

## DOMESTIC VIOLENCE LAW REFORM CAMPAIGN

*'Domestic homicide reviews, serious case reviews and Independent Police Complaints Commission (IPCC) reviews all highlight the same failings year on year. The body count continues and the same mistakes are being made. It is time to acknowledge that the current approach is not working'*

### 1. Introduction

Paladin is the first National Stalking Advocacy Service devoted to supporting high risk victims of stalking. Sara Charlton Charitable Foundation (SCCF) is a grant making charity dedicated to combating domestic abuse in the UK. Women's Aid is the national domestic violence charity that supports a network of around 300 local services working to end domestic violence against women in England. We have joined together to campaign for legislative and other changes to better protect women survivors of domestic violence and their children. Some of the most dangerous cases happen when domestic violence, stalking and coercive control co-occur. This is where women and children are *more likely* to be murdered and early identification and intervention is vital to saving lives.

### 2. Why change is needed

The current framework is not working. Domestic violence, particularly violence in intimate relationships, poses key issues regarding its cumulative effect, volume, frequency, persistence and duration. Unlike other forms of violence, violence in intimate relationships is not episodic nor is it limited to physical abuse. It is connected to dynamics of power and control and its harms encompass not just bodily injury, but fear and diminished autonomy<sup>1</sup>.

Violence against women is recognised internationally as a violation of women's human rights and a form of discrimination against women.<sup>2</sup> Gender based violence means violence that is directed against a person because of that person's gender, gender identity or gender expression, or that affects persons of a particular gender disproportionately. (The law would protect both men and women.)

Women are overwhelmingly the victims of violence by their partner or former partner and men are overwhelmingly the perpetrators. Men are also much more likely to be repeat perpetrators and twice as likely to use physical violence, to threaten or to harass their partners.<sup>3</sup> However, UK law takes a gender neutral

<sup>1</sup> Tuerkheimer (2013) 51 Breakups, 25 Yale Journal of Law and Feminism 51

<sup>2</sup> General recommendations made by the Committee on the Elimination of Discrimination against Women. General Recommendation No. 19 (11th session, 1992), see also Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011, (Istanbul Convention) Article 3 – Definitions. The Istanbul Convention was signed by the UK Government in June 2012.

<sup>3</sup> Hester, Marianne (2009) *Who does what to whom? Gender and domestic violence perpetrators* (Univ of Bristol VAWRG).

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approach failing to recognise the gender based nature of violence in intimate relationships.<sup>4</sup>

In *ongoing* intimate relationships, the law currently prohibits only physical abuse, despite the domestic violence definition change in March 2013 to “any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality”.

Many victims say the physical violence ‘is not the worst part’ and yet the system fails to recognise this. This is an overlooked criminalisation gap which ensures the pattern of domestic violence and control remains outside the reach of existing criminal law, which prohibits only discrete incidents of physical injury<sup>5</sup>.

Although the definition change is hugely welcome, non-physical abuse though integral to the *ongoing* exercise of violent control, is currently disregarded and thus tacitly condoned. Put simply, the criminal law does not conceive many women in abusive intimate relationships as victims of *ongoing* abuse.

The laws used to prosecute domestic violence – including assault, burglary, property, breach of a restraining order, rape, kidnapping and murder – do not describe its essence. Patterns of power and control are missed. It misses the fact that domestic violence is about fear, coercive control and continuing acts. The totality of the behaviour and the non-physical manifestations of power and control that define an abusive relationship do real harm to victims, which are not recognised in criminal law.

### 3. Reviewing The Evidence

On average, two women are murdered each week in England and Wales by their current or former partner.

We know that the level of domestic violence is hugely underestimated as many women do not report violence. In 2012/13, 1.2 million women were estimated to have experienced domestic violence in England and Wales and 31% to have experienced it during their life time.<sup>6</sup>

Domestic violence is more likely to result in repeat victimisation and more likely to result in injury than any other type of crime<sup>7</sup>. However the Crown Prosecution

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<sup>4</sup> *The Gender Violence (Comprehensive Protection Measures) Act* (Fundamental Law 1 dated December 28th, 2004, published in the BOE n<sup>o</sup> 313 on December 29th, 2004). This law is identified by the European Commission

<sup>5</sup> As above

<sup>6</sup> Office for National Statistics. (2013). *Crime Survey for England and Wales 2011/12*. Data in the Crime Survey monitors incidents only and does not qualitatively measure the impact or severity of those incidents.

