

## BIROn - Birkbeck Institutional Research Online

Day, Aviah and Jenner, A. and Weir, R. (2018) Domestic abuse: predicting, assessing and responding to risk in the Criminal Justice System and beyond. In: Milne, E. and Brennen, K. and South, N. and Turton, J. (eds.) *Women and the Criminal Justice System: Failing Victims and Offenders?* London, UK: Palgrave Macmillan, pp. 67-94. ISBN 9783319767734.

Downloaded from: <https://eprints.bbk.ac.uk/id/eprint/30116/>

*Usage Guidelines:*

Please refer to usage guidelines at <https://eprints.bbk.ac.uk/policies.html>  
contact [lib-eprints@bbk.ac.uk](mailto:lib-eprints@bbk.ac.uk).

or alternatively

**DOMESTIC ABUSE: PREDICTING, ASSESSING AND RESPONDING TO RISK IN  
THE CRIMINAL JUSTICE SYSTEM AND BEYOND**

Aviah Day, Angela Jenner and Ruth Weir

**INTRODUCTION**

This chapter brings together early findings from three PhD projects on domestic abuse, each taking a different approach. The first explores the issues of underreporting and the predictors of risk; the second focuses on the police response to domestic abuse, highlighting gaps in service provision to victims; and the final project looks at specialist courts and the work of independent domestic violence advisors. This chapter cannot do justice to all three of the projects here; however, it is worth noting that, together, they form a body of research with the potential to make a significant contribution to the field. Indeed, the motivation for each of the projects is to add to current efforts to improve responses to domestic abuse within the criminal justice system and beyond. This chapter will focus on the ways in which practitioners might predict, assess, and respond to risk in relation to domestic abuse.

**Defining Domestic Abuse**

A review of the literature on domestic abuse will reveal that there is no single, universally accepted, definition of domestic abuse – neither is there widespread agreement on terminology (domestic abuse, domestic violence, intimate partner violence, violence against women). The same may be said for the numerous organisations and agencies involved in the response to domestic abuse (e.g. police, social services, health services, charities); each provides their own terminology and/or definition in line with their role and responsibilities (Hughes and Jenner,

forthcoming). For the purposes of this chapter the definition of domestic violence and abuse offered by the Home Office will be applied:

*“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; emotional”* (Home Office, 2013).

This definition, as currently applied within the UK criminal justice system, is gender neutral and incorporates a wide range of behaviours, not all of which might be taken to be ‘violent’, hence the more inclusive term domestic abuse. The ever expanding ‘official’ definition reflects society’s current understanding of the issue – based on research findings and it now also includes young people aged 16 or over and extends to family members, not just those in intimate relationships. Feminist informed definitions are more likely to adopt the term domestic violence and express the gendered nature of the problem, highlighting patterns of controlling and coercive behaviour. However, this does not necessarily fit well with a criminal justice approach, which tends to be more concerned with specific ‘incidents’ and the application of the law. It is not possible within this chapter to cover all the complexities of the debate on acceptable definitions and/or terminology and how this might impact upon our response to the problem. However, it is important to note that, for many reasons, definitions and terminology, as well as resources and services, are likely to differ at the international, national and local level. Whilst we might applaud the overall progress in terms of recognising a wider range of abusive behaviours affecting a more diverse range of victims, we should also note that any lack of agreement regarding the issue is also likely to have an impact on how various practitioners and victims themselves understand and respond to risk in relation to domestic abuse.

## **Understanding and Responding to Domestic Abuse**

Regardless of any criticism, the on-going debates regarding definitions of domestic abuse and the recent definition as provided by the Home Office reflect an increased awareness and improved levels of understanding concerning the impact and extent of the problem. It is now widely accepted that anyone may experience domestic abuse, regardless of class, ethnicity, age or gender. Whilst the extent of the problem is difficult to measure for a variety of reasons - underreporting (many victims do not disclose the abuse to anybody), non-recording (criminal justice agencies may not record all forms of abuse due to the focus on criminal ‘incidents’), definitional discrepancies (not all tools designed to measure prevalence use the same definition), and a range of other methodological issues (e.g. difference in reporting between face-to-face interviews and self-completion methods) -we know that the problem is widespread. According to Crime Survey England and Wales 2016, largely considered to be the best data on domestic abuse in the UK (Walby et al, 2015), “an estimated 2 million adults aged 16 and 59 had experienced domestic abuse in the last year” (Flatley, 2016). Despite some disagreement, studies consistently show that women are much more likely to be victims than men and the focus of this chapter reflects this. Women were the victims in 67 per cent of incidents of domestic abuse according to 2015/16 Crime Survey in England and Wales (Flatley, 2016). The impact of domestic abuse on women and on society in general is immeasurable. In financial terms, Walby (2009) reported the overall cost of domestic abuse to society at £15.7 billion a year. The human cost is of greater concern - in 2012, 77 women were killed by their partners or ex-partners (HMIC, 2014a).

Women have also been central to placing key issues in relation to our response to domestic abuse firmly on the agenda in developing policy and practice. While throughout history domestic abuse has been largely regarded as a ‘personal problem’ offering little if any

protection or legal support to victims, over the last 40 years, Britain has witnessed a revolution in how society views and responds. This is due largely to feminist and non-governmental organisation (NGO) campaigns that have sought to highlight the serious impact of domestic abuse on victims and families (Harwin, 2006). The women's movement against male violence was enhanced by Pizzey's early academic and activist work in developing community based refuges in the 1970s and attention eventually fell on the Criminal Justice System's lack of response to women in danger. Feminist academics and activists have campaigned for domestic abuse to be treated by the state with the same severity as other violent crimes (Radford and Stanko, 1996). The drive to change the law as well as apply existing legal options to the private sphere has constituted a seismic change in the criminalisation of violence against women (Walklate, 2008). As noted above, the definition of domestic abuse has expanded significantly in recent years. Alongside this there have been many policy and practice developments to address the problem that now involves a range of agencies. Women at risk of harm today, may have a number of housing, civil and criminal justice options available to them (Holder, 1999) offering some protection from the perpetrator. Despite the recognition of domestic abuse as a 'public' issue, which entitles victims to support and protection as well as a criminal justice response, there remain many issues to be addressed.

