolation.<sup>4</sup>

The scale of domestic abuse is shocking and extensive. While it is difficult to provide a comprehensive figure, the Crime Survey for England and Wales estimates that 1.9 million adults experienced DA last year. This includes 1.2 million women (7.5% of the female population) and 700,000 men (4.3% of the male population).<sup>5</sup> Overall 26% of women and 14% of men have experienced domestic abuse since the age of 16. This constitutes an estimated 4.3 million women and 2.2 million men.<sup>6</sup>



Police figures also show that domestic abuse is over-represented in crimes that are seen as 'high harm'. Between 2013 and 2016 a total of 454 domestic homicides took place in England and Wales, of which 319 of the victims were female.<sup>7</sup> One third of all violent crime recorded by the police is domestic abuse related, as is one in eight sexual offences.<sup>8</sup>

Although women and men both experience, and perpetrate, domestic abuse it is disproportionately gendered; men administer a greater amount and women are vastly more affected.<sup>9</sup> Domestic abuse is a strand of violence and abuse which forms part of a greater culture of violence against women and girls (VAWG). Crime Survey estimates show that there are more female than male survivors, and statistics from the criminal justice system (CJS) are even starker. Last year 92% of defendants prosecuted for DA were male and 83% of the victims recorded by the Crown Prosecution Service (CPS) were female.<sup>10</sup>

In addition to its devastating effects on a personal level, domestic abuse is extremely costly for society; it has been estimated that the impact of this abuse is £15.7 billion a year.<sup>11</sup> The estimated cost to criminal justice and legal services, health, housing and social services is £3.9 billion every year.<sup>12</sup>

As it stands, there is currently no specific crime of domestic abuse in England and Wales. Arrests and charges are therefore made in relation to assault, violence against the person and other relevant crimes. Offences can fall under the Criminal Damage Act 1971, the Public Order Act 1986, the Criminal Justice Act 1988 and the Sexual Offences Act 2003, for example. The police are able to use s39 of the Criminal Justice Act 1988 and s47 of the Offences Against the Person Act 1861 where the abuse relates to physical violence. The civil law provides a variety of other safeguards. The Protection from Harassment Act 1997 can grant the use of restraining orders and the Family Law Act 1996 can grant non-molestation orders. A non-molestation order prohibits individuals from molesting another individual with whom they are associated, or from molesting a relevant child (s. 42(1) Family Law Act 1996).

The variation in usage of offences that police forces use to address domestic violence across England and Wales has come under continued critique. Those calling for a specific crime of domestic abuse believe that the formulation of such legislation would end the ambiguity relating to such behaviour and create a clearer sense of when the police are required to intervene.<sup>13</sup> In 2017 the Government announced that it will bring forward a Domestic Violence and Abuse Bill to "*define domestic abuse in law*".<sup>14</sup>

Given the extent and nature of domestic abuse it is vital that the criminal justice process is effective, responsive and treats survivors with the care and respect that they deserve. Every year more than one million domestic abuse crimes and incidents come to the attention of the police and almost 100,000 cases go through the criminal courts.<sup>15, 16</sup> However, a high proportion of domestic abuse is not reported to the police, meaning there are many survivors who may not access appropriate support services and may not get the opportunity to achieve justice. This report looks at why this is the case.

It also explores the experience of those victims and survivors who do come into contact with the criminal justice system; how they are treated, the challenges they face and the extent to which their needs are met. Based on the findings of our research, the report sets out recommendations for how criminal justice agencies and processes can better respond to those who experience domestic abuse.

## Victim Support and domestic abuse

Victim Support (VS) adopts the Government's definition of domestic abuse and our services are designed to fit with local and national partnership strategies aimed at combating and reducing VAWG.

VS runs domestic abuse services across England and Wales and has a network of around 160 expert, DA-specific frontline staff. We have over 100 Independent Domestic Violence Advisors (IDVAs) making us the largest single provider of IDVAs. In addition, we have a number of trained multi-crime caseworkers who support non-high risk survivors of domestic abuse. All VS IDVAs are trained to the SafeLives standard and our DA specific staff are linked together through a community of practice.

In 2016/17 we reached out to 55,988 survivors and victims of domestic abuse and provided support to 34,063. 85% of those we supported were female and 15% male. The vast majority of survivors we supported had suffered violent crime and many had been sexually abused. In addition our national Homicide Service supported a number of families bereaved through domestic homicide.

## Methodology

Between June and October 2017 VS conducted research in order to better understand the experiences of domestic abuse survivors in the criminal justice system, including the barriers, treatment and difficulties they face. A mixed method approach was used, including both quantitative and qualitative data collection.

The qualitative data collection comprised 35 in-depth interviews in order to gain a rich understanding of domestic abuse survivors' experience with the criminal justice process. 32 of participants were female and three were male. Respondents were current and former VS service users. One female survivor was abused by her daughter and another female survivor was abused by her brother. All other survivors had suffered abuse perpetrated by their partner and all of them were out of the relationship at the time of interview. Every one of these relationships were heterosexual. The interviewees were questioned about their experiences, including, but not limited to, their experience with the police while reporting crime and during investigation, courts, sentencing and compensation. Participants were from all regions in England and Wales.

A survey of VS caseworkers was used for quantitative data collection. 196 VS caseworkers completed a survey which captured their knowledge and experience in supporting survivors of domestic abuse through the CJS. Of these 90 (46%) work in one of VS's specialist DA services and 106 (54%) work in one of VS's multi-crime services and regularly support DA survivors. Staff from all regions of England and Wales provided responses.



## Barriers to the justice process

Reporting abuse to the police is the main access point to the criminal justice system. This process, in theory, can provide survivors and their families with a degree of safety, can prevent the perpetrator from contacting them and present them with the opportunity to achieve some measure of justice and reparation. However, an estimated 79% of victims of partner abuse do not report to the police and only one in five women in refuges have had past or current criminal proceedings against the perpetrator.<sup>17, 18</sup>

### Why DA survivors do not report

Our research found that there are a number of reasons why people experiencing domestic abuse choose not to contact the police. Some of these are interconnected and others are specific to individual groups. Based on the findings of both the staff survey and in-depth interviews, we have identified six main factors:

- concerns related to the perpetrator;
- concerns related to the police and CJS;
- concerns about children and the involvement of social services;
- practical barriers such as housing and/or financial concerns;
- the abuse being normalised; and
- cultural or community barriers.

Our research suggests that the nature of the relationship with the perpetrator is an important factor in the decision of whether or not to report the abuse to police. In particular, the fear that approaching the police will put them in more danger is particularly pertinent as victims are not likely to report if it will only put them at risk of further violence. This was highlighted by half of VS staff who support DA survivors and responded to the survey as shown in Figure 1.

**Figure 1: Barriers to reporting as cited by VS caseworkers**

Barriers to reporting	Percentage of respondents citing barrier <sup>i</sup>
Pressure from perpetrator, fear of perpetrator, belief that they would be in more danger	52%
Fear they would not be believed or taken seriously	42%
Fear, dislike or distrust of the police/CJS	25%
Concern about their children and/or the involvement of social services	23%
Poor previous experience of police/CJS	22%
Abuse normalised, not understood or believed to be deserved	15%
Wanting to protect the perpetrator/wanting to stay in relationship/not wanting to punish perpetrator	14%
Cultural or community concerns	9%
Financial concerns	7%
Housing concerns	4%
Embarrassment	3%

The danger posed by domestic abuse can take many forms, including physical, psychological and emotional threats, and is acutely highlighted by existing research showing that three quarters of women killed by an ex-partner died within the first year following the end of the relationship.<sup>19</sup>

***“I still feel like I should keep my mouth shut and just get on with it... I was scared to do anything about it.”*** (DA survivor, A)

***“You don’t want [the case] to go any further because it will cause more problems, more trouble. I’ll get hurt if I do too much. There’s a lot of emotion going through as well. Am I doing the right thing?”*** (DA survivor, P)

***“Every time I tried to leave he used to make threats.”*** (DA survivor, CA)

Another relationship-specific reason is that victims and survivors of domestic abuse may not want to see their partner punished or want to protect their partner from prosecution or the involvement of statutory agencies, which was raised by 14% of staff surveyed. This suggests that some survivors value their relationship, or the relationship that their partner has with their children, and do not want to risk it being broken up by the involvement of the police or social services. Hoyle and Sanders found that while over half of their study sample wanted their perpetrators to be arrested, most of them did not want him to be prosecuted. Instead, they wanted to ‘teach him a lesson’ and to send an important symbolic message.<sup>20</sup> Survivors do not always seek punishment and often request help and other forms of rehabilitative measures for their perpetrators.



Secondly, although one of the purposes of the police is to protect the public, there are a few reasons that relate specifically to perceptions and experiences of criminal justice agencies. These reasons are represented prominently in the staff survey. Strongly linked to the fear that approaching the police will put victims in more danger is the belief that they will not be believed or taken seriously if they do so; a victim is unlikely to take the risk of reporting if they feel that the police will not take the report seriously. Four in ten staff surveyed specifically cited concerns about being believed as a barrier to reporting and many of the survivors interviewed also raised this as a problem.