<sup>7</sup> Home Office (2008a) *Crime in England and Wales 2006/2007*. London: Home Office

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Service only prosecutes for a single incident and tends to focus on the injury level, whilst failing to take into account a course of conduct, the pattern of coercive controlling behaviour and fear as a measure of harm. As a direct result, the seriousness of the pattern of abuse is not identified or understood, women become entrapped, abuse and rape become normalised and no-one goes to prison without injuries being present.

Many women do not report until the behaviour has escalated and there may be injuries. For many this is too late. Research by Women's Aid indicates that the majority of women only reported violence to the police after it had been going on for between 6 months and 5 years<sup>8</sup>. When they do report each episode is treated as an isolated incident and therefore low level misdemeanour. This results in very few perpetrators being held to account for their behaviour. According to research by Professor Marianne Hester, 53% of men whose cases are reported to police in the UK have been reported for at least 3 other assaults against their partner and usually more. For every reported assault, a dozen remain unreported. And yet, abusive men who commit dozens of assaults are no more likely to be punished than men reported for a single incident.

Furthermore the cumulative harms are ignored when each incident is treated as a distinct offence and current law leads to the minimisation of abuse by the police and the courts. In fact only 3 men are convicted and punished for every 100 reports of abuse by men.

Professor Marianne Hester's research, 'Domestic Violence Perpetrators: Identifying Needs to Inform Early Intervention'<sup>9</sup>.

	Reports to Police	Arrest	Charges	Conviction
2001/02 3 North east regions	869	222	60	31
		22.5% of all incidents	14% of all incidents	3.6% of all incidents

In the absence of an effective statutory framework, the main available remedies are often victim focused and involve a change to the victim's behaviour, whose space for action (a term coined by Professor Liz Kelly) is already very limited,

<sup>8</sup> Women's Aid Federation England Annual Survey of Domestic Violence Services, 2012, responses of 507 women, 70% of those interviewed while living in a refuge in 2012.

<sup>9</sup> Hester, M, Nicole Westmarland, Geetanjali Gangoli (2006) Domestic Violence Perpetrators: Identifying Needs to Inform Early Intervention. Report of a research project commissioned by the Northern Rock Foundation and the Home Office. and Hester, M (2009). Who Does What to Whom? Gender and Domestic Violence Perpetrators: Identifying Needs to Inform Early Intervention' Violence Against Women Research Group School for Policy Studies. University of Bristol.

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rather than stopping the perpetrator's pattern of abusive and controlling behaviour.

Furthermore living in a violent household is horrific for children. It is also a safeguarding issue as children are more likely to be abused where there is domestic violence. At least 750,000 children witness domestic violence every year and in around half of all domestic violence situations the children are being directly abused themselves. A study of 139 child abuse cases in England between 2009-11 found that almost two-thirds had domestic violence as a risk factor<sup>10</sup>.

Women are routinely disbelieved when reporting domestic violence, not just by the police but also by other statutory agencies. Many professionals still look for the physical injury and therefore a radical change is required.

Domestic violence currently costs the government over £16 billion per year<sup>11</sup>. The absence of an adequate statutory framework contributes greatly to this sum as attitudes are unchanging, perpetrators are not deterred by the law, and victims experience abuse for longer.

Interestingly, after separation that very same behaviour which was exerted in the relationship, control, is then criminalised: we call it stalking. Therefore the moment of 'break-up' becomes legally meaningful and separation can be the most dangerous time for women.

The current law can also criminalise a course of conduct and can move beyond physical injury - but it is selective. This needs to apply to violence in intimate relationships, as it does to stalking, given their fundamental similarity. Stalking laws criminalise a course of conduct, target patterns and address a broad range of harm. In these important respects, stalking legislation is useful when considering violence in intimate relationships.