As suggested above, domestic abuse is still one of the most underreported crimes. The 2015/16 Crime Survey in England and Wales (CSEW) estimated that only 21 per cent of abuse is reported to the police (Flatley, 2016). This leaves a substantial hidden problem, which hinders the development of appropriate support to victims. It is also imprudent to presume that what victims need from services will be the same for all. It cannot be assumed that the victims who do not report their abuse to the police are the same in profile as those who do. More research is needed around the nature of these unreported incidents, including the severity, the demographic composition and the cost to services. In particular, a more comprehensive

understanding of difference is required to account for gender (Newburn and Stanko, 2002), sexuality (Farley, 1996), ethnicity (Thiara and Gill, 2009) and geographical distribution (CWASU, 2012).

*Figure 1: Conceptual model relating individual, social and ecological factors to domestic abuse; Bayer et al (2015)*



Figure 1 illustrates that risk factors contributing to domestic abuse operate across multiple levels. At the lowest level they include the attitudes, behaviours, health and social history of the individual. This level is nested within the second layer which includes the influence that family and interpersonal relationships have on the individual, as well as factors such as the existence of patriarchal culture, alcohol and drug use, poverty and employment. The next level, the neighbourhood and community in which individuals live, can influence the level of abuse, with variables such as the neighbourhood environment, culture of violence, access to services,

quality of housing, drug use and social isolation potentially contributing (Beyer et al, 2015). By understanding the first three levels and the potential variation in predictors of abuse between agencies, the fourth level of policy, systems and society, can be challenged and shaped.

To date most research has focused on individual factors of abuse, a recent systematic review found only a small number of studies at the neighbourhood level, 23 studies were from the US and Canada and the remaining 14 were from Africa, Asia and South America. No research was identified from Europe, although one study from Spain has been carried since the systemic review was published (Beyer et al, 2015; Garcia et. al, 2015). The research from the Essex studies will be discussed in more detail in the following section. Once complete it is hoped these will make an important contribution to understandings of domestic abuse risk and the development of services for victims. Having the ability to predict the individuals and areas that are most at risk of victimisation by using predictive models can help estimate the true scale of the problem and enable policy makers to find new ways to encourage victims to report their abuse and to receive a more targeted service.

Encouraging victims to report domestic abuse is clearly important. In 2014, Her Majesty's Inspectorate of the Constabulary (HMIC, 2014a) reported that the police receive an emergency call for help in relation to domestic abuse every 30 seconds and that domestic abuse related crime is 8 per cent of total crime. For those victims who do make what is often a difficult decision to report to the police, it is vital that they receive an appropriate response. On average, two women a week are murdered by their partner or ex-partner in the UK (Office for National Statistics, 2015) – a number of these women will have had some contact with the police prior to their death. Not surprisingly then, domestic abuse is a priority for most police forces across England and Wales. However, HMIC (2014a) also reported that: "This stated intent is not translating into operational reality in most forces" (p, 6). Whilst there is no way of knowing if police intervention might have prevented any domestic homicides, the police are often

criticised for a general lack of understanding of the risk to victims (Hanmer et al, 1989; 2013: 194).

Predicting and policing domestic abuse risk are complex issues. As well as developing statistical and/or geographical models to learn more about risk factors and updating policies and practices to reflect such learning, it is imperative that we also have a more in-depth understanding of how police officers understand risk in relation to domestic abuse. We also need to know more about how officers' understandings of the problem might affect risk assessment and risk management processes on a day-to-day basis at the operational level. Some of the Essex research, discussed later, takes a qualitative approach to reviewing police responses to risk, with a focus on looking at police responses from the perspective of victims. As a collaborative project between the University of Essex and Essex Police this project has allowed for a great deal of learning and knowledge sharing, including unique access to police data and observations of operational processes and practice. As well as direct involvement in training packages, recommendations have also been made (through written and verbal reports) as to how the police response to domestic abuse in Essex might be improved.

We know that the response to domestic abuse does not always begin and/or end with the police. Ensuring victims receive the help and support they need to take their case through the courts, and also to live safely beyond the criminal justice process is paramount, and it is now widely acknowledged that this can only be achieved through co-ordinated action and the delivery of a range of services via multi-agency partnerships. Effective multi-agency partnerships are key to delivering an appropriate response to domestic abuse both within and beyond the criminal justice system. For example, independent domestic violence advisors (IDVAs) are key to the criminal justice response and the delivery of a range of support services to victims. All IDVAs receive specialist nationally accredited training that allows for a more in-depth understanding of domestic abuse risk factors; they work independently alongside police and criminal justice



agencies to ensure that the focus remains on victims; and they are likely to pay more careful attention to victims' appraisals of their situation (Robinson and Howarth, 2012). The women's sector has consistently highlighted the importance of listening to and empowering victims – indeed, it is also considered that victims are fairly successful at assessing their own risk (Bowen, 2011). Whilst studies suggest that engagement with an IDVA might deliver improvements in safety, the extent to which partnerships such as this are considered effective will depend largely on local and organizational arrangements. As such, it is essential to conduct professional evaluations of all initiatives which aim to reduce the risk of harm to DV victims.

The police are in a unique position, being the only helping agency open 24 hours a day, and having the power to physically intervene in incidents of domestic violence where necessary. Therefore, understanding how the police assess and respond to risk is crucial. While endeavours to improve on the first response by officers are essential, it is also widely acknowledged that on-going support of survivors is necessary in preventing further incidents of violence. Effective multi-agency partnerships are now widely acknowledged to be key in the management of on-going risk to survivors of domestic violence. For example, Independent Domestic Violence Advocates (IDVAs) were introduced by the government in 2005 to support survivors through the criminal justice system, whilst offering a range of practical support in assessing and lowering risk. While IDVAs are now available in almost every locality nationally, the origins of domestic violence advocacy can be found in localised, collaborative initiatives between feminist organisations and the criminal justice system. Aside from IDVAs, collaboration between the women's sector and the criminal justice system has given rise to a number of innovative criminal justice programmes, which will be the focus of the last section of this chapter.