***“I have reported incidents to the police loads of times. There has been a lot. Sometimes I have had very non-understanding police because they are not domestic violence-trained. There was an incident where I was receiving texts from him and because I replied to a couple of them it was tit for tat in their eyes. The police officer was not taking the background and the history into consideration. He goes: ‘Look I am just used to doing burglary and stuff like that. Not this stuff.’”*** (DA survivor, LY)

***“Sometimes I feel like they [police] are anti domestic abuse. That’s from the police. I don’t understand why it is. It [DA] should be treated like any other crime, but I don’t understand why there is a double standard. Why is it that if somebody stole my car, it’s a reported car but somebody is abusing somebody ‘oh we can’t do anything about it.’”*** (DA survivor, T)

Furthermore, our research found that some survivors actively dislike or distrust the police and criminal justice system. One quarter of staff raised this as a factor, and 22% stated that poor previous experience of the police is a reason not to report. A number of survivors we interviewed had approached the police in the past and believed the response to be inadequate or ineffective and therefore saw little point in reporting again. One survivor said that the police officer she spoke to told her that *“domestic abuse matters are the least priority of the police”*. It is unsurprising that such a response would prevent people from engaging with the CJS again in future. Given the most prominent barriers to accessing justice related directly to perceptions and experience of the police, it is important that this is meaningfully addressed.

Previous research found that fair treatment by police determines the willingness of domestic violence victims to report crime to the police, and that this mattered more than perceptions of police effectiveness. Researchers conclude that perception of police treatment, and not the favourability of outcome, dominated victims’ satisfaction with the police.<sup>21</sup>

Fear of, and pressure from, the perpetrator is not the only concern of those experiencing abuse. Another key issue picked up by both survivors and staff is fear of what will happen to their children if the police get involved and anxiety about being placed on the radar of social services. Victims with children worry that involving the police may result in their children being taken away, or that removing the perpetrator from the family will leave them unable to support them.

***“I nearly told them [police] but I didn’t want to tell them because I was frightened that they were gonna tell social services because of my kids. When the police got there I didn’t tell them what happened, I just told them that I wanted him out the house; I didn’t tell them that he’d been hitting me ‘cause I was too scared to tell them because of social services.”*** (DA survivor, GC)

There are also a number of practical barriers that prevent survivors from engaging with the criminal justice process. Survivors may financially rely on the perpetrator and fear that severing that connection will leave them unable to support themselves or their family. The same goes for housing; survivors worry about losing their home and not having somewhere secure for them and their family to stay if they report to the police. These practical concerns are particularly acute as the abuse often manifests itself with the perpetrator controlling and isolating the survivor from their support network or from achieving financial independence.<sup>22</sup> This can result in the survivor being very dependent on the perpetrator to financially support them and their family and to provide accommodation. Refuges play a vital role in providing safe housing for those seeking assistance following abuse and for those where there is nowhere else to go.

***“I don’t want to lose my home... You have to give up everything, you’re losing everything.”*** (DA survivor, NI)

***“I didn’t have anyone to turn to because there was no-one to turn to because there’s nobody about long enough.”*** (DA survivor, KH)

The perceived severity of the abuse is also often highlighted as a barrier to reporting; victims may not see themselves as such and do not feel that they have experienced domestic abuse. Others believe that they have experienced abuse but that it is not serious enough to report. One survivor spoke of how even after her partner threatened to set her on fire she still did not feel the abuse warranted police involvement:

***“You were always in that situation where you feel like you’re a pain contacting the police. I mean, there are burglars out there, there are rapists out there, you know, there are murderers. My husband threatened to set me on fire. He didn’t physically do anything. Why the hell should I waste police’s time? He sent me some messages. Why should I waste the police time? You do feel like you’re wasting their time.”***  
(DA survivor, KH)

Another survivor told us that she researched domestic abuse on the internet on a number of occasions but could not relate to the cases of abuse that she found as they were more “extreme” than her own, which she described as a “slow burner”. This led her to believe that her own experience was not ‘bad’ enough and therefore not worth reporting. Interconnected with this is that the abuse becomes so normalised that the concept of involving the police becomes alien. Others flagged that they didn’t entirely understand that the relationship was not healthy or acceptable, and the options available to help them.

***“More visible information [is needed] about what domestic abuse is. Because I struggled for four years understanding that what was happening to me was abuse. I knew it wasn’t right and that I didn’t like it, but I didn’t know it was anything I could do something about.”*** (DA survivor, JA)

Finally, we found that cultural factors can present a significant barrier to reporting. Some communities have a deep seated distrust with the police which prevents members from engaging with them. It is widely acknowledged that confidence in the police varies by ethnicity; for example those of Caribbean and mixed race ethnicities are less likely than white people to believe the criminal justice system is fair.<sup>23</sup> This may be as a result of their experiences in the UK or in some cases their country of origin. As one VS IDVA put it: “I typically work with victims from varying ethnic communities and if they have a negative view of their native country’s police this carries over to the UK.”

***“I’m the kind of person who doesn’t like the police involved in my life, I don’t like the court. I tried to live my life so I don’t put myself in problems or certain situations where I have to encounter the police or go to court. I’m Jamaican and I’ve got a phobia of going to the police station and going to court houses because that carries a stigma like you are a bad person. For us we try not to go there.”*** (DA survivor, MA)

However community concerns about the CJS are not the only barrier; some survivors also cited pressure not to report from within communities themselves. This can range from fear of being ostracised for leaving their partner and/or involving the police to the belief that any abuse is a private family matter to be resolved outside of the formal CJS framework.

***“The mistake I would say I did coming from an Asian community is keeping myself to myself, not talking about the abuse. I protected him because when I came out half of these people didn’t believe me. That’s what happens in Asian communities. They don’t want to talk about it. I have to protect my family and my parents.”*** (DA survivor, T)

***“I didn’t want authorities to get involved because our family’s supposed to sort out our own problems by ourselves.”*** (DA survivor, G)

## Reasons for reporting domestic abuse

While the barriers to reporting are numerous and varied, on the surface the reason why many victims and survivors do report is simple: they want the abuse to stop, either for their sake or for the sake of their children. However, an analysis of responses from survivors and staff show that while this is most often the aim, what actually triggers police involvement can vary; and in some cases neighbours, children or other family members, and not the survivor, actually make the report.

One factor commonly cited is that some survivors only contact the police when the abuse gets to such a point that they and/or their children are in immediate danger. A number of research studies have shown that those affected often only report as a last resort. Research in 2005 for example found that the majority of women who experienced domestic violence are aware of how to contact the police, but that many only do so to secure their immediate safety.<sup>24</sup> Many of the survivors we interviewed spoke of the point at which they reported the abuse:

***“He was throwing a copper pipe at me and knives and forks and my son said to phone the police up and get him removed. And I just literally phoned 999... because he was threatening to kill me at the time saying he was gonna gouge me eyes out and stab me and everything like that.”*** (DA survivor, SA)

Another survivor did not report until four years into the abusive relationship. While this approach to reporting is not universal among survivors, it is notable how many did not report to the police until the abuse became so dangerously severe.

The effect of partner abuse on children is another key reason for reporting to the police, showing that children are both a barrier and a facilitator to engaging with the CJS. The staff we surveyed often stated that a catalyst for involving the police is when the abuse extends to children or when survivors become concerned for their children’s safety and wellbeing.

***“I was going to stay in this relationship but what happened to my child, that was the trigger. I couldn’t take it anymore. I’m honest about it. I thought I could cope with***

***the abuse. I've been doing it for years but then after my child [was sexually abused by the perpetrator] I said no.*** (DA survivor, T)

The involvement of caseworkers and DA advocates who are entirely separate of the police often helps people report. Many survivors who contact a relevant charity, supportline or a refuge/shelter about domestic abuse have not reported to the police. Organisations like VS do not actively encourage survivors to report the abuse; instead they explain the options available and help people decide what action, if any, they want to take. If survivors do decide they want to report, organisations can help facilitate this by talking through what they can expect and accompanying them to a police station if they choose. For some survivors, engagement with IDVAs and support workers can lead them to report to the police.

***"It was through [name of VS caseworker]. I was actually sitting in her office and I did an incident report and everything in her office and to be honest he'd knocked me about again. I just basically said that it was it, that was enough. I didn't want him to touch me anymore. That's when I filed my first report."*** (DA survivor, P)

Additionally, the involvement of friends, family and other services can also enable people to report. Hospital staff in particular can play a key role; identifying the signs of abuse and discussing with victims their options and signposting them towards appropriate and desired support. In some areas hospital based IDVAs provide hospital staff with expert training on domestic abuse, including responding to disclosures and referring to IDVAs and the multi-agency risk assessment conference (MARAC) process.

Just as negative experiences of the police can be a barrier to reporting, positive perceptions and previous involvement with the police can be a factor in survivors deciding to come forward. Those who have engaged with the police in the past and believe that their intervention was effective, or that they were treated with sensitivity and respect, appear more likely to engage again. This is backed up by previous VS research which found that satisfaction with the police, and therefore potential future involvement with the police, is intrinsically linked to how well they are treated.<sup>25</sup>

***"[The police] have been excellent. The officer who was in charge of the case made himself available. If I called him and he was not there he would always ring me back. Even if it was twelve o'clock at night he would always ring me back."*** (DA survivor, J)

VS staff also cited publicity around domestic abuse and stories of specific cases as a factor that enables more survivors to come forward. Just as high profile media coverage of child sexual abuse cases, such as those involving Jimmy Saville and Rolf Harris, is thought to have encouraged more sexual abuse survivors to report, high profile domestic abuse cases, including local cases, may do the same for domestic abuse survivors.<sup>26</sup>

Finally, it should be noted that not all survivors' and victims' experience and context is the same. Some victims and survivors find it easier than others to report as their circumstances are conducive to doing so. For example, those who are not financially dependent on the perpetrator may find it simpler to report than those that are, as they are less at risk of losing their home or being left destitute by the decision. The same applies for those who have access to safe housing.

