

Domestic Violence Law Reform – Domestic violence professionals survey results (May 2014)

FOREWORD

We would like to thank all those who tirelessly work to help domestic violence victims and survivors. We also thank those who took their time to share their experience in order to inform this campaign.

Frontline domestic violence professional: "The Criminal Justice System needs to recognise power and control is a pattern of behaviour to completely control and dominate. Often destroying the spirit of the victim. Often they are affected for many years."

INTRODUCTION

The Domestic Violence Law Reform Campaign is a partnership between Paladin, the Sara Charlton Charitable Foundation and Women's Aid Federation of England. We have joined together to campaign for new legislation to effectively criminalise coercive control, patterns of abuse and psychological abuse to better protect women and children who are victims of domestic violence.

Domestic violence is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. The impact of domestic violence on women and their children can be devastating and long lasting yet its essence of power and control is not criminalised. On average two women are murdered each week in England and Wales by their current or former partner. In 2012/13 it was estimated that 1.2 million women (7.1% of population) had experienced domestic violence¹.

The laws used to prosecute domestic violence – including assault, burglary, property, breach of a restraining order, rape, kidnapping and murder – do not address its essence. Current legislation largely reinforces an approach based on incidents, rather than considering the pattern of coercive control as detailed in the cross-Government definition². There is no mechanism for capturing ongoing patterns of power and control, including fear. The totality of the behaviour and the non-physical manifestations of power and control that define an abusive relationship are not recognised in criminal law.

² ONS Intimate Partner Violence and Partner Abuse (2014). While some men experience violence from a partner very few, around 5% of the population, experience repeated victimisation from a female partner. 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.

¹ <https://www.gov.uk/domestic-violence-and-abuse#domestic-violence-and-abuse-new-definition>

In order to inform the Campaign, an online survey was developed to garner the views of professionals who worked in the domestic violence sector. This follows on from our survey of over 250 victims of domestic violence published in March 2014³.

The key findings from the survey of frontline domestic violence professionals include:

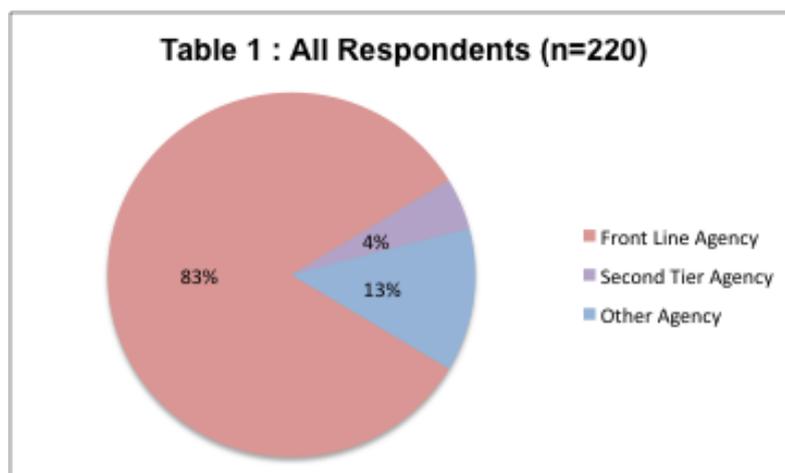
- 97% of frontline domestic violence professionals agree that coercive control should be recognised in law;
- 96% of frontline domestic violence professionals agree that patterns of behaviour should be recognised in law;
- 96% of frontline domestic violence professionals agree that psychological abuse and coercive control should be recognised in law.
- Professionals who had worked with victims where coercive control and psychological abuse had been present reported that three quarters (75.6%) of those victims didn't think a crime had been committed and so did not report to the police.

The survey shows that frontline domestic violence professionals overwhelmingly agree that current laws do not protect women and children effectively from domestic violence. We believe it is time for a change.