This section will focus on the work of Standing Together Against Domestic Violence (hitherto Standing Together), a feminist organisation that has pioneered local partnerships. Standing

Together's criminal justice projects were inspired by similar endeavours in Duluth, Minnesota (the Duluth Programme) which provided a blueprint for women's organisations work with the criminal justice system to address domestic violence. The authors of the program proposed that each stage of the criminal justice system and its policies could be reshaped to ensure survivor safety and perpetrator accountability. The research discussed later in the chapter involves an evaluation of Standing Together's initiatives: the Specialist Domestic Violence Courts based in West London and the Impact Project based in Hammersmith Police station. In developing such initiatives, Standing Together have sought to transform the reputation of the criminal justice system and utilise it to protect survivors and hold perpetrators to account. Since Standing Together launched the second SDVC nationally 2013, there are now 137 in England and Wales.

In the somewhat brief discussion of responses to domestic abuse thus far, we can appreciate that there have been a range of developments that might be considered improvements. However, there is still a way to go in the improvement to services and development of effective strategies, within and beyond the criminal justice system, that work to reduce the risk of harm to victims. The following three sections discuss current research projects highlighting a range of key issues in predicting, assessing and responding to domestic abuse risk. Each of the projects aims to add to the knowledge base of 'what works' in responding to domestic abuse.

### **PREDICTING DOMESTIC ABUSE IN ESSEX**

Essex is a large police force area (comprising Essex County and Southend and Thurrock Unitary authorities) with a population of 1.725 million and a mixture of rural, urban and coastal areas. In terms of income the area is diverse, with the most deprived area in England and Wales being in Tendring district, and some of the most affluent areas in the country in Uttlesford. In 2011 Essex was one of four areas to pilot the Department for Communities and Local

Government (DCLG) Whole Place Community Budget (WPCB). The aim of the WPCB was to trial a new way of working which involved integrating public service delivery; working across agencies, rather than on specific organisation-led programmes or projects. The pilots aimed to identify services that were fragmented and high cost, shifting the focus from organisational responsibility to a pooled response. The pilots were driven by an economic motivation to maximise provision whilst cutting duplication and waste with a focus on early intervention and action (LGA, 2015). In Essex, reducing domestic abuse was identified as one of the work streams.

The starting point in this work stream was to research what was already known about the extent of domestic abuse in Essex. It quickly became apparent that there was little information concerning the true scale of the problem. Service delivery was largely based upon police statistics, with figures augmented to account for those who had not reported their abuse to the police, based on multiplying the figure that reported to the police by the CSEW percentage non-reporters. Assumptions were made that those who reported their abuse to the police were the same in characteristics to those who had not. Between November 2011 and December 2014 there were 88,136 incidents of domestic abuse reported in Essex. Within this time there were 46,871 victims, with 34 per cent of victims reporting more than one incident.

It was from this initial research that two policy questions emerged. Firstly, where should Essex County Council focus their resources and services to have the most impact in reducing domestic abuse? This question sought to identify whether a blanket policy across the whole geographic area should be used, or whether a more targeted response would be more effective in reducing the problem. Secondly, can Essex County Council rely on Essex Police recorded crime data to predict the service requirements of those who do not report their abuse to the police? This questioned the assumption that those who report their abuse to the police share the same characteristics and have the same needs as those who do not.

These policy questions focus on individual and neighbourhood level predictors of abuse, but with little previous research at the neighbourhood level, it was not known how valuable they could be in identifying risk. And this leads on to a third research question; are individual or neighbourhood variables better at predicting domestic abuse?

In order to consider these questions, a range of methods were used to reflect the different levels. At the individual level and family level more traditional statistical models, including logistic regression were used to see whether factors such as gender, age, ethnicity and responses to the DASH (Domestic Abuse, Stalking and Honour Based Violence risk assessment tool) can predict domestic abuse and reporting patterns (the DASH is discussed in more detail on page 15). One of the difficulties in finding predictors of police reported domestic abuse at the individual level is that these are only the known cases. There is no baseline for comparison with those who do not report their abuse to the police. Therefore, a proxy measure of repeat victimisation was used. The rationale for this is that it is likely that victims of more serious incidents or abuse that is escalating are more likely to have been to the police more than once. Of course, the caveat to this could be that a victim has a bad experience with the police and will not report to them again.

At the neighbourhood level, models were produced using a Geographic Information System (GIS) to predict the rate of domestic abuse in each census Lower Super Output Area (LSOA), each representing a population of approximately 1,500 people..

A GIS not only offers the ability to map the location of crime but also allows researchers to predict where crime is most likely to be concentrated in the future. This type of modelling has been applied to other crime types but not domestic abuse. The most promising geographic predictive models have used multiple variables to predict future crime rates (Chainey and Ratcliffe, 2005). These variables include structural and cultural factors that are available at the

neighbourhood level. In this research a methodology called Geographically Weighted Regression was used (Fotheringham et al, 2002).

### **Individual, Family and Interpersonal level risk**

Early research findings do not challenge the widely held view that domestic abuse is a gendered issue, with 72 per cent of Essex Police victims being female, which is slightly higher than the 67 per cent reported to the CSEW (Flatley 2016). When looking at the number of victims, rather than incidents, the proportion of female victims increases to 78 per cent, with the majority aged between 15 and 49, and the peak age for both male and female victims being 20-24.

Victims classified as White European experienced 89 per cent of abuse for both males and females, followed by those recorded as African/Caribbean and those of unknown ethnicity. Analysis of victim's ethnicity has been made difficult as the classification used by the police does not align with the census ethnicity classification, making it challenging to identify ethnicities where domestic abuse is more prolific.

For instance the North London Domestic Violence Survey found understanding of domestic abuse among black African and black Caribbean respondents to be polar opposites, with black African's having the lowest level of recognition amongst any ethnicity and black Caribbean the highest (Mooney, 2000). The IC codes used by the police combine the two ethnicities creating an ecological fallacy and no real understanding of the individual ethnicities.

Examining the relationship between victim and perpetrator offers some quite different victim typologies to that found when focusing on the whole incident dataset. The gendered nature of abuse is very clear for partners and ex-partners, but less so for other relationships, such as those between children and their parents and those between siblings.

Referring to the conceptual model of Beyer et al (2015) that frames this analysis there are still gaps in our understanding of individual level factors, the police data does not have attitude data or individual's health or social history. It has, however, identified significant variables, particularly gender. As the conceptual models suggest, multiple factors across different levels contribute to domestic abuse. The next step was to look at contextual factors at the neighbourhood level.