For those needing emergency accommodation after fleeing domestic abuse, refuges provide vital safe spaces. As well as accommodation they usually provide a range of services such as safety planning, legal advice, and help accessing benefits, health services



and finding permanent housing. The fact that fear of having no accommodation is a key barrier to reporting and leaving an abusive relationship highlights their importance further. However, funding for refuges is often short-term and uncertain, and between 2010 and 2014 17% of specialist refuges in England were lost.<sup>27</sup> Concerningly, one third of all referrals to refuges are turned away, often because of a shortage in capacity.<sup>28</sup> Additionally, the move to Universal Credit is creating further uncertainty for refuges, which rely on housing benefit for over half of their yearly income.<sup>29</sup> Addressing these barriers through sustainable funding of refuges is a way to improve access to justice for survivors.

Those with a strong support network may also feel more empowered to report, as this network may provide them with the confidence needed and the ability to deal with the practical consequences of doing so, such as help with childcare, housing and finances. Where people do not have these networks, the state has an important role in enabling them to access the support and help they need following abuse.

***“I feel that I was very lucky because I was able to step away. I did not have to go to anybody else for any money. I was able to do it myself... And I had help from friends putting together a new home. So once the decision was made I was able to leave within three weeks... I was able to pack up the things in my home, put them in boxes and I put them in a friend’s garage... I did not have financial constraints like a lot of other women do.”*** (DA survivor, W)

**Recommendation:** The CPS should work to improve communications and publicity around successful prosecutions of domestic abuse, including locally, to send a message that it is taken seriously.

**Recommendation:** The Government should introduce “Ask and Act” across England to increase the identification of domestic abuse. Currently in place in Wales, “Ask and Act”, places a duty on relevant public sector professionals to “Ask” potential victims who may exhibit indicators of violence and to “Act” on information so that the harm is reduced and relevant services secured.

**Recommendation:** The Government must ensure that refuges are sustainably funded to ensure that all survivors have access to secure and safe accommodation.



## Police response to domestic abuse

While domestic abuse survivors and victims clearly face a number of barriers to reporting, a large number of domestic abuse related offences are still recorded by the police every year. Last year over half a million crimes and more than 600,000 incidents were flagged by the police as domestic abuse.<sup>30,31</sup> This constitutes 11% of all recorded offences (excluding fraud), a figure higher than traditional volume crimes such as vehicle crime and burglary in a dwelling.<sup>32,33</sup> This figure is also rising at a relatively high rate; last year there was an 18% increase in domestic abuse related crime recorded by the police.

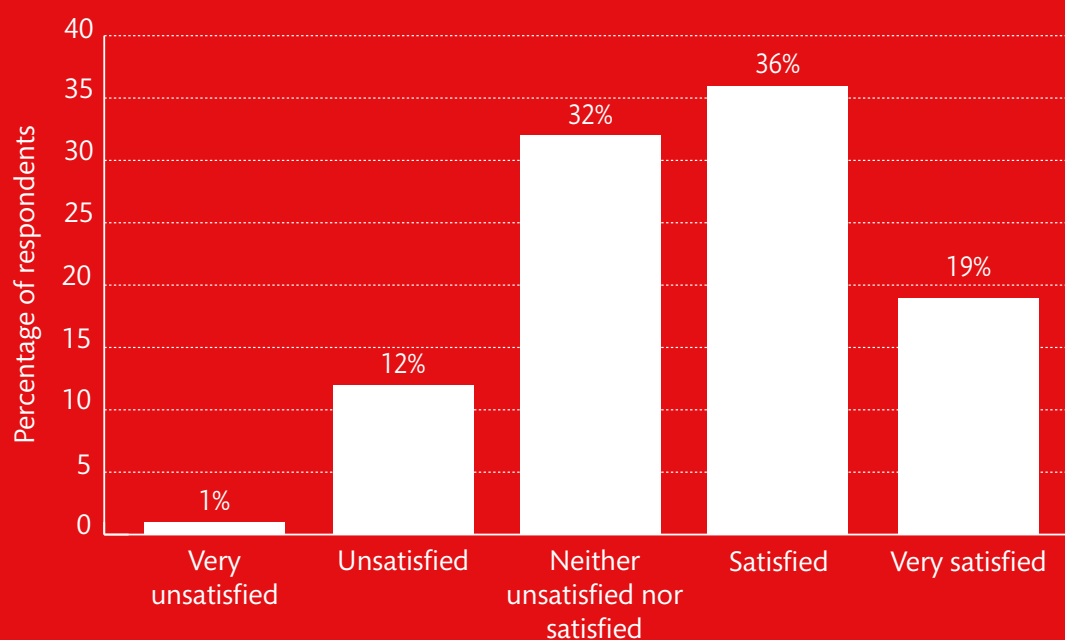
Domestic abuse also represents a high proportion of serious offences. Overall, one third of all violent crime recorded by the police is domestic abuse related, as is one in eight sexual offences.<sup>34</sup>

Corresponding with this rise in recorded domestic abuse has been greater scrutiny of how the police handle domestic abuse cases and the service that they provide to survivors and victims. Since 2013 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) (formerly Her Majesty's Inspectorate of Constabulary) has undertaken three thematic inspections and reports looking at the police response to domestic abuse.<sup>35,36,37</sup> The first report *Everyone's Business* found that "the overall police response to victims

of domestic abuse is not good enough" and made a number of recommendations for improvement.<sup>38</sup> The third report, published in November 2017, found continued progress and made further recommendations.

A key part of the services provided by IDVAs and VS multi-crime services in supporting survivors of domestic abuse is advocating with police on service users' behalf and assisting them through the criminal justice system, of which police are a significant part. Figure 2 shows caseworkers' satisfaction with the police response based on their experience of delivering VS services.

Figure 2: VS staff experience of engaging with the police on DA cases



On the whole, caseworkers were largely positive about their own engagement with the police regarding DA, with 55% of respondents reporting that they were satisfied with their experience. A small minority were dissatisfied (13%) while a third were neither satisfied nor dissatisfied. This suggests that much of the experience of caseworkers of supporting DA survivors and their contact with the police is positive, though there is room for improvement.

Many of the survivors interviewed also reported a positive experience of the police.

***"The police came right away after 5-6 minutes. And they searched the building. They said: 'Do not worry. No one is here. If you need us we are here.'... They were really supportive. They called to see if I was okay and how it was going. I felt very supported... They drove me to my friend's house so they were brilliant. The police get a lot of bad press but for me they were just brilliant. I was really humbled by them. They understood what level of danger I was in."*** (DA survivor, N)

***"The police were called; he was arrested. My son called them. The experience with the police was good but the idea was quite frightening. The police they were quite supportive, they were respectful... They rang me to find out if he could come home. They took me into consideration before releasing him. Because I told them no, that I can't be under the same roof with him they didn't release him."*** (DA survivor, MA)

***“They were really caring. They were really supportive. They were caring about what I was saying. They were really there for me... They were very good with me... I couldn't fault them I mean if it wasn't for them and Victim Support I wouldn't have got through it. They took into consideration how I felt and everything.”*** (DA survivor, A)

It is clear that a large number of survivors receive an exemplary response from the police, and the evidence suggests that this is continually improving with time.<sup>39</sup> However, many survivors and support staff also cited a number of problems with how the police handle domestic abuse survivors and cases, from first contact and throughout the investigation.

### First contact with police

The first response to domestic abuse from the police is crucial, both to secure the safety and wellbeing of the survivor but also to provide assurance and set the tone for future engagement. VS staff suggested a number of improvements to how police respond initially when a DA incident has been reported, which are outlined in Figure 3.

**Figure 3: Improvements to police initial response, as cited by VS caseworkers**

Improvements to police initial response	Percentage of respondents
Demonstrate a greater understanding of DA/more empathy for survivors	59%
Take reports more seriously and believe survivors	18%
Better referral/links to support services including IDVAs	17%
Deal more robustly with the perpetrator/put necessary orders in place	15%
Better risk assessment and safety planning	9%
Focus more on gathering evidence and building a case	5%

The police not understanding domestic abuse or not treating survivors with more empathy was raised by the majority of respondents. This also came across strongly in interviews with survivors, many of whom felt that the police who responded to their incident lacked the necessary training on domestic abuse.

***“They need to be clear that when they are dealing with domestic violence they should have a domestic violence officer on the case. Not just one who is near the incident... The police just did not take the harassment seriously.”*** (DA survivor, LY)

***“I came to the conclusion that unless my child was raped, unless he killed me, then they [the police] will not intervene.”*** (DA survivor, T)

***“If the police can't provide someone that specialises in domestic abuse or stalking and harassment, then they should give you a number of someone who you can speak to, who will be able to listen to you. I think that's really, really important.”*** (DA survivor, SI)

Many also detailed how the police response lacked empathy, and that staff did not treat them with due respect and sensitivity.

***“I felt like I was just treated as a crime reference number. I wasn't treated as a human being... I felt like I was treated like a criminal rather than being treated like [I] was actually the victim, and I felt they sort of babied him a bit, whereas they should have supported me a bit more.”*** (DA survivor, S)



Not taking reports seriously and believing survivors was the second most frequent response from staff, being raised by almost one in five. This is a longstanding issue with the police response to incidents and was a key finding of Victim Support's 2017 *Victim of the System* report.<sup>40</sup> Many of those interviewed also felt that they were not taken seriously by the police. This is of particular concern as perception of not being believed it is a barrier to reporting.