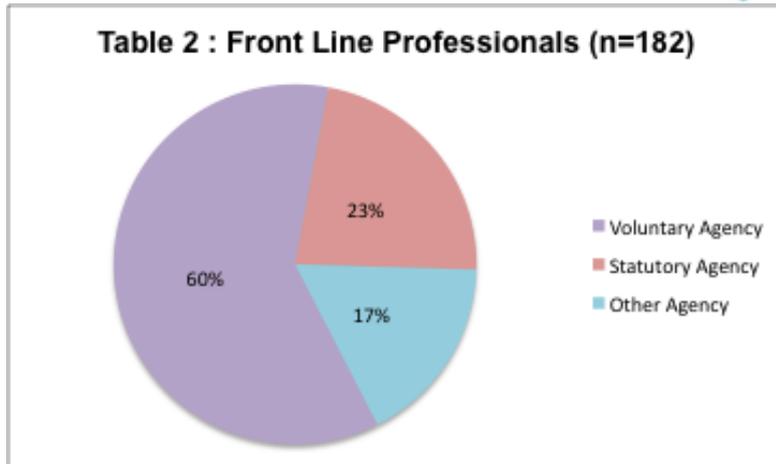
ABOUT THE SURVEY

We surveyed 220 professionals who work in the domestic violence sector. They responded to an online survey that was open between Friday 7 March 2014 and Monday 19 May 2014. The survey questions can be found in Appendix 1.

83% of respondents worked directly with victims of domestic violence (with other respondents working for second tier organisations or in strategic roles). 110 of these worked in the voluntary sector, 41 in the statutory sector and the rest in other sectors such as housing. See Table 1 and 2 for more information about the respondents.



³ Domestic Violence Law Reform – The Victim's Voice Survey: Victim's Experience of Domestic Violence and the Criminal Justice System <http://paladinservice.co.uk/wp-content/uploads/2014/03/Victims-Voice-Report-March-2014-Website.pdf>



This report includes data from those professionals who stated that they worked directly with victims of domestic violence (182 respondents).

KEY FINDINGS FROM THE SURVEY

Coercive control

Frontline domestic violence professional: “[Coercive control] is the factor that leaves victims feeling utterly powerless and unable to make safe decisions regarding for themselves or their children.”

Coercive control is the key to how perpetrators abuse their victims and is included in the Home Office definition of domestic violence (updated in March 2013). It manifests itself in many ways, through either the use of direct actions and threats or subtle behaviour. It is designed to gradually wear away at a woman’s self-esteem in order to discourage her from undertaking actions that her abuser doesn’t want her to.

Coercive control has been seen as similar to kidnapping as perpetrators exert control to subvert the victim’s autonomy and sense of self; it is analogous to capture crimes like hostage taking and kidnapping⁴. Coercive control is more likely to be perpetrated by men against women.⁵

Over 97% of frontline professionals stated that they thought coercive control within domestic violence relationships should be recognised in law.

Table 3: Do you think coercive control should be recognised in law?		
Answer Options	Response Percent	Response Count
Yes	97.2%	177
No	2.3%	5
		n = 182

⁴ Stark, E (2007) *Coercive control: How men entrap women in personal life* New York: Oxford University Press

⁵ Johnson, Michael P. (2006) “Conflict and Control: Gender Symmetry and Asymmetry in Domestic Violence” *Violence against women* Vol.12 (11) pp.1003-1018.

Frontline domestic violence professional I: "The police find it difficult to recognise the effects of coercive control - suggesting that women won't 'cooperate' with them when attending incidents - ignoring the coercive control that the perpetrator is engaging in."

Frontline domestic violence professional II: "Coercive control is often not recognised by victims as abuse and they need to know it is against the law."

Recognising patterns of abuse in law

Frontline domestic violence professional: "When only a single incident is considered by the CJS it does not convey the seriousness of the situation that the victim has been living in. To consider the pattern of abuse will give a much more accurate picture of how the victim has been abused and traumatised over time."

The courts are bound by current laws, which can only prosecute for single incidents of violence. Without being able to see the true pattern of violence and without an offence that is fit for purpose, the courts are unable to ascertain the real threat that the perpetrator's course of conduct poses to a victim and consequently are unable to impose the appropriate sentences.

Domestic abuse is most likely to result in repeat victimization and more likely to result in injury than any other type of crime⁶ and it is embedded within the perpetrator's need to exert power and control over their victim. However, the Crown Prosecution Service only prosecutes for a single event and tends to focus on the injury level. 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.

The current law can criminalise a course of conduct and can move beyond physical injury - but it is selective. This needs to apply to violence in intimate relationships.

96% of frontline professionals who worked with victims of domestic violence stated that they thought patterns of abuse should be recognised in law.

Table 4: Do you think the pattern of abuse should be recognised in law?

Answer Options	Response Percent	Response Count
Yes	96.1%	175
No	3.9%	7
		n = 182

Frontline domestic violence professional I: "It is the cumulative effect of the abusive behaviour that causes the harm."

Frontline domestic violence professional II: "The current system doesn't work, and empowers perpetrators who learn they can get away with their abuse."