### **Neighbourhood level**

Initial findings from neighbourhood level analysis in Essex are that 81 per cent of the domestic abuse rate can be explained using all of the following variables; the anti-social behaviour rate; income; health, barriers to housing and living environment deprivation scores; the proportion of Black, Asian and Minority Ethnic (BAME) population; population density; and the proportion of young people in a neighbourhood. What is also interesting is that the relationship between each of the variables is not geographically consistent, with variables having more influence on the rate of domestic abuse in some areas and less in others; while some of the relationships between variables are negative in some areas and positive in others. For example, a higher proportion of young people predicted a higher domestic abuse rate in some areas and but a lower one in others. These findings have clear implications for targeted policy interventions.

The next step is to test this model with data from other agencies, including the NHS and Children and Family Court Advisory and Support Service (CAFCASS), to identify whether the predictors also apply to those who have not reported their abuse to the police. The early findings have found predictors at both the individual and neighbourhood level and a further step that can now be taken is to see whether a multilevel model, which factors in both levels, is the best overall predictor of the risk of domestic abuse.

With an increased understanding of the predictors, appropriate mechanisms can be designed to try to encourage at-risk populations to report to the police and to overcome barriers that may deter victims from talking to others about their abuse. One of these barriers could be the experience that victims have when reporting to the police and the next section will explore the ways in which front line police officers interpret and manage risk.

## **IMPROVING POLICE RESPONSES TO DOMESTIC ABUSE**

It is vital that victims receive appropriate levels of protection and support from the police if further incidents of domestic abuse are to be prevented and perpetrators held to account. We know that victims do not always receive an appropriate and/or effective response from the police, leaving scope for improvement. It is within this context that the research discussed in this section was planned. Its key purpose has been to review the policing of domestic abuse in Essex and consider some of the issues that affect police response. Full access to police files and processes was granted allowing for an in-depth qualitative analysis of policing activity in relation to domestic abuse. The work adds to current efforts to improve performance by aligning, more closely, 'what police do' with 'what victims need'. The project is by no means complete and a great deal of work is yet to be done to meet the aims and objectives. However, at this stage, it is possible to discuss some of the key areas of consideration in relation to risk assessment and risk management.

### **Policing domestic violence – Risk**

Undoubtedly, responding to calls for help in relation to domestic abuse presents considerable challenges to police services, especially in assessing and managing risk. Many organisations, including the police, now use a standardised model for identifying, assessing and managing risk in relation to domestic abuse. The DASH model (2009), was accredited by the Association of Chief Police Officers (ACPO) in 2009 and is now used by most police forces, as well as

some partner organisations across the UK, thus, achieving a level of consistency in terms of sharing knowledge about risk within and between agencies. The DASH risk assessment tool consists of screening questions, which assist with identifying and assessing risk. The DASH, according to Richards (2016), has been built on good practice (including other evidence based risk models such as SPECCS+ Risk Identification) and the risk factors that are included are derived from extensive research on a range of domestic abuse incidents and multi-agency Domestic Homicide Reviews (DHRs - introduced by section 9 of the Domestic Violence, Crime and Victims Act 2004). Despite developments in terms of the definition and legislation regarding domestic abuse since 2009, the DASH risk assessment tool has remained largely unchanged and unchallenged since its introduction. The College of Policing admit that they have “found no research or evaluation to support the adoption of any one particular risk assessment tool over another” (College of Policing, 2016) and so the DASH model continues to be widely used and supported by practitioners in the field. At the time of writing, the DASH is currently under review and some discussion of the expectations and achievements in terms of police risk assessments has already been published (see Ariza et al, 2016). It remains to be seen if this will result in any significant changes to the process of risk assessment for the police.

At this point it would be helpful to consider Hoyle’s (2008: 326) summary of the process of risk assessment and risk management for domestic violence:

*“Risk assessment processes in domestic violence cases are focused on the medium and long-term, as much as on responding effectively at the scene. They are based on the need to secure victims' safety, better manage potentially lethal situations, and to gather and make sensible use of intelligence. They are aimed at preventing serious injury and death by putting into place a risk management plan. The main purpose of risk management and assessment is to improve the protection and interventions for families who are experiencing domestic violence and to*



*target those interventions on those cases that need them most because they present the highest risk”.*

Thus, the purpose of police risk assessments is to offer a level of protection that is in line with the level of risk – with a particular emphasis on ensuring that resources are directed towards those that are deemed to be *high* risk. It may then be argued that the process of risk assessment may be something of a ‘rationing device’ (Radford and Gill, 2006) rather than a means of putting effective strategies in place that might offer an appropriate level of protection to *all* victims, not just those who are judged to be high risk.

Offering an appropriate level of protection to all victims whilst responding to increasing domestic abuse incidents is a challenge for all police forces. It is important to acknowledge this, particularly in the current climate of cuts to police budgets and multi-agency domestic abuse services in general. The impact of this on victims is a cause for concern, as calls for help in relation to domestic abuse are increasing nationally. Despite domestic abuse still being significantly underreported there has been a rise in police-recorded domestic abuse. There was a 23 per cent increase in England and Wales in the 12 months to June 2016 - in Essex there was an increase of 24 per cent in police-recorded domestic abuse representing 12 per cent of all recorded crime in Essex. At the same time, the Essex Police budget has been cut significantly and the workforce has been reduced by 17 per cent since 2010 (HMIC, 2017). This is likely to have a negative impact upon domestic abuse responses, as well as other areas of policing activity where there are risks to vulnerable victims. This research has found that officers in Essex are frustrated with what they perceive to be a lack of resources for responding to domestic abuse. In particular, officers are concerned about the time it may take them to respond to a domestic abuse incident whilst they are also being directed to their next job which might also involve vulnerable victims – one officer referred to this as being a “slave to the radio” (comment from frontline officer 2016). It is perhaps not difficult to see how risk

assessments and risk management may be planned with resources in mind, rather than the needs of victims being the primary driving force behind decision making.

