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# **An intersectional approach to improving the efficacy of partnerships between women's organisations and the criminal justice system in relation to domestic violence**

## **Abstract**

The challenges facing domestic violence (DV) survivors has become the subject of a growing body of intersectional analysis; this paper presents a new intersectional framework for analysing DV policy and practice. Examining a partnership between women's sector organisations and the criminal justice system in London, using interviews with professionals from the bodies, the paper offers an intersectional analysis of the implications, positive and negative, for both policy and practice. The complex interplay between women's sector organisations and the criminal justice system demonstrate how the intersections of gender, class, 'race' and immigration status affect the way DV survivors are able to access and benefit from support, concluding that to operate more effectively DV support must consider *all* forms of oppression and violence affecting the lives of *all* their users.

## **Key words**

domestic violence; intersectionality analysis; gender; migration; policing; 'race'; women's organisations

## **Introduction**

Domestic violence (DV) is an intentionally broad term that encompasses "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" (Home Office 2013: 2). While this Home Office definition does not comprehensively describe all those affected by DV, it does comprehensively

characterise DV's abuse typology. The legal definition of DV incorporates psychological, physical, sexual, financial and emotional abuse and control, and explicitly notes the importance of taking seriously the more subtle elements of control and coercion in order to provide appropriate responses to those affected by DV and abuse. In 2015, an offence of 'controlling or coercive behaviour' was introduced under the Serious Crime Act, criminalising for the first time the non-physical abuse that so often occurs in the domestic context (Bishop and Bettison, 2017).

Although it is necessary to recognise that legal definitions of DV cannot be universally applied to women of all backgrounds without modification or qualification—as evidenced by the complex DV experiences of, for example, black and minority ethnic women (BME) women—DV's pervasive nature across cultures makes it a largely gendered issue (removed for review). Therefore, it is crucial to understand that DV manifests in various ways in different class and cultural contexts, and that victims' experiences of abuse and victimhood are shaped by their intersectional identities and locations (Crenshaw 1991). Indeed, prior research (Patel 2013; removed for review) shows that BME women, who are located at the intersection of numerous structural inequalities, face additional issues and pressures that compound their risks of DV.

This paper examines the relationship between the criminal justice system, women's organisations and survivors in order to investigate how intersectional perspectives can enhance support for domestic violence (DV) survivors. It establishes a new analytical framework by applying intersectionality-based policy analysis (IBPA) to current DV policy and practice to interpret the dynamic relationship between the criminal justice system and women's organisations and explore how this influences the evolution of DV policy and practice.

The focus of this analysis is a set of local initiatives connected across several London boroughs and formalised through a partnership between the criminal justice system and women's

organisations. The partnership comprises two Specialist Domestic Violence Courts (SDVCs)<sup>1</sup>; a Police Project<sup>2</sup>, which involves DV specialists working within a police station; a Criminal Justice Independent Domestic Violence Advocacy (IDVA) service; and one generic IDVA service unconnected to a criminal justice body or any other body comparable to the others in the study. The day-to-day practice of these connected bodies was analysed through interviews with professionals from each. The findings reveal that the intersection of gender, class, ‘race’ and immigration status have a major impact on the effectiveness of the support provided to DV victims; the most significant and problematic issues between the different bodies emerged where immigration status intersected with another axis of potential discrimination.

In 2012, the UK Government introduced the ‘hostile environment’ policy against undocumented migrants. This included high-profile enforcement campaigns, including vans proclaiming the message ‘Go Home or Face Arrest’ being driven through ethnically-diverse areas. Successive waves of legislation have removed undocumented migrants’ access to basic services and increased their criminalisation (Joint Council for the Welfare of Immigrants 2017). This has directly impacted support for migrant survivors of DV: more than half of all UK police forces now have a policy of arresting or revealing the whereabouts of such survivors to the Home Office (Nye, Bloomer and Jeraj 2018). In response, DV charity Southall Black Sisters

<sup>1</sup> In 2005, IDVAs were introduced alongside a national network of SDVCs with the aim of prosecuting more DV cases. DV court specialism involves dedicating one courtroom, once a week, solely to processing DV cases. The court has a dedicated prosecutor, magistrates, a probation officer, a criminal justice IDVA, and an SDVC coordinator who oversees and manages proceedings. The court staff all have specialist DV training.