#### 4. Why Create a Statutory Framework for Relationship Violence?

By criminalising this form of violence, it would send a message that abusive and coercively controlling behaviour within a relationship is unacceptable resulting in an increase of public understanding and awareness of the problem, help prevent violence and reduce government expenditure. *'It will strengthen families and communities throughout the UK by recognizing partner abuse for what it is, a systematic strategy to violate women's basic human rights to security, independence, dignity and equality'* (Professor Evan Stark 20/09/13).

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<sup>10</sup> Neglect and Serious Case Reviews: A report from the University of East Anglia commissioned by NSPCC (January 2013).

<sup>11</sup> The Cost of Domestic Violence: Up-date 2009, Sylvia Walby, 2009, p9.

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It would ensure that the police and the courts would identify and take into account a pattern of behaviour and subsequently have the tools they need to respond appropriately to partner abuse.

Domestic violence is preventable and is a public health issue. Early intervention would reduce domestic violence by 79-86%<sup>12</sup>. Criminalising these forms of intimate partner violence would send a powerful signal and give victims confidence to come forward earlier, leading to early intervention and prevention. This would save lives and save money.

It will work. This type of legislative reform has already occurred elsewhere in Europe. Spain, France, Portugal and Sweden, have enacted laws with reference to intimate partner violence introducing gender based definitions of domestic violence into their criminal codes. The offence of 'gross violation of a woman's integrity' was introduced in Sweden in 1998<sup>13</sup>.

Spain has introduced the most comprehensive law to date taking a human rights approach with integrated measures addressing prevention, punishment, protection and support. Its purpose is to combat violence against women by current or former partners *"as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes"*. The law defines gender violence as encompassing: *"all acts of physical and psychological violence including offences against sexual liberty, threats, coercion and the arbitrary privation of freedom"*<sup>14</sup>.

In 2010 France introduced a law to address intimate partner violence against women with both civil and criminal provisions that clearly recognises the gender based nature of VAW<sup>15</sup>. A specific offence was included in the penal code to address psychological violence caused by repeated harassment.

The United States government has criminalised domestic violence across state lines, as enacted by the Violence Against Women Act 1994. Domestic violence is a crime in all the US States. The effects of this have been significant, saving lives and money<sup>16</sup>:

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<sup>12</sup> Presentation by Professor Evan Stark, 21 October 2013 at Amnesty International, Human Rights Action Centre

<sup>13</sup> European Commission/Directorate General for Justice, *Feasibility study to assess the possibilities, opportunities and needs to standardise national legislation on violence against women, violence against children and sexual orientation violence*, Brussels, 2010. [http://ec.europa.eu/justice/funding/daphne3/daphne\\_feasibility\\_study\\_2010\\_en.pdf](http://ec.europa.eu/justice/funding/daphne3/daphne_feasibility_study_2010_en.pdf)

<sup>14</sup> Organic Act 1/2004 of 28 December on Integrated Protection Measures against Gender Violence. Article 1, BOE [Official State Gazette] no. 313 Wednesday 29 December 2004 42166. [http://www.isotita.gr/var/uploads/NOMOTHESIA/VIOLENCE/SPANISH%20LAW%20Organic%20Act%201\\_28-12-04%20on%20Violence.pdf](http://www.isotita.gr/var/uploads/NOMOTHESIA/VIOLENCE/SPANISH%20LAW%20Organic%20Act%201_28-12-04%20on%20Violence.pdf). This law has been identified by the European Commission as a promising practice. Opcit European Commission, 2010: 97, 123.

<sup>15</sup> France Act No. 2010-769, 2010, The UN Secretary General's database on violence against women, <http://sgdatabase.unwomen.org/searchDetail.action?measureId=47263&baseHREF=country&baseHREFId=521>.

<sup>16</sup> "Factsheet: The Violence Against Women Act". *The White House*. [www.whitehouse.gov/sites/default/files/docs/vawa\\_factsheet.pdf](http://www.whitehouse.gov/sites/default/files/docs/vawa_factsheet.pdf). Page 2. Retrieved October 8, 2012.