A lack of resources is far from being the only issue. In 2015, Essex Police were judged to be ‘inadequate’ in the HMIC PEEL effectiveness report in relation to vulnerability, “because it was failing to properly support and safeguard vulnerable people”; however, following a re-visit in 2016 it was deemed that there had been “significant progress and *a complete change of mindset* and approach to vulnerability” (HMIC, 2017: 41; emphasis added). Policing is particularly resistant to change (College of Policing, 2015), so to declare a ‘complete change of mindset’ in such a short period of time is perhaps overstating the extent of the progress made. However, this research suggests that Essex Police have taken significant steps towards improving their performance in relation to recognising and responding to vulnerability generally. The extent to which this has a real impact upon day-to-day operational processes and the frontline response to domestic abuse is less clear. There is evidence of a lack of knowledge and understanding in some areas of domestic abuse policing. The HMIC also found “instances of officers undertaking roles and investigations for which they were not qualified or trained and with little obvious support from more experienced colleagues” (HMIC, 2017:47). To encourage meaningful change from the bottom-up, frontline officers require a high level of knowledge and understanding in terms of confronting domestic abuse and, more specifically, the needs of a diverse range of victims. More in-depth training could be provided to develop confidence and professional judgement to keep frontline officers up-to-date with developments in terms of awareness, policy and practice.

### **Policing domestic abuse – Professional practice**

A reading of the domestic abuse policy of any of the 43 police forces in England and Wales will reveal a well-informed professional approach towards responding to domestic abuse.

Indeed, they are all guided by and expected to have regard to Authorised Professional Practice (APP) on domestic abuse, developed and owned by the College of Policing (College of Policing, 2016). The APP on domestic abuse includes a comprehensive section on *'Understanding risk and vulnerability in the context of domestic abuse'* which covers risk identification and assessment as well as risk factors and vulnerabilities that may be associated with domestic abuse. It also highlights particular issues affecting certain groups of victims as well as the different kinds of relationships within which the abuse may occur. Whilst the College of Policing acknowledge that there may "be circumstances where it is perfectly legitimate to deviate from APP", they also state that there must be "a clear rationale for doing so" (College of Policing, 2016). This may be considered a reminder to all officers and staff that decision-making processes require accountability, particularly if they are to depart from APP. In public protection training and professional development sessions at Essex Police, officers were concerned that there should be a policy for any action they were being advised to take, with one officer (sergeant) stating "the police are most scared of the police". Others expressed frustration with going against the wishes of victims, as well as being restricted in terms of applying what they deemed to be their own professional judgement. Developments in policing, such as the introduction of APP frameworks, national risk models (e.g. DASH, 2009) and recording protocols (National Crime Recording Standards introduced in 2002) do indeed have the potential to limit the opportunity for officers to exercise discretion in their response to domestic violence. But perhaps with good reason!

The factors that influence officers' decision-making in their responses to domestic violence are less clear. However, as argued by Ericson and Haggerty (1997): "The conventional sociological wisdom is that the most influential rule-structure is the one provided by the occupational culture of fellow officers" (Ericson and Haggerty, 1997: 31). Indeed, decades of research on police culture refers to the "uninformed and sexist attitudes of officers" (Myhill

and Johnson, 2015: 4) and the negative impact this has on responses to domestic abuse (Hanmer et. al., 1989; 2013; Loftus, 2009). It is known that domestic violence has long been viewed by officers as ‘rubbish’ work (Loftus, 2009) or not something they should have to deal with as ‘crime fighters’. In a domestic abuse training session, a frontline officer declared “we are not social workers”. Unsurprisingly then, police discretion, particularly in relation to domestic abuse, is an issue that is still “hotly contested” (Myhill and Johnson, 2015:2).

Well-designed, well-informed, evidence-based policies may go some way to counteracting the more negative aspects of police culture and reduce the likelihood of poor judgement. However, the complexities of intimate and familial relationships and the unique circumstances behind each call for help might not always fit with standard operating procedures (SOP) and/or authorised professional practice frameworks (APP). Furthermore, it is important to note that the DASH risk assessment model should not be based entirely on actuarial calculations (i.e. number of ‘yes’ responses to questions regarding risk factors). Ultimately, the final decision as to the risk grading, as well as the level of protection to be offered to victims, often lies with the attending officer/s. For those victims who are deemed to be high risk, secondary risk assessments are likely to be carried out by more experienced staff in dedicated domestic abuse units but this activity varies across police forces, as does the level of expertise. As such, it is imperative that officers make an informed decision based on professional judgement. The extent to which professional judgement is applied will depend on the level of knowledge, skill and experience of each involved. Victims are unlikely to engage with officers if they feel there is a lack of understanding and empathy, thus, diminishing the officers’ capacity to gain the information required to make an informed judgement about risk. Victims are ‘experts by experience’ and, as suggested above, they are found to be particularly successful at judging their own risk (Bowen, 2011). Frontline officers need to feel confident that they have the knowledge and skills to encourage victims to share their experiences. Through listening to the

voices of victims, officers are likely to learn more about the risk involved in each incident of domestic abuse. Independent domestic violence advisors may take a more effective approach by encouraging victims to speak about their experiences, engage with safeguarding procedures and support prosecution. There is also evidence to suggest that practitioners from outside support agencies consider a wider range of factors than the police in assessing risk for domestic abuse victims (Robinson and Howarth, 2012) and the following section looks more closely at the collaboration between women's services and the criminal justice system and the effectiveness of this approach.

### **A WOMEN'S SECTOR AND CRIMINAL JUSTICE SYSTEM ALLIANCE: A STRATEGY AGAINST DOMESTIC ABUSE**

In the late 1980s and early 1990s, parts of the feminist movement against domestic abuse drew attention to the criminal justice system as a potential remedy in risk management. It was felt by some that the inadequate police response (as discussed above) could be reformed, so that a safer justice system be utilised as part of a wider strategy to challenge male domination in the home. Those feminists who looked to criminal justice reform were particularly concerned about the on-going risk to survivors who were unable or unwilling to flee to a refuge, who invariably remained in the community, where their perpetrator may have free and uninterrupted access to re-abuse them. If done properly, it was argued, the police and courts have the potential to lower risk to women. This would be done by physically removing perpetrators from the scene through arrest and then applying sanctions at court to prevent repeat incidents (Shepard and Pence, 1999).