<sup>2</sup> The Police Project was established in 2015 to address why so few DV arrests led to conviction at the first SDVC. It is the only such project in the UK. Three DV specialists work within the Community Safety Unit of the police station in question: a project manager, who oversees the project and gives officers expert legal advice on how to get cases charged; a case analyst, who reviews police case files to improve the chances of conviction; and an IDVA, who offers practical support to survivors from the point of perpetrator arrest through to giving evidence in court.

and civil liberties organisation Liberty recently announced that they were jointly lodging the first ‘super-complaint’ against the police on the basis that this practice unlawfully prevents crime victims from reporting (Liberty 2018). At the time of writing, The Domestic Violence and Abuse Bill was introduced to Parliament in July 2020, though it is yet to become statute; it provides an opportunity to allow for ‘protection before enforcement’ policies to be introduced to ensure safe reporting mechanisms for migrant survivors, as argued for by the End Violence Against Women Coalition (2018).

## **Literature Review**

### *Intersectional Feminist Analysis of the Criminal Justice System*

Debates about intersections have a long history in the UK, and have taken place specifically within gender studies, race and ethnic studies, and cultural and diaspora studies. These debates have challenged the invisibility of black people and the absence of theoretical/analytical frameworks that can account for how intersecting social divisions such as class and race affect different groups within particular contexts (removed for review). The common thread linking these assertions—and of importance for our argument—is the idea that in order to understand gendered violence, we must consider social and cultural ‘difference, and we must have the tools to explain this in ways that do not simply reproduce stereotypical representations of BME women’s subjectivity or their everyday experiences of their cultures and communities.

Drawing on critiques by black feminists in the US and UK in the 1970s and 1980s, intersectionality is about the primacy white feminists give to gender over other forms of oppression; it has become an internationally influential and increasingly used concept by feminist scholars and activists to signify and investigate the complex and intertwining nature of oppression and inequality (Brah and Phoenix 2004). Therefore, intersectionality has its roots in black feminism (Collins 1997), with Kimberlé Crenshaw (1991) generally recognised as

having coined the term. Crenshaw contended that mainstream feminist and anti-racist organisations rendered DV towards black women effectively invisible: these groups were reluctant to publish police department statistics concerning the socio-demographic characteristics of victims and perpetrators of DV and related crimes, fearing that they would lose funding if authorities used these statistics to conceptualise DV as a minority crime and thus reinforce negative racial stereotypes. Collins (2017) furthered Crenshaw's work by noting that mainstream feminist scholarship's focus on private-sphere violence against women (such as DV) alongside racial scholarship's emphasis on public-sphere violence against black men (such as lynching's) elides the intersecting forms of violence present in black women's lives.

Gender has enjoyed a significant and sustained level of engagement in the British criminological community: this is reflected in criminal justice policies. However, notwithstanding some exceptions, British criminology is yet to incorporate intersectional frameworks, with 'race' in particular being conspicuously absent (Parmar 2017). In 2016, the UK Ministry of Justice published findings of a review into ethnic minority involvement in the justice system; it concluded that a statistically-significant difference exists between the experiences of black and minority ethnic (BME) women and those of white women at the arrest, charging and prosecution stages, and that BME women are more likely to receive custodial sentences on conviction (Uhrig 2016). Adelman, Erez and Shalhoub-Kevorkian (2003) argue that this is because the police's discretionary powers can be misused such that some people are considered 'legitimate and deserving' victims and others are not: there is often a discriminatory dimension to these evaluations.

Brown (1995) argues that wholesale criminal-legal solutions cast the law in particular and the state more generally as purely neutral arbiters of injury, rather than bodies also invested with the power to injure. Patel (2003) warns that adopting US-style criminal justice partnerships in the UK would encourage women's sector organisations to make problematic accommodations

to maintain relationships with state agencies, instead of cooperation necessarily improving efficacy on both sides. Patel (2003) specifically identifies migrant women as vulnerable to such partnerships, which have led DV survivors to be deported. The results presented in this paper reflect similar concerns, with migrant survivors found to be especially at risk of state oppression following contact with such partnerships.

### **Intersectionality-Based Policy Analysis**

Intersectional methodology remains an underexplored field, with limited development of research methods to effectively capture all it offers (Hancock, 2007: 74). Recently, significant efforts have been made to create practical tools to address this gap; one such tool is IBPA, which is used in this research. IBPA analyses policy within its complex social and political context in order to identify the assumptions that underpin it and formulate practical improvements (Hankivsky, Grace, Hunting, Giesbrecht, Fridkin, Rudrum, Ferlatte and Clark 2014). While Hankivsky, Grace, Hunting and Ferlatte (2012) developed IBPA in Canada to analyse health policies, the model is equally useful in other countries and other policy areas: it consists of a series of generic, adaptable questions that explore processes, relationships and interactions in broad, open-ended ways that are not tied to any specific social, legal or cultural context. For example, Question 7c asks ‘How will proposed policy responses reduce inequities?’ There is nothing that renders this question particular to Canada or health policies, which means there are no limitations in its transferability and applicability to British DV policy. Hankivsky *et al.* (2012:150) write that “the flexibility of IBPA allows the analyst to tailor the analysis to fit the policy problem being examined”. Moreover, the tool lends itself to asking additional, subsidiary questions to gather rich data on the specific context and subject area in question, so there is space within the IBPA to tailor the research questions being investigated.