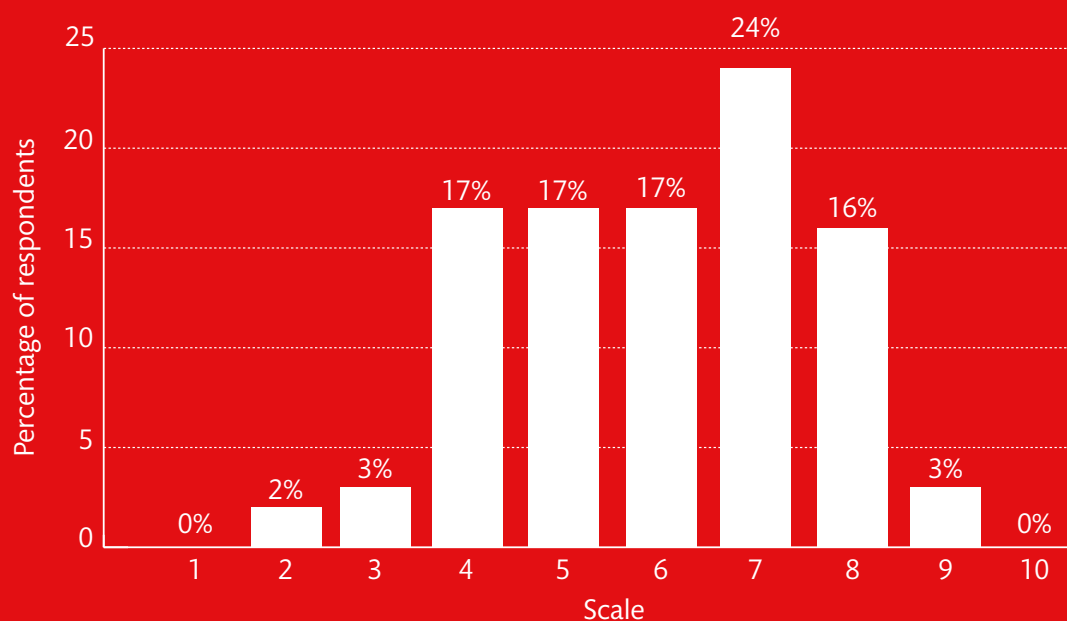
***“I had a sergeant telephoning me saying: ‘Do not be so stupid. Your ex is not assaulting you. It is all in your head’. The police did not take the situation seriously enough. They did not take it seriously when I reported the physical assault.”*** (DA survivor, L)

In one case the police used a 20-year-old criminal record to undermine the testimony of the survivor, contrasting it with the clean record of her partner.

***“The police rang me and said they had a police record on me [of a crime that she had committed when she was young]. And I had actually forgotten about this. And then the officer said: ‘Your partner has a spotless character so it will be your word against his’. And I found that totally humiliating because it was him that made me admit it [the crime] in the first place. This was 20 years ago. Why would the police bring this up in this case? I ended up crying. I have never done anything like that since.”*** (DA survivor, PR)

When asked to rate how well the police handle reports of domestic abuse, caseworkers gave an average score of six out of ten, as shown in Figure 4.

**Figure 4: How well do the police deal with reports of domestic abuse, on a scale of 1–10<sup>iii</sup>**



These findings reflect those from existing research, suggesting that despite a raft of political and societal developments, police perceptions of domestic violence being a largely private, low-priority matter continue in modern policing to some extent.

<sup>iii</sup> How well the police deal with reports of domestic abuse was measured on a scale ranging from 1 to 10 with 1 being lowest and 10 being highest.

As well as affecting survivors' experience, perceptions of the importance of domestic abuse incidents may affect how it is recorded. Recent research revealed that police officers used considerable discretion when responding to incidents of domestic abuse and uncovered significant variation in police recordings of domestic violence incidents, with numerous examples of crime either not or incorrectly recorded. Myhill and Johnson argue the important point that the way in which such incidents are recorded (or not) has a direct impact on the help that victims and survivors can hope to receive.<sup>41</sup>

## Risk assessment

Over the past decade the police have moved towards risk led approaches to domestic abuse to improve safety and determine the appropriate response. Since 2009 police have used the 'Domestic Abuse, Stalking and Honour Based Violence' (DASH) risk assessment, which contains 27 questions that are asked of survivors, usually by the first responding officers at an incident of domestic abuse.<sup>42</sup> The College of Policing found that *"there is widespread support for risk assessment from both police and partners"*.<sup>43</sup> DASH was developed following widespread concerns about the lack of understanding and training for police on this issue, insufficient risk identification and assessment, insufficient information sharing between agencies and failures to manage intelligence.

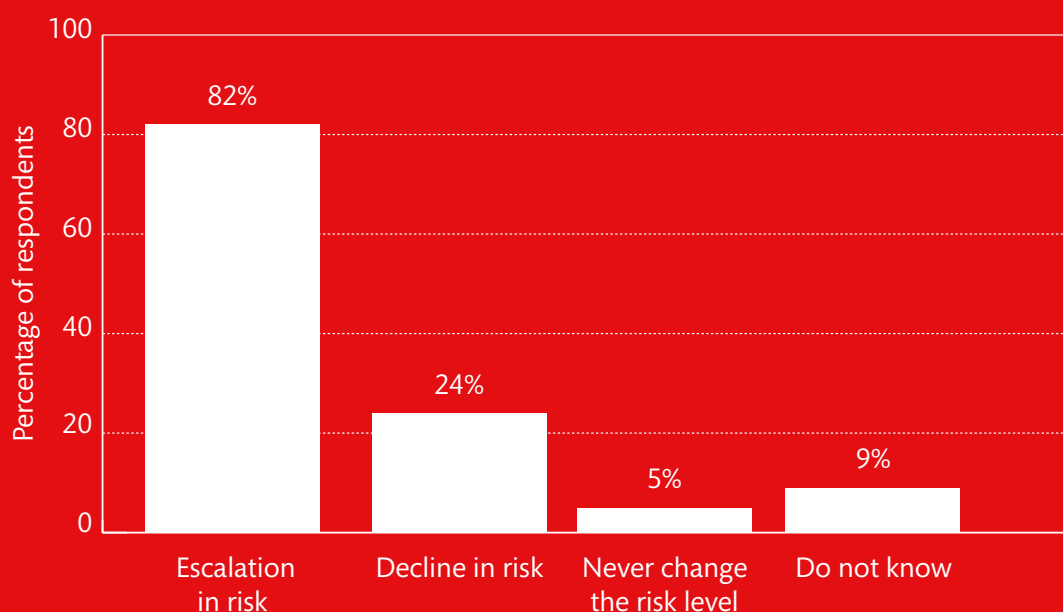
However, there is inconsistency with how the risk assessment is applied, and HMRCFRS found that, while general improvements are being made, one third of police forces have 'area for improvement' in their risk-assessment processes. They stated: *"In some forces, we found a poor level of understanding among response officers about the importance of the risk-assessment and its purpose. In too many cases some forces are still not using the DASH risk assessments appropriately. It appears some staff still view it as a process to complete rather than an essential part of understanding risk and protecting the victim"*.<sup>44</sup> The College of Policing's 2016 research into risk led policing also found that DASH *"is not applied consistently at the frontline"*.<sup>45</sup>

Survivors also raised concerns about the risk assessment process not being robust enough to truly measure the level of risk.

***"I don't think police understood the level of danger I was in."*** (DA survivor, NI)

In addition to the inconsistent approach to risk assessment, and the concern that some officers use it as a tick box exercise, it is also argued that they are not always a good indicator of future harm.<sup>46</sup> They are essentially a snapshot in time, capturing the most recent incident, and therefore do not capture any changes in risk. Research with VS caseworkers found that almost all (96%) had had to change the risk level at some point and that one in five (19%) do so with the majority of cases, as shown in Figure 5.

Figure 5: Reasons VS staff typically change risk level following a police referral



On the whole, most caseworkers state that the police are more likely to underrate risk than overrate it.

***“I have found that police risk levels in general tend to be lower than risk calculated by other professionals.”*** (VS caseworker)

## Referral to IDVAs and support services

A number of caseworkers and survivors flagged the importance of the police referring victims on to the appropriate support services. Under the Victims’ Code, the police must seek domestic violence survivor’s consent to refer them to support services within two working days of the report.<sup>47</sup> However, research has shown found that police do not always refer survivors on to support services or discuss with them how and where they can seek support.<sup>48</sup>

***“What they [police] could do more is just make people, victims, actually aware of what is going to happen and where they can seek some help.”*** (DA survivor, SA)

The survivors we spoke to discussed the importance of receiving support services, including from independent charities and refuges. Their testimonies show how vital it is that the police signpost or refer them to appropriate support, with their consent.

***“To be with other ladies who were in similar positions, you know, that had similar experiences even though every experience is different it was very beneficial to do that... [It] made me realise that my ex was actually a sexual controller. And actually all of my previous relationships had been with people who were sexually controlling and then I’d realised that. Then all of a sudden I realised that I’d been raped and that wasn’t something I ever thought, I just didn’t realise it happened and it opened my eyes.”*** (DA survivor, S)

***“I was allocated an IDVA... She was absolutely amazing. She just saved me basically. I thought I was going to have a nervous breakdown. My partner at the time, he left me as well because he could not take the drama and the stress at that point. And I was just literally at my wits end. If it had not been for [the IDVA] I can honestly say that I think I would have ended up in hospital.”*** (DA survivor, LY)

***“I got in touch with VS which literally did take me about ten days to actually do that, to cook the courage up. When I did, to be honest, it’s the best thing I ever did because they helped me through a lot of heartache and a lot of burn, a lot of abuse to be honest.”*** (DA survivor, P)

The IDVA role was also established in 2005 as part of a range of measures to improve support for survivors of domestic violence. IDVAs act as a single point of contact to help survivors who are at the most risk of serious injury or death to become safe, ensuring their voice is heard by statutory agencies. IDVAs provide support with safety planning, the criminal justice process, and access to counselling and other forms of help. Research in 2015 revealed that women who remained engaged with IDVA services reported positive safety outcomes and that frequency of contact with an IDVA and the number of community resources accessed were positively associated with the odds of achieving safety.<sup>49</sup>

While not all survivors report to, or wish to have any contact with, the police, research suggests that for those that do co-locating some IDVA services and police staff helps to ensure that they receive appropriate support at the earliest opportunity. In Northumbria, for example, IDVAs and the police conduct joint activity with domestic violence workers accompanying the police on patrol to ensure that they are on hand to attend a domestic abuse incident and able to provide immediate support.