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- Between 1993-2010 the rate of intimate partner violence declined by 67%.
- Between 1993-2007 the rate of intimate partner homicides of females has decreased by 35% and the rate of intimate partner homicides of males decreased by 46%.
- Reporting of domestic violence incidents has increased by 51%<sup>17</sup> which has led to a greater number of arrests.
- Within six years of its implementation it is estimated that the Act has saved \$12.6 billion dollars across the United States<sup>18</sup>.

### 5. Conclusion

Too many women have already lost their lives and more will continue to do so if we fail to understand coercive control as the dangerous behaviour that it is and recognise the serious emotional harm caused to victims of domestic violence. It's time for change.

Domestic violence needs to be criminalised in a manner that captures its nature and harm and recognises the gendered nature of this form of violence. A more comprehensive criminal law is needed to close the gap between the current response and the long term oppression and suffering of victimised women and children. It will save lives and money.

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<sup>17</sup> "Intimate Partner Violence in the U.S." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Jan. 2008.; Cassandra Archer et al., Institute for Law and Justice, National Evaluation of the Grants to Encourage Arrest Policies Program 14 (Nov. 2002).

<sup>18</sup> *Costs of Intimate Partner Violence Against Women in the United States*. (2003). *Center for Disease Control and Prevention, National Center for Injury Prevention and Control*. Atlanta, GA.

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### 6. Case Studies

*"We are sorry" officials say. "We will learn the lessons. We will ensure this will not happen again". This is cold comfort to families who have lost their loved ones who have suffered at the hands of the abuser and been subject to coercive control behaviour, which is not recognised in law'.*

#### Sam Billingham

I left school, went to college and got a job as a legal secretary. I lived at home with my parents, had a hectic social life and plenty of savings. I loved life but lost it in the blink of an eye. I met him in my local pub one Friday night and was instantly attracted to him – a week later I moved into his flat.

The physical abuse didn't start straightaway. The abuse started subtly with isolation; isolating me from my parents, friends and family, telling me how no one loved me the way he did and how my parents, friends and family were jealous of us being together and if I really loved him I would stay with him. Over time I saw my parents less and less. I began texting my mum in secret and on one occasion when he found out, he threw my phone out of the window – we lived on the 9<sup>th</sup> floor.

He accused me of having an affair with my boss and in time I lost my job as a legal secretary because my perpetrator wouldn't let me leave the flat or call in even to give an excuse. The same with my driving lessons too – he stopped me having freedom, a life, my life. He compared me to his ex saying how she was a real woman and how I would never compare to her. He drained me of myself worth, confidence and self-esteem, belittled me, called me names and constantly put me down.

He would go through my text messages in my mobile phone and accuse me of cheating on him, with my own brother! He would not even allow his brother to come to the flat, if he wasn't there. His manipulative behaviour was so very powerful, the way he could completely change me, I was no longer living, just existing. I no longer looked after myself; I wouldn't wash, eat or go out, I would just clean the flat in the hope that it would keep him happy.

Sometimes I would just have to go into the bathroom to brush my teeth just to stop being in the same room as him. He would time how long I had been in the loo and demand to know who I had been texting. The coercive and controlling behaviour was worse than the physical abuse. He would bring ex partners back to the flat and when I was heavily pregnant; he had sex with her in the spare

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bedroom whilst I lay in bed, numb. He climbed in to our bed as if nothing happened. The next day he was full of remorse but he still carried on seeing her.

The physical abuse was over in seconds and as soon as he did it, he was full of remorse and promises that it would never happen again; black eye, split lip, strangled me, knocked me out. I guess my pride was hurt more than anything with the physical abuse but psychologically his coercive and controlling behaviour is still a part of me.

In 2006 he slapped me for the last time; he split my lip whilst I was holding my 10 month old daughter; that was my wake up call. I went to my local police station, made a statement and then instructed a solicitor for a non-molestation order. Don't be fooled, that wasn't the end of the abuse, it didn't just end because I left. He broke the non-molestation order twice and even though I did report it because he hadn't physically harmed me, nothing could be done. But those two visits to my home had much more of an impact on me than if he had hit me. I felt constantly anxious when I was out, never knowing if he was lurking around the corner.