The IBPA consists of six 'descriptive' questions, a further six 'transformative' questions and several accompanying sub-questions aimed at elucidating the core twelve. The answers to the descriptive questions reveal how the policy problem in question has been conceptualised, in turn revealing the assumptions on which the policy is based, who is targeted by the policy, and the inequalities and privileges that may result from it. The transformative questions allow researchers to identify alternative policy responses and solutions that reduce inequality and promote social justice.

Intersectional policy research addresses the fact that any given policy problem or intervention will not be experienced by groups in the same way; thus the goal is to identify how specific policies address or fail to address inequalities across different social groups, accounting for how ethnicity, class, gender, disability and immigration status interact (Hankivsky and Cormier 2011). One of the great strengths of intersectionality is that, instead of offering a single explanatory theory regarding a specific phenomenon, it instead pushes researchers and policy-makers to unite a range of theories in order to capture the totality of the issue in question. While it is possible to take a critical stance towards the individual theories employed, and to critique whether those chosen do, indeed, capture the full picture, it is hard to argue against the merits of intersectionality as an approach which, at its core, addresses the need to ensure that phenomena are examined in the round, with careful attention given to unpicking assumptions that could otherwise cause important factors, interactions and dynamics to be ignored. Individuals have specific experiences of DV, but different socio-demographic characteristics help shape differences between and within groups of people in ways critical to ensuring that support is equally accessible, useful and effective for all. Intersectionality focuses attention on these complexities.

## **Methodological Approach**

The research design is grounded in feminist methodology. While it is important to acknowledge that the feminist academy comprises a range of ontological and epistemological approaches, one unifying characteristic is a focus on gender and gendered injustice (Harding, 1987) with a particular eye to elevating the voices of women and other marginalised groups and an emphasis on reflexivity (Harding 1987; Skinner, Hester and Malos 2005).

Using feminist methodology as the foundation on which to build an intersectional analysis acknowledges DV as a form of gendered injustice. It also ensures that the interests of female survivors are central to the research design and research aims. Hesse-Biber and Piatelli (2012) suggest that feminist researchers ought to centre their research questions on “social justice, social change and social policy for women and other marginalised groups” (2012: 178). Thus, the research questions behind this paper are as follows:

1. How have women’s organisations and the criminal justice system worked in partnership to address DV?
2. How has partnership between women’s organisations and the criminal justice system shaped their respective and collective responses to DV?
3. How does partnership between women’s organisations and the criminal justice system benefit survivors from different social locations?

## **Research Participants**

A combination of in-depth interviews and were undertaken to analyse the partnership between the women’s organisations and the criminal justice system: only data from the interviews are presented in this paper. In-depth interviews were conducted with current and former employees of two London-based SDVCs, the Police Project and the criminal justice IDVA service. Two

additional interviews were conducted with IDVAs from a generic service unconnected to these initiatives to provide contextual comparison between integrated partnerships and independent service provision. This paper focuses on seventeen interviews, each 45-60 minutes in length, conducted with sixteen respondents (see Table 1).

The study was jointly developed with the main women's organisation involved, which was seeking empirical research into their specialist initiatives. Representatives from this organisation also arranged access to their criminal justice partners; the criminal justice IDVAs then facilitated access to staff from the generic IDVA service. While the national IDVA model focuses on criminal justice support, the IDVAs interviewed for this study offer a broader base of support in housing, social services, civil remedies and health.

While no participants specifically requested anonymity, all were informed that their names would not be used in this study; personal details and identifying information were also removed. As there are only a limited number of SDVCs in the London area, and the initiatives involved are few and far between, it is still possible participants could be identified through triangulation. However, as none of the respondents expressed concerns over anonymity and none were especially vulnerable, the efforts made to anonymise were proportional and reasonable.

### **Interviews**

The interviews were semi-structured. Respondents were asked about their background in DV, the history of the organisation for which they worked, their reflections on the initiatives under examination, their thoughts on specific policies, and their experience of multi-agency working. The interviews also addressed the impact of the partnership on survivors, paying attention to the benefits and problems highlighted in the literature.