⁶ Home Office (2008a) Crime in England and Wales 2006/2007. London: Home Office

Recognising psychological abuse in law

Frontline domestic violence professional: "When a woman has suffered psychological abuse and coercive control this can be extremely damaging to a woman and have long lasting effects. [A change in law] would help a woman recognise the seriousness of coercive control and maybe help to encourage reporting to police."

In our survey of over 250 victims of domestic violence published in March 2014⁷, 94% (n=243) of victims indicated said that the physical violence is not always the worst part and that "mental cruelty" can be more damaging to recover from than a bruise or broken bones. However, currently it is not criminalised within the context of intimate partner relationships as the burden of proof is focused on psychiatric injury and excludes "fear, distress or panic".⁸

Again, the overwhelming majority of professionals who worked with victims of domestic violence (96.7%) stated that they thought psychological abuse should be recognised in law.

Table 5: Do you think psychological abuse and coercive control should be recognised in law?

Answer Options	Response Percent	Response Count
Yes	96.7%	176
No	3.3%	6
n = 182		

THE EXPERIENCES OF VICTIMS

The vast majority of professionals (99%) had worked with victims of domestic violence where coercive control and psychological abuse had been present. Three quarters of the victims they worked with who had experienced coercive control felt that no crime had been committed and therefore did not report it to the police.

Without victims, or police, being able to name an offence that has been committed there is little confidence that victims will be believed or any action taken.

Themes that these professional indicated were present when working with these victims are documented below. In a minority of cases coercive control was taken into account in the investigation and any subsequent prosecutions. We believe that without laws that name coercive control, patterns of abuse and psychological abuse they will not be seen as offences and therefore not be taken into account.

⁷ Domestic Violence Law Reform – The Victim's Voice Survey: Victim's Experience of Domestic Violence and the Criminal Justice System <http://paladinservice.co.uk/wp-content/uploads/2014/03/Victims-Voice-Report-March-2014-Website.pdf>

8 R v. Morris (Clarence Barrington) [1998] Cr. App. R. 386 at 393

Table 6: If you have worked with victims where coercive control and psychological abuse have been a prominent feature what themes have been present?

Answer Options	Response Percent	Response Count
Victim felt that no crime had been committed and did not report to the police	75.6%	137
Pattern of behaviour and coercive control taken into account in investigation	11.6%	21
Pattern of behaviour and coercive control not taken into account in investigation	56%	102
Pattern of behaviour and coercive control taken into account by CPS	7.1%	13
Pattern of behaviour and coercive control not taken into account in by CPS	43%	78
Successful prosecution and conviction relating to coercive control psychological abuse	2.7%	5
Perpetrator was sentenced on basis of physical violence only	60.2%	109
Other (Please specify)	8.8%	16
		n = 181

Answers for 'Other' include the below:

- A few positive cases where the investigation has sought to bring out the psychological abuse, but it is rare.
- Pattern of behaviour and coercive control reported in writing and not taken into account and no investigation undertaken
- Coercive control is never taken into account. Physical injuries only looked for. It's great Government have included it in the definition but this changes little relating to arrests, prosecution and conviction rates. Some victims do not report as they know there is nothing police can do if it psychological and control behaviours. And when victims are brave enough to report they are often told that police cannot do anything until it turns physical.
- Pattern of behaviour and coercive control significantly contributed to the victim staying in the relationship and not seeking help/reporting to police etc for a longer period of time. Also was a significant factor in abuse continuing after relationship ended e.g. in the form of stalking and harassment
- Police responded to physical incident only and had ignored other behaviours.
- Police commented, "sounds annoying" to have all these messages but not harassment. Told she is encouraging by answering. All she did was answer when it was about their young children.

CONCLUSIONS AND RECCOMENDATIONS

This survey of frontline domestic violence professionals clearly shows the need for a review and change in the law. Victims of domestic violence are being let down by the current system as their experiences of coercive control and psychological harm are being disregarded by the police and justice system.

With women being killed every week by their partner or ex-partner it is time to act and better protect victims of domestic violence.

The Campaign makes the following recommendations for action:

1. The Government should announce plans to legislate to better protect victims of domestic violence in the Queen's Speech on Wednesday 4 June 2014.
2. This should include criminalising coercive control, patterns of behaviour and psychological abuse.
3. All police officers should receive high quality, specialist training on the impact and gendered nature of domestic violence – including coercive control, patterns of behaviour and psychological abuse.
4. All professionals in the justice system should receive high quality, specialist training on the impact and gendered nature of domestic violence – including coercive control, patterns of behaviour and psychological abuse.