Feminist activists and researchers have successfully won acknowledgement in policy and law, highlighting the importance of an adequate response to domestic abuse. The most significant policy change came in 2005 when the government announced a roll out of Specialist Domestic Violence Courts (SDVCs) and Independent Domestic Violence

Advocates (IDVAs) through its National Domestic Violence Delivery Plan in England and Wales (Home Office, 2005). This marked a significant shift in policy and practice on a national scale. However, this was the culmination of many years of local feminist organisations collaborating with the police and courts, to establish system reform that aimed to increase support to survivors and hold perpetrators to account.

Standing Together Against Domestic Violence was the organisation under focus of the research discussed in this section, and opened one of the first SDVCs nationally in 2002 in West London and opened a second in Westminster in 2013. The first SDVC opened in 1999 in Leeds and there are now 137 such courts in England and Wales.

From the beginning, the overarching goals of the Standing Together courts were to utilize a multi-agency framework to implement safety measures, as well as to increase the number of perpetrators being held to account through successful prosecutions. While largely successful in both, it was felt that improvements could be made on the second goal through the enhancement of evidence gathering from the police before cases come to court. It was on this basis that The Impact Project was launched at Hammersmith Police Station in 2015. The aim of the initiative was to increase the number of successful convictions by locating domestic abuse specialists in the police station to review cases for evidence as well as offer on-site support to survivors through an IDVA. However, the focus of this section will be based on the SDVCs, as it is here where the most significant decisions are made regarding immediate and medium-term risk.

The research, conducted over three years, consisted of court observations, analysis of case studies and interviews with members of staff from all agencies involved. The data yielded then underwent an Intersectionality Based Policy Analysis. This involved utilising the concept of intersectionality to locate survivors (with particular attention towards those

marginalised through power structures i.e. 'race', migration status or social class) and the likely impact of these criminal justice initiatives in their lives. An additional point of analysis involved identifying power structures between survivors, local domestic abuse services and national justice agencies, and the power relations between and across all three. As such initiatives are relatively new and even the most pioneering among them have taken years to settle into permanency, research that seeks to understand whether this strategy is one that may work for survivors from all communities is vital.

### **Specialist Domestic Violence Courts**

Specialist courts were first established in the US in the 1980s but similar initiatives have since been introduced in Canada, Australia, South Africa and the UK. The strategy has been utilised most commonly where traditional adversarial approaches have been deemed ineffective in cases such as drugs offences and domestic abuse (Casey and Rottman, 2003).

In the UK, the SDVC program involves dedicating one courtroom, one day a week to be used for domestic abuse cases. These cases are siphoned off to focus resources. In the courts under examination by this research, domestic abuse cases are discussed every Wednesday. A specially trained, dedicated prosecutor whose sole focus is on domestic abuse cases presents to the magistrates. The magistrates or District Judges are selected from a pool of those who are trained to deal with such cases and the dynamics of domestic abuse. To the side of the court sits an IDVA, making a note of important updates that need to be fed back to the survivor, and communicating safety needs to the court. She will also be made available to support any survivors who come to the court to give evidence in a trial, who are unsupported by a domestic abuse service. The probation officer also sits in the court and will have been trained in making recommendations in collaboration with the other stakeholders with a view to managing risk. Lastly the coordinator is employed by Standing Together and oversees all proceedings, monitoring and addressing any on-going problems, whilst facilitating

information sharing between agencies. Standing Together has provided the training to all stakeholders in the SDVC. From observations of the court in process, it is clear that a great deal of information is shared between the partners and this information is used to make decisions based on *risk*, as illustrated by the case study below.

## **Case Study**

### **Hammersmith SDVC**

A defendant has been brought to court after a night in custody following an arrest for common assault. His defence solicitor makes an application for unconditional bail. The police have provided the prosecutor with an antecedents report and call-out history, which shows several police call-outs to the address and a previous case of common assault that was discontinued at trial. The IDVA passes information, via the coordinator informing that while the defendant was on bail for that offence, he breached bail on a number of occasions, but that went unreported. This information had come from a phone call with the survivor that morning. That is put in the magistrates bundle but is not reported verbally in open court, to protect the survivor. The magistrate asks the prosecutor if a risk assessment has been completed. The prosecutor looks through his bundle and confirms that the police completed a CAADA DASH (now Safe Lives) risk assessment at the scene, and the resulting score.

In this setting, the courtroom was a complex but pro-active multi-agency forum, in which each agency was expected to have come to court prepared and with the relevant information to hand. Each agency has specific access to intelligence, ranging from antecedents to the expressed concerns of the survivors. The SDVC has laid out procedural expectations for all to follow, meaning that the responsibility to investigate, enquire and gather information about risk lies with the professionals in the courtroom. The role of the court coordinator is to provide assurance of accountability, and where there is a failure to maintain procedures, the relevant agencies will be challenged in the out of court steering committee. This level of attention to detail and risk was identified as a theme in all the observed cases in the courts, including first appearances, trials and at sentencing.



The role of the IDVA is particularly crucial in bridging the gap between the complexity of the court and the inexperience of the survivor. Research has found that less educated women having their cases heard in traditional court settings often feel the process is so mystifying that they have no understanding of the options available to them or the consequences of any decisions made (Miller, 2005). Through the IDVA the survivor is able to communicate her safety concerns, and the IDVA, being more familiar with the court process, is able to navigate it in a way that ensure the safety of the women. In cases observed for this research the IDVA was seen making phone calls before and after the court session, ensuring that she was updated on all proceedings as soon as possible, and had the opportunity to feed in relevant information right up until the moment the court session opened. The survivor did not need to take any obvious part in proceedings, as she will not be named in open court and does not need to attend. Yet she remains central to proceedings covertly. Such a programme provides more safety options to survivors, especially those who might not otherwise be able to successfully navigate such an institution to focus on her interests.

While the SDVC programme demonstrates real potential in placing more power in the hands of survivors to influence and understand court proceedings, investment in a criminal justice remedy was not without its flaws. As discussed above, a criminal justice strategy on domestic abuse often relies on increased the arrest rate of perpetrators, usually involving mandatory or pro-arrest policies. However, an unexpected consequence of such policies has been a significant increase in the number of *women* arrested for domestic abuse (Hester, 2009).