He then took me to court for child contact; to the outside world he might seem like a decent father, when in reality it was his way of still having his power and control over me. He was so big headed in court, when he was bothered to turn up. All in all he instructed three different solicitors on his behalf, obviously he didn't tell them he was a perpetrator, and thankfully the case was thrown out of Court. But it doesn't stop there. I am the one who has to answer all the awkward question my 8 year old daughter asks; he has never been a father, not even when we were together, he didn't feed her, bath her, change her nappy or anything. The psychological affect that has on me is immense. Being advised by your solicitor to have a Will drawn-up "just in case" is not the sort of thing you expect to be thinking about but where domestic abuse is concerned, anything is possible and I have to think about my daughter's future now.

### Natalie Esack

Natalie met Ivan Esack when she was 23 years old and he was 28 years old. They married four years later, in 2006. According to Natalie, friends and family, the relationship was marred by domestic violence from early on. A lot of the behaviours were coercively controlling, belittling and demeaning Natalie. When she tried to leave him he would stalk her and wage a war of attrition. The last time she left him due to the abuse, she started a new relationship. Esack would not accept this and threatened to kill her. He told her 'she was a dead woman walking', 'tick tock, tick tock'. On Monday 30<sup>th</sup> April 2012 Esack stabbed Natalie to death in her hair dressing salon in Ashford, Kent.

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Natalie had previously tried to leave the relationship on a number of occasions due to the abuse. Each time she left him he would call and message her incessantly and following a torrent of abuse he would then beg and plead for her help. He would cry and say that only she could help him and he wanted to get help for his 'alcohol dependence'. He would blame his behaviour on alcohol and Natalie bought into this too. Esack would try and control everything she did throughout their relationship and she had to ask his permission to even go out. When she did leave him he would '*up the ante*' constantly calling and checking on her whereabouts and what she was doing.

The penultimate time she left him he would call her on her mobile or at the salon every day crying down the phone. He called her more than 40 times a day. He would bombard her with text messages, often sending one straight after the other, and would keep calling and messaging until she replied.

Esack used an array of tactics including name-calling, physical abuse, frightening her, intimidation, threats, constant calling, turning up, gifts, her family and his family and their animals. He made her 'check-in' and tell him what she was doing, where she was and with whom even when they were no longer together. She tried to pacify him on many occasions although towards the end she was clear that they were no longer together and there was no going back. When she told him this, he would become angry and abusive. He would then try and be nice to her and the cycle would continue.

Esack made Natalie's life miserable. She had lost a lot of weight and was not sleeping. He would text and call her incessantly and threaten her. When he did not get his way he would call her derogatory names, which eroded her confidence and sense of self-worth over time. Esack was jealous and obsessively possessive subjecting Natalie to extreme emotional and/or psychological abuse, preventing her from making her own life choices and he would closely monitor and question her. This behaviour increased and escalated with separation but was present throughout the relationship. He made her play by his rules, testing her loyalty, continually questioning her behaviour and using micro management and surveillance. The intention was not to abuse but to control – abuse comes in when the control is not achieved.

Natalie had contacted police four times before about his abusive behaviour but no action was taken. Each time she reported it was seen as a separate and distinct incident. Equally, she did not want to get him into trouble and he would pressure her to drop the charges.

When Esack finally realised that this separation was final and she was not going to go back to him he decided to take the control back by killing her, the notion of

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'if I can't have you, no-one else will'. Domestic violence is about perpetrators *using* their control not *losing* control.

Homicide is the ultimate act of control. Coercive control, abuse, stalking and assaultive behaviours precede it. It is when an abuser ultimately has nothing left to lose and they feel they need to re-assert control over the victim that they harm and, sometimes, kill.

