



VICTIM SUPPORT

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

Victim Support (VS) is the independent charity for victims of crime and last year we supported over 35,000 survivors and victims of domestic abuse. In 2017 we conducted research with domestic abuse survivors, VS Independent Domestic Violence Advisors (IDVAs) and caseworkers to better understand the experiences of survivors in the criminal justice system, including the barriers, treatment and difficulties they face.

Barriers to the justice process

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. These include:

Concerns related to the perpetrator. Pressure from, or fear of, the perpetrator presents a strong barrier to reporting, in particular the fear that approaching the police will put them in more danger. Victims may also value their relationship and not want to see their partner punished by contacting the police.

Distrust or fear of the police and criminal justice system. Perceptions that the police will not take them seriously, as well as poor previous experience of the criminal justice system, can prevent victims from reporting.

Concerns about children and the involvement of social services. Many victims with children report anxiety about what will happen to their children if the police get involved. Victims 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)

Practical and financial barriers. The nature of the abuse may mean that victims are dependent on the perpetrator for finances and housing. They may fear that severing that connection will render them unable to support themselves or their family or leave them without a roof over their head.

Cultural barriers. Some communities have a deep seated distrust of the police which prevents members from engaging with them. Additionally, some victims face pressure from their families or communities to not report the abuse, and fear being ostracised for leaving their partner and/or involving the police.

Police response to domestic abuse

Our research identified six key areas to the police initial response that need improving:

- Demonstrating a greater understanding of domestic abuse and treat survivors with more empathy – many of the survivors interviewed felt that the police lacked the necessary training on domestic abuse.
- Take reports more seriously and believe survivors – most of those we interviewed felt that they were not taken seriously.
- Ensure that there are better referrals to specialist support services – it is vital that survivors get the support they need.

“I was allocated an IDVA... She was absolutely amazing. She just saved me basically. I thought I was going to have a nervous breakdown... 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)

- Deal more robustly with the perpetrator;
- Improve risk assessment and safety planning – survivors 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)

- Improve evidence gathering – conduct a robust and thorough investigation to build a strong case for prosecution.

It also shone a light on survivor’s desire to deal with police staff of the same sex 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.

“The male officers, their attitude towards you... they are quite intimidating you know.” (DA survivor)

Domestic abuse and the 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. Our research found that 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 was throwing my insides up, I hadn’t eaten for three days. I was petrified and never slept. It was horrendous.” (DA survivor)

However, a number of survivors reported that it was empowering to give their testimony and to have their day in court. Some told us that they finally felt vindicated after the court process.

We found that IDVA support around the court process improves survivor’s experience, as does access to Special Measures such as giving evidence from behind a screen or over video link. However, while 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, previous research has found that they are not always offered to victims.

Access to 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.

However the current system too often 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. This contact can last for years; less than half of compensation is paid within a year of imposition, and only 55% is paid within 18 months.

Survivors who have suffered physical injuries may be able to apply for compensation through the statutory Criminal Injuries Compensation Scheme. 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. However, there are some problems with the Scheme can cause difficulties for survivors of domestic abuse.

The ‘same roof 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. VS is calling for this rule to be abolished.

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. 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.

The full report *Survivor’s Justice; How victims and survivors of domestic abuse experience the criminal justice system* can be found on Victim Support’s website.

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