Although women certainly do perpetrate violence in the home, the steep increase has generally been attributed to the phenomenon of ‘mutual arrest’ or ‘cross fillings’ that has been identified as a problem associated with new mandatory arrest policies (Buzawa and Buzawa, 1990; Chesney-Lind, 1997; Greenfield and Snell, 1999). Here the police may arrest both parties if they are unable to discern who the perpetrator is, or in some cases the

perpetrator is successfully able to manipulate the criminal justice system to arrest his victim (Chesney-Lind, 1989; Miller, 2005).

There were examples of such cases coming through the SDVC, with practitioners sometimes identifying a woman being prosecuted as more likely to be the victim than the perpetrator.

One practitioner identified a case in which a female defendant, who was probably the survivor of the abuse, was brought before the court as a defendant. She felt that the bail conditions and an eventual conviction actually helped the survivor to end the abusive relationship. It has been argued that increasing criminal justice initiatives at the same time as shrinking welfare provision has seen a 'punitive turn' in the way social problems are dealt with. Where housing, benefits and community services were previously the main means of addressing there, increasingly it is the police and court that do so, with the additional imposition of sanctions and punishment - even of survivors of abuse (Bumiller, 2008; Sweet, 2016; Richie, 2017).

Reliance on criminal justice sanctions being placed on perpetrators, as well as survivors, as a method of risk mediation has been referred to by some as 'carceral feminism' (Richie, 2012; Sweet, 2016). It may be that as welfare provision dwindles, concurrent investment in criminal justice initiatives is leaving some practitioners, perhaps understandably, to look pragmatically at what is left to prevent further incidents. However, understanding this from an intersectional perspective, we cannot assume that all survivors are equally likely to fall foul of initiatives devised to support them. For example, research has shown that women of colour that come into contact with the criminal justice system face significantly more punitive responses compared with white women at every stage, with women of colour more likely to be arrested and charged with more serious offenses and to be prosecuted, convicted, and to serve time in prison (Chesney-Lind, 1997; Greenfield and Snell, 1999; Miller, 2001; Allard, 2002; Uhrig, 2016).

Therefore, while the SDVC programme certainly has the potential to offer some survivors empowerment and safety through the criminal justice system, we must be cautious. The criminal justice system is certainly not experienced as a liberating institution by all survivors of domestic abuse. For some, contact with the police may increase their risk rather than lower it, especially if the justice system is unwittingly being utilised by perpetrators to further abuse women. Additional to this, if an increase in criminal justice initiatives is accompanied by the severing of all other routes to a life free from abuse, the gains made by the SDVC programme may be undermined by an overreliance on punitive remedies.

## **CONCLUSION**

As stated above, we have come a long way in terms of working towards a more appropriate response to domestic abuse. Yet there is also still a long way to go to ensure that we are giving all victims the opportunity to speak about their experiences in a context where they are going to be offered the guidance and support they need, as well as a criminal justice response that addresses the harms they have endured. This can only be achieved through coordinated action by key services and continued efforts to consider ‘what works’ in terms of responding to domestic abuse. It is regrettable that many feminists, academics, activists, women’s groups, campaigners and victims are still experiencing some of the same issues they were in the 1970s/1980s. Academic research, such as the collaborative projects highlighted here, can open up the opportunity for all those currently involved to learn more about ‘what works’ and has the potential to drive further improvements in domestic violence responses. The three projects highlighted here represent just a fraction of the research undertaken by women, for women, to improve the experience of women in the criminal justice system. It is through learning more about women’s experiences within the criminal justice system and beyond that we are likely to improve the response to domestic abuse for *all* victims.

## **REFERENCES**

Allard, P. (2002) *Life sentences: Denying welfare benefits to women convicted of drug offences*. Washington DC.

Ariza, J. J. M., Robinson, A. and Myhill, A. (2016) Cheaper, Faster, Better: Expectations and Achievements in Police Risk Assessment of Domestic Abuse. *Policing* 2016; 10 (4)

Beyer, K., et al. (2015) "Neighborhood Environment and Intimate Partner Violence: A Systematic Review." *Trauma, Violence, & Abuse*, 16 (1) 16-47

Bowen, E. (2011) An Overview of Partner Violence Risk Assessment and the Potential of Female Victim Risk Appraisals, *Aggression and Violent Behaviour*, Vol.16, pp,214-226.

Bumiller, K. (2008) *In an Abusive State\_ How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*. Duke University Press.

Buzawa, E. S. and Buzawa, C. (1990) *Domestic Violence: The Criminal Justice Response*. SAGE Publications.

Casey, P. M. and Rottman, D. B. (2003) *Problem-Solving Courts: Models and Trends, Psychology*.

Chainey, S. and Ratcliffe, J. (2005) *GIS and Crime Mapping*, London: John Wiley and Sons

Child and Woman Abuse Studies Unit (2012) *Women's journeys in response to domestic violence*, <http://www.cwasu.org/>

Chesney-Lind, M. (1989) 'Girls' crime and woman's place: Toward a feminist model of female delinquency.', *Crime & Delinquency*, 3(10), pp. 5–29.

Chesney-Lind, M. (1997) *The female offender*. Thousand Oaks, CA: Sage.

College of Policing (2016) *Authorised Professional Practice: Understanding Risk and Vulnerability in the Context of Domestic Abuse*. Available at: <https://www.app.college.police.uk/legal-information/>

Ericson, R. V. and Haggerty, K. D. (1997) *Policing the Risk Society*. Oxford: Clarendon Press

Farley, N. A. (1996) Survey of Factors Contributing to Gay and Lesbian Domestic Violence. *Journal of Gay & Lesbian Social Services*, [Volume 4, Issue 1](#),

Flatley, J. (2016) *Intimate personal violence and partner abuse*; London, Office for National Statistics

Fotheringham, Stewart A., Chris Brunsdon, and Martin Charlton (2002), *Geographically Weighted Regression: the analysis of spatially varying relationship*, Chichester: John Wiley & Sons

Greenfield, L. A. and Snell, T. L. (1999) *Women offenders*. Washington DC. doi: NCJ 175688.