### Jane Clough

On 25 July 2010, 26-year-old Accident and Emergency nurse Jane Clough was murdered in the hospital car park when her former partner Jonathan Vass stabbed her 71 times — then slit her throat as she lay bleeding on the ground. There was a previous history of abuse and violence. He raped her when her baby was in the same room. She was so distraught she told her best friend who said she must go to the police. After days of soul searching Jane told Vass that they were finished and then reported to police that Vass had repeatedly raped and assaulted her. He was charged with nine rapes, a sexual assault and three assaults and was remanded in custody.

He was then released on bail 12 days later at a hearing before Judge Simon Newell. When Jane heard, she was so scared that she took the baby and moved in with her parents. She did not leave the house for three months and wrote a diary saying she was scared Vass would find her and kill her. Vass had told a work colleague he was going to kill her and that's exactly what he did.

Although Vass's bail conditions ordered him to keep away from Jane, he tracked her movements on Facebook. As she became more and more isolated she used Facebook to communicate to friends, she posted on her wall that it was her third shift back at work at the hospital. Vass then went to the hospital and waited in the car park where he knew she would park her car. He lay in wait and then stabbed her when she got out of her car. He then went on the run. A police Armed Response Unit was placed outside the Clough's home for their protection.

Early the next morning, Vass was spotted by police officers close to the house and felled by a Taser gun. Cans of petrol were found in his car nearby: the police believe it was Vass's intention to set fire to the house and kill Jane's parents and his nine-month-old daughter. Vass pleaded guilty to murder at his trial at Preston Crown Court. As a result, the judge decided to let the outstanding rape charges 'lie on file'. Jane's parents, Penny and John believe their daughter has been failed twice by the judicial system as the rape charges will now lie on file.

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### Julia and Will Pemberton

On 18 November 2003, at the family home of Old Hallows in the village of Hermitage in West Berkshire, Alan Pemberton shot and killed William, his seventeen year old son and Julia, his wife from whom he was separated, and then himself. Julia had told Alan in September 2002 that because of his emotional and psychological abuse she wanted their marriage to end.

In August 2002 Julia told members of her family and close friends how unhappy her marriage had been and that Alan's behaviour had been unpredictable, demanding and controlling throughout their marriage. She had hoped to stay together with Alan until William reached eighteen. Julia had tried to leave at least twice before including about ten years earlier, but Alan's response including death threats had led her to believe that he would kill her.

In early September 2002 Julia told Alan their marriage was over and that she wanted a separation. Alan wanted the marriage to continue. Over the next ten days his behaviour varied between being contrite and being verbally aggressive towards her. On the night of 13 September before going on a business trip to Spain, Alan told Julia that he wanted the chance to live as man and wife for a specified time at the end of which *he* would decide if the marriage was working or not, or he would take his own and her life.

On 14 September, as soon as Alan left the family home Julia, frightened and alarmed by what Alan had said, contacted her brother who came to the house to be with her, William and their daughter. Julia and her brother telephoned Newbury Police Station and reported what Alan had said. The police did not visit the house or investigate Alan's threat to kill Julia although she and her brother continued to telephone and request help over the next two days.

On 16 September Julia went to see a domestic violence coordinator (DVC) at Newbury Police Station and told her about the *emotional and psychological abuse* that she had experienced in her marriage. The DVC provided Julia with a letter supporting her application for an injunction and flagged her address noting that all calls from there were to be treated as urgent. Julia obtained at Reading County Court an emergency injunction with a non-molestation and occupation order and a Power of Arrest.

Alan was served with the injunction on 20 September. Over the following months Alan continuously telephoned and sent texts to Julia threatening his own life and hers, involving William and their daughter; blaming Julia for what had happened.

In January 2003 Alan left a document on the doorstep of the family home referring to his hatred of Julia for ending the marriage and the way she had done

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it. He admitted that in September he had threatened to kill Julia if she divorced him but claimed that he had done so in the heat of the moment. Subsequently he admitted to a work colleague that he had planned what to say the night before. He ceased maintenance payments and emptied the joint bank account of a large sum of money. In March Julia filed a petition for divorce.

Between September 2002 and November 2003 Julia consulted her GP on eleven occasions; Alan consulted the GP for the first of five occasions between March and July, in March 2003. From the end of March Alan was living more or less full-time in Herefordshire with a new partner he had met in October.