HMICFRS found that doing co-location resulted in “quicker and better information sharing, risk assessing and safety planning”.<sup>50</sup> For police staff, it means guidance and support is on hand for complex cases, risk assessments can be conducted by a domestic abuse specialist and close collaborative relationships with IDVAs can be established.

## Evidence gathering

As well as treating survivors with care and respect, it is vital that police officers investigating a domestic abuse case conduct a robust and thorough investigation. As discussed in the preceding chapter, there are numerous barriers to survivors engaging with the police and some may not want or be able to support an investigation. Therefore it is imperative that the police gather all necessary evidence and build the case for the survivor.

One in five staff who completed the survey highlighted the importance of police better building a case against the perpetrator. In particular, concerns were raised about the police needing to better collect evidence in addition to survivor and perpetrator testimony.

***“Ensuring that evidence gathering occurs easily and quickly.”*** (VS caseworker)

***“Collecting other evidence (pictures, notes, neighbours, 999 call etc) as evidence instead of labelling it a “he said she said” and just closing it.”*** (VS caseworker)

Video and photographic evidence is particularly valuable when gathering evidence. In recent years a number of forces have adopted body-worn video cameras that accurately record a domestic abuse scene and capture evidence that can be used to prosecute the offender. However, only 26 forces currently use body-worn video cameras force wide.<sup>51</sup>



Where body-worn video cameras are not available, it is vital that photographic evidence is gathered to document injuries and the scene of the incident, however this happens in fewer than half of incidents (46%).<sup>52</sup> It is vital that police robustly investigate reports of domestic abuse.

## Gender of police staff

Our research also shone a light on survivor's desire to deal with police staff of the same gender as them. A number of the female survivors we interviewed felt uncomfortable dealing with male police officers and would have preferred contact with a female officer. Some felt unhappy dealing with male officers because of the experience with their partners and others felt that female officers were more sensitive, empathetic and understanding than their male counterparts.

***“During that interview at the police station I would have liked a female police officer there. At that point I felt very intimidated by men because that was what was going on in my life. Everything was male oriented: my priest was male, my doctor was male. And the only people who spoke nicely to me were females.”*** (DA survivor, W)

***“The female officer that I spoke to couldn't have been any better, couldn't have been any more understanding... but the male officers, their attitude towards you, and when you've got them in your house and house isn't very big and they are standing there, and they are quite intimidating you know. You've just admitted you've been battered, you are at your most vulnerable point, and you've got two male officers pretty much standing over you when you're sat on the sofa. That is pretty intimidating.”*** (DA survivor, CA)

It is clear that many survivors felt that their experience of the police could have been improved by having an officer of their own gender responding and handling the case.

## Communication

Victims of domestic abuse are entitled to an enhanced service from criminal justice agencies under the Code of Practice for Victims' of Crime (Victims' Code) and, among other entitlements, this means that the police have a duty to inform survivors about key developments in their case within one working day. Developments include a suspect being arrested, interviewed under caution or released without charge or on police bail.<sup>53</sup> Even where there are no updates the police should still agree with survivors in advance how often they will receive communications about the status of their case.<sup>54</sup>

Survivors' journey through the CJS can be complex and involve a multitude of agencies and many may never have dealt with these before. Often survivors require communication and information to be able to navigate such a complicated process. Many who approach the police do so as they are in immediate danger from the perpetrator and therefore updates about their case and the perpetrator are important both for the survivor's physical safety and their mental wellbeing. Timely and informative communication from the police is vital and must be central to their approach to domestic abuse. However, our research found that for many the communication they received from the police fell far short of what they needed and expected.

***“This is where I feel let down [by the police]... It wasn't explained what would happen after that [reporting crime]... I still don't know the system. I'm very confused about it now... I was in shock. I was in trauma.”*** (DA survivor, B)

***“I just think that it could have been handled better, communication is the biggest thing, information is the biggest thing, being told your options is the biggest thing, not just being left in the dark. And definitely the phone call, you know, after the court date, someone should have called me.”*** (DA survivor, S)

***“They [police] came to photograph of all my injuries and stuff. But they didn't keep me updated on anything. And every time I was ringing and asking, they were just saying, “Look, you know, we're dealing with the case”, etc, etc. And they didn't keep me updated on anything. In the end I had to get people from the refuge to contact them to find out what was going on.”*** (DA survivor, K)

VS caseworkers also raised lack of communication and updates as being a significant issue, with 78% specifically citing it as a key improvement the police can make when dealing with DA survivors.

***“Clients would appreciate it that much more if an officer got in touch with them to give updates on a more regular basis - even if it is weekly/fortnightly just to say there are no new developments - at least the client feels assured they have not been forgotten about and that the officer is taking the case seriously.”*** (VS caseworker)

***“Feeling forgotten is the worst thing!”*** (VS caseworker)

Previous research from VS found that victims are not being kept updated about the progress of their case as set out in the Victims' Code. Our *Left in the Dark* report found that a satisfactory level of updates only happens in around half of all reported incidents, and does not happen at all in a third.<sup>55</sup> Further research conducted in 2017 found that the majority of victims are dissatisfied with how the police kept them updated and VS caseworkers cited 'lack of adequate communication' as the main issue that victims face with the police.<sup>56</sup>

The impact that this lack of communication can have for survivors of domestic abuse is profound.

***“The other thing for me was not being kept informed of where [the perpetrator] was, what was happening. On the night of his [perpetrator's] arrest... I was terrified. I wanted to know if he was going to be kept in a cell overnight, whether he is going to be allowed to come for me and attack me... Nothing was explained to me... I really didn't know and I was terrified that he would come for me... [The police officer] said to me that they will contact me... I didn't get any [call].”*** (DA survivor, B)

Poor communication can lead to survivors disengaging with the criminal justice process altogether and make it less likely for survivors to approach the police in future.<sup>57</sup> This is particularly pertinent as over one third of DA related offences do not proceed due to evidential difficulties as a result of victims not supporting police action. In some police force areas the proportion is over 50%.<sup>58</sup> Finally, given the severity of the abuse that many survivors endure, putting them off engaging with the police could have devastating consequences.

## Coercive and controlling behaviour

In December 2015 the new offence of coercive and controlling behaviour came into force, constituting behaviour which takes place 'repeatedly or continuously'.<sup>59</sup> The offence was a welcome introduction and filled a gap in the law around perpetrators exhibiting controlling behaviour in an intimate or familial relationship.

The devastating impact of coercive and controlling behaviour was also highlighted by survivors.

***“The emotional impact I’ll have for the rest of my life. It isn’t just getting a punch round the face or getting grabbed by the hair and everything that’s possible. Emotional, it’s controlling behaviour. Basically you’re a prostitute and that’s the way I felt because it was on his terms.”*** (DA survivor, SA)

While initially the number of offences recorded was low it has increased over the last year as the police and other agencies have developed a greater understanding of how to use the law.<sup>60</sup> Despite this development there is evidence that the police are not always aware of coercive and controlling behaviour and how to tackle it, with HMICFRS saying in November 2017: *“Some officers still do not understand the dynamics of domestic abuse and coercive control, and underestimate how manipulative perpetrators can be”*.<sup>61</sup> A number of VS staff in the survey flagged this as an issue as did survivors.

## Domestic Violence Disclosure Scheme

The Domestic Violence Disclosure Scheme, or 'Claire's Law', allows any member of the public to obtain information from the police on previous violence committed by a partner. It was rolled out in 2014 following the tragic case of Clare Wood who was murdered by her former partner in Greater Manchester in 2009.

The Scheme aims to prevent violence between intimate partners through the sharing of information about prior histories of violence. Two key elements underpin Claire's Law: the right to ask and the right to know. The public may exercise their 'right to ask' to apply to the police for information about whether a person has a history of domestic violence. The 'right to know' request occurs where the police proactively trigger a request to disclose information in order to protect a 'high risk' victim from their partner. Disclosure can include details of previous convictions, allegations, arrests, charges and failed prosecutions.<sup>62</sup>

By 2016 there had been 1,900 disclosures under the Scheme.<sup>63</sup> The Scheme is a welcome development, allowing people to obtain clear information about their partner's history at any point in their relationship. However, research has shown that there are some delays in providing a risk sensitive response to those who fear domestic violence.<sup>64</sup>

**Recommendation:** All front line police officers should undertake training on domestic abuse delivered by specialists, such as SafeLives' Domestic Abuse Matters training.

**Recommendation:** IDVA services should, to a degree, co-locate with police services so that survivors get quicker access to support.

**Recommendation:** Survivors of domestic abuse should be offered the opportunity to deal with a police officer of the same gender.

**Recommendation:** Survivors should be updated regularly on any developments involving the perpetrator and on the progress of their case in a timely, comprehensive and accurate manner.