Hanmer, J., Radner, J. and Stanko, E. A. (1989; 2013) *Women, Policing and Male Violence: International Perspectives. Routledge Revivals*. Oxon: Routledge.

Harwin, N. (2006) Putting a Stop to Domestic Violence in the United Kingdom: Challenges and Opportunities. In *Violence Against Women*. Vol.12 (6), pp.556-567.

Her Majesty's Inspectorate of Constabulary (2017) *Essex Police (profile)*. Available at: <http://www.justiceinspectrates.gov.uk/hmic/essex/>

Her Majesty's Inspectorate of Constabulary (2015) *PEEL: Police Effectiveness 2015 (Vulnerability) An inspection of Essex Police*. Report available at: <https://www.justiceinspectrates.gov.uk/hmic/wp-content/uploads/police-effectiveness-vulnerability-2015-essex.pdf>

Her Majesty's Inspectorate of Constabulary (2014a) *Everybody's Business: Improving Police Response To Domestic Violence*. Available at: [www.hmic.gov.uk](http://www.hmic.gov.uk).

Her Majesty's Inspectorate of Constabulary (2014b) *Essex Police's Approach to Tackling Domestic Abuse*. Available at [www.hmic.gov.uk](http://www.hmic.gov.uk). [Accessed online at 10 November 2014]

Hester, M. (2009) 'Who Does What to Whom? Gender and Domestic Violence Perpetrators', *Violence Against Women Research Group School for Policy Studies University of Bristol*, (June), pp. 1–19. doi: 10.1177/1477370813479078.

Holder, R. (1999) Creating an unholy alliance: Inter-agency developments on domestic violence in Hammersmith and Fulham in Nicola Harwin, Gill Hague & Ellen Malos (eds) *The Multi-Agency Approach to Domestic Violence: New Opportunities, old challenges?* Whiting and Birch Ltd

Home Office (2005) *Domestic Violence: A National Report*. London.

Home Office (2013) New government domestic violence and abuse definition, *Circular 003/2013*

Hoyle, C. (2008) Will She be Safe? A Critical Analysis of Risk Assessment in Domestic Violence Cases. In *Children and Youth Services Review* Vol. 30 (3) pp, 323-337.

Local Government Association (2015) *Whole Place*, [http://www.local.gov.uk/community-budgets/-/journal\\_content/56/10180/3692233/ARTICLE](http://www.local.gov.uk/community-budgets/-/journal_content/56/10180/3692233/ARTICLE)

Loftus, B. (2009) *Police Culture in a Changing World*. Oxford: Oxford University Press

Mooney, J., (1999) *The North London domestic violence survey*. Middlesex University, Centre for Criminology.

Miller, S. L. (2001) 'The paradox of women arrested for domestic violence: criminal justice professionals and service providers respond', *Violence Against Women*, 7, pp. 1339–1376.

Miller, S. L. (2005) 'Victims as offenders: The paradox of women's violence in relationships.', *Victims as offenders: The paradox of women's violence in relationships*. New York.

Myhill, A. and Johnson, K. (2015) Police Use of Discretion in Response to Domestic Violence. In *Criminology and Criminal Justice*, Vol. 16 (1), pp.3-20.



Office for National Statistics (2015) Crime Statistics, Focus on Violent Crime and Sexual Offences, 2013/14. Chapter 4: Violent Crime and Sexual Offences - Intimate Personal Violence and Serious Sexual Assault. Pdf available at: [http://www.ons.gov.uk/ons/dcp171776\\_394500.pdf](http://www.ons.gov.uk/ons/dcp171776_394500.pdf)

Radford, L., & Gill, A. (2006). Losing the plot? Researching community safety partnership work against domestic violence. *The Howard Journal*, 45(4), 369–387

Radford, J. and Stanko, E. Violence against women and children in M. Hester, L. Kelly and J. Radford (eds) *Women, Violence and Male Power* (1995) Buckingham University Press Open University Press, pp 65-8

DASH (2009) Richards, L. in partnership with CAADA. *Domestic Abuse, Stalking and Harrasment and Honour Based Violence Risk Identification and Assessment and Management Model*. Pdf available to download at: <http://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/DASH-2009.pdf>

Richards, L. (2016) DASH Risk Model. Available at: <http://www.dashriskchecklist.co.uk/>

Richie, B. E. (2017) *Arrested Justice: Black Women, Violence, and America's Prison Nation*.

Robinson, A. L. and Howarth, E. (2012) Judging Risk: Key Determinants in British Domestic Violence Cases. In *Journal of Interpersonal Violence*. Vol. 27 (8), pp.1489-1518.

Shepard, Melanie, F. and Pence, Ellen, L. (1999) *Coordinating Community Responses to Domestic Violence" Lessons from Duluth and Beyond*. Thousand Oaks, CA: SAGE Publications.

Sweet, E. L. (2016) 'Carceral feminism', *Dialogues in Human Geography*, 6(2), pp. 202–205. doi: 10.1177/2043820616655041.

Thiara, R and Gill, A, (2009) *Violence Against Women in South Asian Communities: Issues for Policy and Practice*, Jessica Kingsley Publishers, London

Uhrig, N. (2016) *Black, Asian and Minority Ethnic disproportionality in the Criminal Justice System in England and Wales*, Ministry of Justice.

Walby, S., Towers, J. and Francis, B. (2015) Is Violent Crime Increasing or Decreasing? a New Methodology to Measure Repeat Attacks Making Visible the Significance of Gender and Domestic Relations, *The British Journal of Criminology*, Volume 56 (6), pp. 1203–1234.

Walby, S (2009) *The Cost of Domestic Violence Up-date 2009*, Lancaster University,.Available: [www.lancs.ac.uk/fass/doc\\_library/sociology/Cost\\_of\\_domestic\\_violence\\_update.doc](http://www.lancs.ac.uk/fass/doc_library/sociology/Cost_of_domestic_violence_update.doc)

Walby, S. and Allen, J. (2004) *Domestic violence, sexual assault and stalking: Findings from the British Crime Survey*. Home Office Research Study 276. London: Home Office Research, Development and Statistics Directorate.

Walklate, Sandra (2008) 'What is to be done about violence against women? Gender, violence, cosmopolitanism and the law', *British Journal of Criminology* 48(1) 39-54.

DO NOT COPY