Returning from a holiday with friends on 20 April, Julia and William found the locks at the family home had been super-glued. Julia reported the incident to Thames Valley Police; it was not thoroughly investigated nor the domestic violence coordinator notified.

On 2 May, the GP referred Alan to a private consultant psychiatrist with regard to depression and his threats about suicide. Alan tried to cancel Julia's private healthcare cover although she was still receiving treatment for breast cancer. William returned from a visit to his father very distressed and told his mother that he thought his father might kill him as well as her.

During May, Alan visited the websites [howtomurder.com](http://howtomurder.com) and [murder.com](http://murder.com) on the computer at work. On 15 May he delivered to the family home a copy of Julia's Affidavit which he had annotated with expletives and angry and abusive comments which Julia believed to be further death threats. The envelope was addressed to William and was intercepted by Julia.

Accompanied by her brother, Julia took the document to Newbury Police Station where they provided information about the ongoing 'harassment' she was suffering and her fears for her own and her family's safety. A copy of the annotated affidavit and other documents were taken at the police station and marked for urgent attention. No action was taken by the police to investigate the incident or notify the domestic violence coordinator. The documents joined the papers concerning the glued locks which were in the process of being archived.

On 19 May, Julia contacted William's school as he was due to take exams and she was concerned that the marital breakdown and his father's behaviour including his threats to kill her and himself were having an affect on him; she sent a letter to the school to alert the examination board. Julia told the school that she had advised the police; the school did not contact the police or social services.

On 28 May, Alan delivered a further copy of the annotated affidavit together with a letter addressed to William, in which he described his anger and hatred for

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Julia because of what she had done in breaking up their marriage. It is evident from telephone records that during May and June that Julia tried to engage the assistance of the police over this incident but without success.

In her consultation with the GP on 8 May, Julia told him that William was distressed and on 5 June she expressed concern for her own and her family's safety and that she was in contact with the police and her solicitor. The GP did not contact the police or social services.

In June, Julia also contacted the domestic violence coordinator to request the installation of a panic alarm; she was concerned about her safety because she was due to return to court for the renewal of the injunction and would have to come into contact with Alan. She was anxious that the injunction would not be renewed. An alarm was installed and Julia was advised that in an emergency she should dial 999 for the police. On 19 June she told the GP that the stress at home was more relaxed and a panic alarm had been installed.

On 7 July at the hearing, following negotiations between the parties, the injunction was not renewed. Alan gave an undertaking not to enter the matrimonial home and was granted permission to park on the driveway at the family home if he was collecting William or his daughter for contact.

The judge ordered that the house should be sold. Julia told the GP that she was relieved by the court hearing. During the summer, Alan took William and the daughter on holiday before going on holiday with a friend to America. Following William's seventeenth birthday on 13 October his father collected him on Tuesday evening each week for a driving lesson. Alan wrote to Julia at the beginning of November asking her to retract allegations that she had made in her Affidavit in September 2002 and giving her a deadline by which to contact him or the situation would have to stand. Julia told her brother again that she was convinced that Alan would kill her.

On 18 November following an exchange of mobile telephone calls and text messages with his son, Alan arrived to collect William for his driving lesson. Julia was on the telephone to a friend but concerned about something that had happened, interrupted the call and suggested that her friend ring back later. At 1911hrs Julia dialled 999 and requested urgent help from the police, saying that her husband was on the drive with a gun and had let off some shots. Continuing to speak with the call operator, Julia was advised to keep hidden and that police officers were on their way. Having shot William five times, Alan then shot at the windows and doors of the house, gained entry, shot Julia four times and then himself. Julia's call lasted over fifteen minutes.

Plain clothes police officers in an unmarked police car were dispatched to make an initial assessment and found William's body on the driveway approximately

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forty minutes after Julia made her phone call at 1911 hours. Armed police did not reach the outside of the house for about an hour after Julia called 999 and did not enter the house until 0148 hours the next day, over six hours after Julia made the call. At 0153 hours police found the bodies of Alan and Julia.