## Domestic Violence Protection Notices and Orders

Domestic Violence Protection Orders (DVPOs) and Domestic Violence Protection Notices (DVPNs) were introduced across all police forces in England and Wales in 2014. DVPNs are emergency non-molestation and eviction notices issued by the police to a perpetrator when attending a DA incident. It is effective immediately from the time of issue. Following the issue of a DVPN the police can apply for a DVPO from a magistrate's court, preventing the perpetrator from contacting the survivor or returning to their home for up to 28 days.<sup>65</sup>

DVPOs provide vital protection for survivors, freeing them from the perpetrator in the immediate aftermath of an incident of domestic abuse. It also provides them with much needed space to seek any support that they need and consider how they want to proceed. Evidence suggests that police officers and domestic abuse professionals find them effective and following the initial pilot 92% of police staff, court staff and support service workers surveyed said they were supportive of DVPOs.<sup>66, 67</sup>



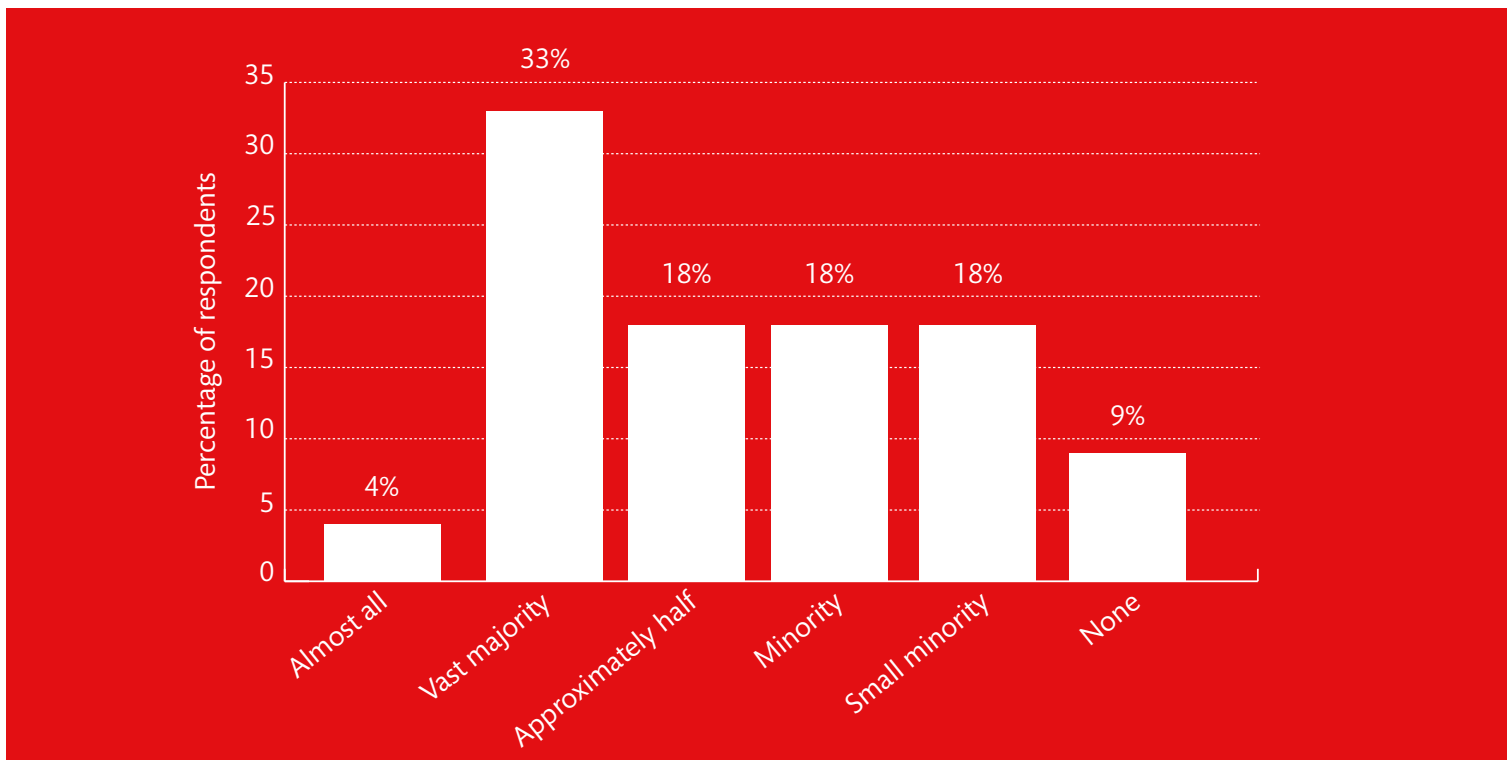
**Figure 6: The proportion of DA cases that involve a protection order**

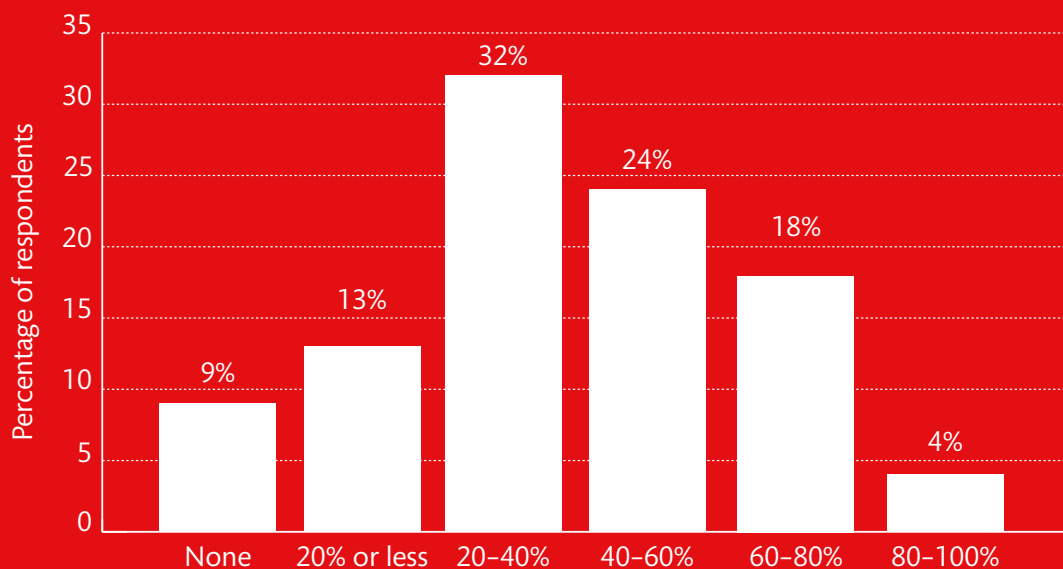
Figure 6 shows the proportion of cases handled by VS caseworkers who completed the survey that involve a protection order. The majority (55%) of VS caseworkers report that at least half of the cases they handle involve protection orders. Only a quarter (27%) of staff said that protection orders are only used in a small minority or no cases.

Some of the survivors we interviewed had experience of DVPOs and were generally quite supportive of their application.

***“I feel [the police] understood what level of danger I was in. They always acted on my anxiety levels and they all did their best to reassure me and put [the relevant] orders in place. So they were very aware and very quick to respond.”*** (DA survivor, J)

However, DVPNs and DVPOs are only as effective as the extent that perpetrators adhere to them. As Greater Manchester Police said in evidence to the APPG on Domestic and Sexual Violence: *“Their success largely depends on women positively reporting any breaches, and trusting that if they do report they will be adequately protected”*.<sup>68</sup> However, despite this, breaching a DVPO is not a criminal offence.

**Figure 7: The proportion of cases with a protection order handled by VS staff that involves a breach**



This lack of enforceability has negative consequences, with a large number of DVPOs being breached. 91% of our caseworkers have worked on cases where a protection order has been breached and one in five (22%) say that this is the case over 60% of the time. Data obtained by VS through Freedom of Information requests show that last year almost a quarter of DVPOs were breached (24%). The need to properly enforce protection orders and punish breaches was also raised by a large number of caseworkers.

***“Breaches need to be taken seriously by police.”*** (VS caseworker)

***“Harsher sentencing [is required] as most who break orders do so several times before any real action is taken.”*** (VS caseworker)

***“Stiffer more severe ramifications of breaking the protection order [are needed].”*** (VS caseworker)

If this important safeguard is to be as robust and effective as it can be it is imperative that the police ensure that the perpetrator adheres to it.

**Recommendation:** In order to deter perpetrators from breaching a DVPO and to provide survivors with better protection, breaching a DVPO should be made a criminal offence.

**Recommendation:** The police should monitor perpetrator compliance with DVPOs throughout the duration of the order.



# Courtroom

## Criminal courts

**For those survivors whose case makes it as far as the criminal courts there is the possibility of receiving justice but for many it can also be a difficult and painful experience. The survivors we interviewed reported significant variations in their experiences, both positive and negative, and a number of obstacles that they faced.**

Prosecutions of VAWG offences now make up one in five of the CPS' caseload and last year 93,590 DA prosecutions took place. In 2016/17, 70,853 domestic abuse cases involved a conviction, a conviction rate of 75.7%. Although the volume of prosecutions and convictions fell between 2015/16 and 2016/17, overall the number has risen substantially over the past decade.<sup>69</sup> With almost 100,000 domestic abuse cases going through the criminal courts it is vital that they are handled in an effective manner that is sensitive to the needs of survivors.

The Government's Her Majesty's Courts and Tribunals Service (HMCTS) Change Programme might provide opportunities to address some of the issues experienced by survivors of domestic abuse, whose cases are likely to continue to constitute a significant proportion of caseload.

### Before trial

Many of those who had to give evidence in court felt nervous and apprehensive about doing so, with a large number not wanting to go to court at all. This was largely because

of fear of coming into contact with the perpetrator, anxiety about the court process and cross examination, and reluctance to relive the abuse that they had endured.