Appendix 1 – Survey Questions

1. Do you work in the domestic violence sector?
2. Do you work with victims of domestic violence?
3. Do you work for: statutory, voluntary, other (if other please specify)
4. Do you work with: female victims, male victims, both, other (please specify)
5. We know that domestic violence is normally a pattern of behaviour and not a one off isolated incident. However, the Criminal Justice System (CJS) only responds and recognises the single incident. Do you think the pattern of abuse should be recognised in law? Please explain
6. In March 2013 the government introduced coercive control into the definition of domestic violence. Do you think coercive control should be recognised in law? Please explain
7. The Criminal Justice System only recognises physical assaults such as common assault, Actual Bodily Harm, Grievous Bodily Harm and rape. Do you think psychological abuse and coercive control should be recognised in law? Please explain
8. Have you experienced a case where coercive control and psychological abuse has been a prominent feature?
9. If you answered yes, please specify the themes that were present:
 - a. Victim felt that no crime had been committed and did not report to the police
 - b. Pattern of behaviour and coercive control taken into account in investigation
 - c. Pattern of behaviour and coercive control not taken into account in investigation
 - d. Pattern of behaviour and coercive control taken into account by CPS
 - e. Pattern of behaviour and coercive control not taken into account in by CPS
 - f. Successful prosecution and conviction relating to coercive control psychological abuse
 - g. Perpetrator was sentenced on basis of physical violence only
 - h. Other (Please specify)

Appendix 2 - Data Tables for Questions

Question 1: Do you work in the domestic violence sector?		
Answer Options	Response Percent	Response Count
Yes	84%	185
No	16%	35
		n = 220

Question 2: Do you work with victims of domestic violence?		
Answer Options	Response Percent	Response Count
Yes	82.7%	182
Second Tier Agency	4.5%	10
No	7.3%	16
Other	5.5%	12
		n = 220

Question 3: Do you work for: statutory, voluntary, other (if other please specify)		
Answer Options	Response Percent	Response Count
Statutory Agency	27.7%	61
Voluntary Agency	53.6%	118
Other	20.5%	41
		n = 220

Question 4: Do you work with: female victims, male victims, both, other (please specify)		
Answer Options	Response Percent	Response Count
Both	62.3%	137
Female	30%	66
Other	7.7%	17
		n = 220

Question 5: We know that domestic violence is normally a pattern of behaviour and not a one off isolated incident. However, the Criminal Justice System (CJS) only responds and recognises the single incident. Do you think the pattern of abuse should be recognised in law?		
Answer Options	Response Percent	Response Count
Yes	95.9%	211
No	4%	9
		n = 220

Question 6: In March 2013 the government introduced coercive control into the definition of domestic violence. Do you think coercive control should be recognised in law?

Answer Options	Response Percent	Response Count
Yes	97%	213
No	3%	7
n = 220		

Question 7: The Criminal Justice System only recognises physical assaults such as common assault, Actual Bodily Harm, Grievous Bodily Harm and rape. Do you think psychological abuse and coercive control should be recognised in law?

Answer Options	Response Percent	Response Count
Yes	97%	213
No	3%	7
n = 220		

Question 8: Have you experienced a case where coercive control and psychological abuse has been a prominent feature?

Answer Options	Response Percent	Response Count
Yes	94%	207
No	2.7%	6
Not Applicable	3.2%	7
n = 220		

Question 9: If you have answered yes, please specify the themes that were present

Answer Options	Response Percent	Response Count
Victim felt that no crime had been committed and did not report to the police	73.2%	161
Pattern of behaviour and coercive control taken into account in investigation	12.3%	27
Pattern of behaviour and coercive control not taken into account in investigation	55.9%	123
Pattern of behaviour and coercive control taken into account by CPS	8.2%	18
Pattern of behaviour and coercive control not taken into account in by CPS	45.5%	91
Successful prosecution and conviction relating to coercive control psychological abuse	2.7%	6
Perpetrator was sentenced on basis of physical	56.8%	125

violence only		
Other (Please specify)	10%	22
		n = 207

Appendix 3: About the Domestic Violence Law Reform Campaign

Paladin is the first National Stalking Advocacy Service devoted to supporting high risk victims of stalking. Sara Charlton Charitable Foundation is a grant making charity dedicated to combating domestic violence 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 and children in England. We joined together to campaign for the law to better protect victims of domestic violence by criminalising coercive control, patterns of behaviour and psychological abuse.