***“I didn’t want to go to court because I didn’t want to put myself through all the trauma of it all. To be honest, I just wanted them [CJS] to leave me alone, that was it.”***  
(DA survivor, GC)

***“No [I don’t want to go to court] because I don’t want any more involvement in his life, anymore negativity encroaching on my life. I just want to live my life.”***  
(DA survivor, AL)

***“I was quite nervous; I was worried, really, really worried. I didn’t want to see him. I was still very scared of him. I didn’t want to see him... I was scared about what could happen if I gave evidence. I was just really scared.”*** (DA survivor, A)

***“I was throwing my insides up, I hadn’t eaten for three days. I was petrified and never slept. It was horrendous.”*** (DA survivor, SA)

The Victims’ Code entitles all victims of domestic abuse to receive information about what to expect at court and to be informed by the statutory Witness Care Unit if they are required to give evidence within one working day of them receiving notification from the CPS. This information includes a pre-trial visit, although a survey by the CPS found that these visits are only offered in a third of cases.<sup>70</sup> However, those survivors who did have a pre-trial visit expressed that it was useful and helped alleviate a degree of the anxiety they felt ahead of trial.

***“I had a pre-trial visit where they showed me around and explained how everything worked and where everything was. It was very good. A girl showed me around. She was brilliant. It familiarised me with the whole surroundings and the court room and where everything was. I think fear of the unknown makes everything worse. So I think it was very good. It was essential to me, to be honest.”*** (DA survivor, D)

***“I went [for pre-trial visit]. It was daunting but even then you just go and they say ‘okay so this is the room where you’re going to sit. You know, this is how it’s going to be.’ But I went just because I don’t know how the court works. It was okay. Then they took me through where my little one [daughter] would sit, reassuring me that this is what’s going to happen. The judge might come and do an introduction. We will speak to [daughter], with or without the wig, you know? If she doesn’t want it they can take it off, things like that and I took [daughter] as well... I think it’s helpful in a way to tell you like where you are going.”*** (DA survivor, T)

## Unwanted contact with the perpetrator

Many survivors reported feeling anxious about making contact at court with the person responsible for the abuse that they endured. The fear that unwanted contact with the perpetrator can instil in survivors cannot be underestimated, as one survivor made clear.

***“The idea that I could have possibly seen him [the perpetrator] scared the living hell out of me. I was petrified absolutely petrified of going [to court], I contemplated killing myself before the court case, I was that bad... I didn’t even know how to go shopping and spend the extra penny on something because I was never allowed to [by the perpetrator]. And then to go to court and have to think about facing him [the perpetrator] it was the worst fear. It was terrible.”*** (DA survivor, SA)

The Victims Code states that HMCTS must ensure that “victims can enter the court through a different entrance and are seated in a separate waiting area from the suspect where possible”.<sup>71</sup> However, not all criminal courts are equipped with separate entrances and waiting areas and even in those courts that are, survivors may still encounter the perpetrator in other parts of the court, for example, where there are shared facilities. While many survivors fear running into the perpetrator or their supporters, for some this is sadly a reality that had a huge emotional impact on them.

**“I actually saw him [the perpetrator before trial]. I was shaking. I was crying. In the end I got to the point where after the third time that it [saw perpetrator at court] happened to me I said ‘I’m not prepared to go to court, because I don’t feel safe anymore.’ And I think that’s why a lot of women, you know, they do report it, but then they don’t turn up at court.”** (DA survivor, K)

**“Unfortunately I did see him when I was getting in [entering the court]... I saw him sat waiting. That wasn’t nice, that was horrible. I was shaking, nearly started crying actually. It was horrible, really, really horrible. I wish I hadn’t seen him to be honest.”** (DA survivor, A)

## Cross examination

The adversarial nature of the criminal justice system in England and Wales can also present difficulties for domestic abuse survivors. Many of those we interviewed found cross examination to be a harrowing, shocking and intrusive experience, which had an impact on their emotional and mental wellbeing.

**“Going to court is for some people intimidating, you know just the thought of going. Let alone going when you are in a vulnerable state. And you know you’ve got to sit there and they drag up everything and go through everything. You are literally at your most vulnerable.”** (DA survivor, CA)

**“It wasn’t a good experience to be cross examined. It was intrusive and I would say humiliating.”** (DA survivor, MA)

**“I was horrified. I felt bullied by his defence. I was told I was a liar. I was told to shut up. And it felt like I let myself down. I answered the questions the best that I could but I felt that I let myself down and that I did not get my point across. And then I left quite empty and drained.”** (DA survivor, J)

Survivors also reported feeling that they were the ones on trial, in spite of all the abuse that they had endured, rather than perpetrator.

**“I would argue that their whole court system with barristers and stuff is very adversarial. My mum walked out of the court when she was listening to him [perpetrator], and the police officer said, ‘Remember it’s not [DA survivor name] who’s on trial’, and that was because it felt like I was [on trial]. And that’s hard.”** (DA survivor, MI)

For others though, while it may have been difficult, it was also empowering to give their testimony and to have their day in court.



***"I feel vindicated and although it's difficult for domestic violence cases to come to court, it was a push for me to do it and I had to keep fighting for 18 months and I was getting knock backs in terms of the whole process."*** (DA survivor, MI)

***"I think we have a right to speak."*** (DA survivor, SA)

One survivor was spared the process of cross examination due to a guilty plea and therefore did not have to give evidence. However she regretted that she was not able to do so as she wanted to tell her story.

***"They should have allowed the evidence to be heard. If that's our only chance to tell to the world what happened it's no good going to court and just the judge reading the paperwork and no one actually knowing what actually happened behind closed doors. We're all [survivors of DA] told to speak out for it and we never get the chance... Never read [VPS] out."*** (DA survivor, SA)

## Special Measures

For many giving evidence is a difficult and stressful process. Nevertheless, there are a number of provisions available to survivors to help make their court experience less distressing. 'Special Measures' are available to witnesses who are defined as 'vulnerable' or 'intimated' and were introduced by the Youth Justice and Criminal Evidence Act 1999. These Measures can include screens or curtains so that the witness does not have to see the defendant; a live video link allowing them to give evidence away from the courtroom; the use of pre-recorded evidence; and requesting the removal of wigs and gowns by judges, defence and prosecution advocates.<sup>72</sup>

Special Measures are particularly vital in domestic abuse cases in order to prevent the perpetrator from continuing their campaign of control and fear in the courtroom, and to alleviate the distress and anxiety of survivors making contact with the perpetrator. Survivors who made use of Special Measures spoke positively of them and their impact. Many felt more supported by using them and better able to give their best evidence.

***"I had curtains up while I was in the court room. I had all Special Measures in place. I felt like I was taken care of."*** (DA survivor, J)

***"They came in and let me know the layout of the court and they offered me to be behind a screen so I did not have to see him [the perpetrator]. They even said that I did not have to go into if I did not want to. So I ended up not even going into the court room. I felt very supported."*** (DA survivor, N)

One survivor spoke of how it improved her daughter's courtroom experience. As a child under 18 years of age she should be automatically provided with Special Measures.

***"It was good in a way because she [daughter] had video link so she was not in the court. She was in a room and they could question here via video link. At least she was not face-to-face with an audience of public where she's being scrutinised."*** (DA survivor, T)

Under the Victims' Code all survivors of domestic abuse are classed as 'victims of the most serious crime' and are therefore entitled to an 'enhanced service'. They must be assessed by the police to identify 'whether and to what extent' they could benefit from having Special Measures in place in court, but they will not automatically be offered them. The system

therefore relies on criminal justice agencies to determine whether these Measures will be offered.<sup>73</sup> However, HMICFRS found that some police forces are “*not adequately discussing with the CPS the need for ‘Special Measures’ to help vulnerable victims through the criminal justice system*”.<sup>74</sup> It is vital that the option of giving evidence using Special Measures is available to all domestic abuse survivors in the criminal courts.

## Domestic violence advocates and specialist courts

Many survivors spoke of the importance of having specialist support in court. IDVAs can provide survivors with emotional support and information throughout the court process; many will have worked with survivors from reporting (or even before) and can provide a wraparound service, including after the trial has ended. Those who received this support often found it to be invaluable.

***“Whenever I needed them [IDVA], they were on the end of the phone. Whenever I needed to just go in and just sit there even if it were to talk, they were there. They came to court with me every single time. It wasn’t just once, it was every single time they came. That support was amazing. They’ve made me strong. Don’t get me wrong it’s not finished but I’m stronger than what I was and to be honest I don’t think I’d have coped without them.”*** (DA survivor, P)

While some survivors who did not receive specialist support felt that it would have been beneficial.

***“I did not get any support at all before going to court or on the day of court. I was offered no support. I just had my cousin with me. I really would have liked to have had the support.”*** (DA survivor, R)

Specialist domestic violence courts (SDVCs) can also positively support survivors by delivering a more effective approach to identifying and prosecuting cases of domestic abuse. SDVCs are existing magistrates’ courts that receive accreditation. The courts provide:

- tailored support and advice for complainants from dedicated support services and organisations;
- dedicated day/time for domestic abuse cases to be heard, either via clustering or fast-tracking cases;
- specially trained magistrates, police officers and prosecutors; and,
- separate entrances, exits and waiting areas so that survivors do not come into contact with defendants and/or their associates.<sup>75</sup>

An analysis of SDVCs by the Centre for Justice Innovation, published in 2013, found that the programme has resulted in positive outcomes for survivors of domestic abuse. It noted that specialist caseworkers for survivors of domestic abuse (IDVAs), which operate within SDVCs, were “*consistently praised for assisting the prosecution with identifying relevant cases; keeping victims informed; keeping prosecutors briefed on victims’ views; and ensuring the court kept a focus on domestic violence*”.<sup>76</sup>

**Recommendation:** All criminal courts in England and Wales should be equipped with separate entrances, facilities and waiting rooms to ensure that survivors do not have to have any unnecessary and unwanted contact at court.

**Recommendation:** The scope of those eligible for Special Measures should be increased from vulnerable and intimidated witnesses and specifically include victims of domestic abuse.

**Recommendation:** Specialist Domestic Violence Courts deliver a number of benefits to survivors of domestic abuse, particularly as a result of the automatic access to IDVA support. We therefore support their use and believe they should be available to all domestic abuse survivors.

**Recommendation:** All judges and frontline professionals in domestic abuse cases should receive specialist training in domestic abuse.



## Access to compensation

There are two main types of compensation that DA survivors may be eligible to receive. One of them relates to the court process, however criminal injuries compensation can be accessed regardless of whether or not a case goes to court.

### Court ordered compensation

Survivors have access to compensation through the criminal justice process in the form of court ordered compensation; financial compensation that a judge or magistrate orders must be paid by a convicted offender to a survivor as part of their sentence.

The Ministry of Justice have stated that *"compensation orders are an essential mechanism for offenders to put right at least some of the harm they have caused. They require offenders to make financial reparation directly to their victims, to compensate for the loss, damage or injury they have caused"*.<sup>77</sup>

However, while offering reparation and justice for the harm that they have endured, the current system of court ordered compensation lets down survivors. This is because HMCTS must first recover the funds from the offender before passing it on to the survivor, often leaving them with small and frequent payments. It also requires survivors to continue to have prolonged contact with the perpetrator, on whom they are reliant for receiving financial redress, and serves as a constant reminder of the harm that they have endured.

The problem is starkly highlighted by court statistics which show how slow, arduous and lengthy the process can be for survivors. As of the final quarter of 2016, less than half of compensation is paid within a year of imposition, and only 55% is paid within 18 months.<sup>78</sup> The Ministry of Justice has also recognised the scale of the problem, stating in 2014 that *"the current scheme of receiving compensation can be distressing for victims because it prolongs their relationship with the offender and can prevent them from moving on from the experience"*, although it has not put forward any current proposals for reform.<sup>79</sup>

## Criminal injuries compensation

In addition, survivors of domestic abuse who have suffered physical injuries may be able to apply for compensation through the statutory Criminal Injuries Compensation Scheme (the Scheme). The Scheme is administered by the Criminal Injuries Compensation Authority (CICA), an executive agency of the Ministry of Justice, and is designed to compensate blameless victims of violent crime in Great Britain.

Although claimants have to have reported to the police, the Scheme operates without the need for a successful prosecution and therefore it allows survivors to receive redress and justice that otherwise might have been unavailable to them. As well as providing financial relief for survivors is also serves as a formal recognition by the state of the harm that they have suffered and is highly valued by those who receive it.<sup>80</sup> Last year 234 domestic abuse survivors received an award under the Scheme.<sup>81</sup>

The receipt of financial compensation is particularly important for survivors of domestic abuse as some may have been financially dependent on the perpetrator. As set out earlier in the report, this can be a key barrier to engaging with the criminal justice process and/or leaving the abusive relationship. Therefore the receipt of criminal injuries compensation can be empowering and help survivors to move on from the abuse.

However, there are a number of problems with the Scheme can cause difficulties for survivors of domestic abuse.

### October 1979 same roof rule

The 'same roof rule', or 'October 1979 rule', prevents any survivor who was living with the perpetrator as a member of the same family at the time of an assault from claiming compensation if the offence took place before 1 October 1979. Prior to this date no survivor who had lived with the perpetrator was eligible to receive compensation at all; the rule was changed in October 1979 but has never been applied to cases that took place before then.

DA survivors are particularly affected by this rule as they often lived with the perpetrator, yet are denied compensation because the abuse took place before an arbitrary cut-off date.

### Unspent convictions

The Scheme dictates that survivors will have awards withheld or reduced where they have unspent criminal convictions, even if they were 'blameless' in the abuse they suffered.<sup>82</sup> This disproportionately affects survivors of domestic abuse as there is a plethora of research that links experience of DA with future offending and more than half of women in prison have suffered domestic violence in the past.<sup>83</sup>



Additionally the rule itself is grossly disproportionate, resulting in survivors who have suffered serious abuse having their awards withheld or curtailed due to unrelated convictions for the most relatively minor of crimes.

### Time limits and timeliness

Adults are advised to apply “*as soon as it is reasonably practicable for you to do so*” and must make an application within two years of the abuse occurring.<sup>84</sup> This time limit poses problems for DA survivors, not least because so many decide not to engage with the police at the time of the abuse. Additionally, survivors may not want to put in a claim for compensation while proceedings are ongoing against the perpetrator and in many cases this can take a substantial length of time. For some, a claim can be an unwelcoming and stressful distraction from their case. Others may fear that the perpetrator or their representatives will use the claim as a basis to discredit them by creating the misconception that the survivor is only interested in receiving compensation.

***“The difficulty for me is that I couldn’t do it until after the court case, it took 18 months to go to trial, and there was a two year time span.”*** (DA survivor, MI)

The length of time that it takes to make an award also poses difficulties for those who have experienced domestic abuse. While CICA’s customer charter states that applications should only expect to wait up to 12 months for payment, on average DA survivors wait 612 days – around 20 months – for compensation.<sup>85</sup>

***“Well, I’m still waiting now three years later... I want to move on and this is just making me kind of stuck.”*** (DA survivor, K)

**Recommendation:** Court ordered compensation should not result in an ongoing relationship between survivors and perpetrators for the purpose of receiving compensation. The Government should pay all compensation owed to survivors of domestic abuse up front in a single payment and then recover the funds from the offender.

**Recommendation:** The Criminal Injuries Compensation Scheme is not fit for purpose and is in urgent need of clarification and change. The ‘October 1979’ rule must be abolished and the ‘unspent convictions’ rule must be made more proportionate to ensure that survivors of domestic abuse get access to the redress that they deserve.

**Recommendation:** The two year time limit of applications as well as the length of time taken to process criminal injuries compensation claims must be re-examined.



## Conclusion and recommendations

Despite a number of improvements in recent years the criminal justice system still has a long way to go to meet the needs of domestic abuse survivors and victims. Many are unable or unwilling to engage in the criminal justice process at all and may find it difficult to access the justice and support that such engagement may provide. The Government and criminal justice agencies must do more to break down these barriers, such as ensuring that survivors always have access to safe accommodation after leaving an abusive relationship and that they will always be taken seriously and treated with care.

When survivors and victims do come into contact with the police it is vital that they are believed and treated with sensitivity and respect. Sadly, we found that this is not always the case. The police must ensure the safety of victims and survivors and put the appropriate protection orders in place, as well as collect all evidence and build a robust case. They must also involve the appropriate support services, including IDVAs, at the soonest possible opportunity so that they can work with survivors and put in place safety and support plans.

We also identified a number of concerns with the way that domestic abuse survivors experience the criminal courts. Too many experience unwanted contact with the perpetrator, and the stresses and anxieties of cross examination. We found that Specialist

Domestic Violence Courts and Special Measures can help to make the courts less intimidating and difficult places for survivors. More needs to be done to improve the provision of these Measures for those affected by domestic abuse.

Finally, the current criminal compensation regimes – both court ordered compensation and criminal injuries compensation – do not always meet the needs of domestic abuse survivors. Both must be updated to ensure they are fit for purpose.

## Recommendations

### Removing barriers to accessing criminal justice

The CPS should work to improve communications and publicity around successful prosecutions of domestic abuse, including locally, to send a message that it is taken seriously.

The Government should introduce “Ask and Act” across England to increase the identification of domestic abuse. Currently in place in Wales, “Ask and Act”, places a duty on relevant public sector professionals to “Ask” potential victims who may exhibit indicators of violence and to “Act” on information so that the harm is reduced and relevant services secured.

The Government must ensure that refuges are sustainably funded to ensure that all survivors have access to secure and safe accommodation.

### Improving the police response

All front line police officers should undertake training on domestic abuse delivered by specialists, such as Safelives’ Domestic Abuse Matters training.

IDVA services should, to a degree, co-locate with police services so that survivors get quicker access to support.

Survivors of domestic abuse should be offered the opportunity to deal with a police officer of the same gender.

Survivors should be updated regularly on any developments involving the perpetrator and on the progress of their case in a timely, comprehensive and accurate manner.

### Strengthening protection orders

In order to deter perpetrators from breaching a DVPO and to provide survivors with better protection, breaching a DVPO should be made a criminal offence.

The police should monitor perpetrator compliance with DVPOs throughout the duration of the order.

### Improving the court experience

All criminal courts in England and Wales should be equipped with separate entrances, facilities and waiting rooms to ensure that survivors do not have to have any unnecessary and unwanted contact at court.

The scope of those eligible for Special Measures should be increased from vulnerable and intimidated witnesses and specifically include victims of domestic abuse.

Specialist Domestic Violence Courts deliver a number of benefits to survivors of domestic abuse, particularly as a result of the automatic access to IDVA support. We therefore support their use and believe they should be available to all domestic abuse survivors.

All judges and frontline professionals in domestic abuse cases should receive specialist training in domestic abuse.

### Ensuring fair access to redress

Court ordered compensation should not result in an ongoing relationship between survivors and perpetrators for the purpose of receiving compensation. The Government should pay all compensation owed to survivors of domestic abuse up front in a single payment and then recover the funds from the offender.

The Criminal Injuries Compensation Scheme is not fit for purpose and is in urgent need of clarification and change. The 'October 1979' rule must be abolished and the 'unspent convictions' rule must be made more proportionate to ensure that survivors of domestic abuse get access to the redress that they deserve.

The two year time limit of applications as well as the length of time taken to process criminal injuries compensation claims must be re-examined.



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***“He was throwing a copper pipe at me and knives and forks and my son said to phone the police up and get him removed. And I just literally phoned 999... because he was threatening to kill me at the time saying he was gonna gouge me eyes out and stab me and everything like that.”***

***(DA survivor, SA)***

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