Initially, the interview transcripts were coded according to broad themes based on the literature (see Table 2). Once a small number of overarching themes were identified, the IBPA framework was used to identify answers to the descriptive questions. The initial codes were then reviewed with regard to the IBPA's transformative questions in order to refine the overarching themes identified in the first stage of the analysis (see Table 3).

#### Table 1

*Details of participants interviewed and their respective organisations*

#### Table 2

*Codes identified during initial analysis*

The discussion of the themes 'safety planning' and 'multi-agency practice' provides answers to Research Question 1 (see Table 3: RQ1), while the exploration of 'competing agency interests', 'policy procedure and structure' and 'police culture' provides answers to Question 2; answers to Question 3 are woven throughout.

#### Table 3

*Scaled-down illustration of IBPA analysis*

### **Findings**

*Risk, Homelessness and the Police Project*

The true scale of homelessness as a result of DV is difficult to quantify, but in the first three months of 2019 6,020 households in England were recorded by local authorities as homeless because of DV ( Ministry of Housing, Communities and Local Government 2019); since this number only covers those who approached a local authority *and* were accepted as homeless, the true figure is likely to be considerably higher. Once DV begins in a relationship, it tends to

escalate in frequency and severity (Dobash and Dobash 1992). Survivors may seek both immediate and longer-term safety through a range of informal and formal support (Peled, Eisikovits, Enosh and Winstok 2000), but there is no universally-successful strategy to prevent perpetrators from repeating abusive behaviour (Goodkind, Sullivan and Bybee 2004): they frequently continue despite arrest (Maxwell, Garner and Fagan 2001), participation in perpetrator programmes (Gondolf 1999) and separation from survivors (Fleury, Sullivan and Bybee 2000). Although contact with a DV service and relocation to a refuge are associated with more positive outcomes (Goodkind, Sullivan and Bybee 2004), this does not guarantee safety. Similarly, while sanctions from the criminal justice system may be a powerful tool in some cases, they have little impact in others. This persistence reinforces the argument that generic responses to both perpetrators and survivors are likely to be ineffective. The most potent argument for using the criminal justice system in DV cases is its unmatched power to offer immediate safety to victims during and after dangerous incidents. Currently, there is no other agency open 24/7 with the power to physically detain and remove perpetrators from situations in which they may cause injury or death.

The police station where the Police Project is located is unique in having a team of DV specialists, employed by a DV service, based in the station. Several respondents identified the IDVA's presence in the station as the most important element in the effectiveness of the Project's advocacy:

*Obviously, we're capable of doing that work, but then its better really... If they're dealing with the victims, we can concentrate on getting the suspects in and holding them to account.*

(Police Project, Officer 2)

Coy and Kelly (2011) found that IDVAs in police stations were able to forge stronger relationships with officers, influencing and improving responses to DV over time. This

dynamic means that IDVAs can conduct more comprehensive risk assessments, work with and influence police officers' responses to that risk, and gain quick access to remedies such as protection orders and welfare checks:

*I...could offer support when the suspect was in custody... I can think of one case where the suspect was going to get NFA'd [no further action] and release... police were concerned about him going back there but she had nowhere to go... we were able to kind of set it up, that I did a referral to the housing IDVA... [The police then] took her to the housing IDVA and she got housed.*

(Former Police Project IDVA)

This case illustrates how speedy and coordinated risk management from on-site IDVAs in a police station can improve outcomes. In the case above, both the police and the IDVA remained concerned that releasing the perpetrator would increase the survivor's risk so acted to avert this. This shows willingness on the part of the police to conceive of risk beyond the lens of the criminal justice process—that they took such an active role in the survivor's safety plan after the criminal justice case was closed demonstrates the 'added value' of a close working partnership.

Indeed, the ease with which the on-site IDVA could liaise with officers also had positive implications for the safety-planning efforts of the wider IDVA team:

*if they [the IDVA team] were having particular difficulties, they could just come to me and I would just speak to the officers... and be like "... I'm really concerned about this person". Whereas beforehand... I'd have to send them an email with all the risk factors.*

(Former Police Project IDVA)

The IDVA's position in the police station ensured that she could identify the victim's preferred option in seeking safe housing. Her connections with the local housing IDVA also meant that she could coordinate support when the victim presented there later that day: the officer accompanied her, ensuring safe passage and arranging for the perpetrator to be released from custody only after the victim had reached her destination. Basing the IDVA in the police station made this intricate and time-sensitive safety plan possible.

IBPA Questions 6a ('What are the important intersecting social locations?') and 7c ('How will proposed policy responses reduce inequities?') are particularly salient here. The survivor in the above case was made homeless by DV and was additionally vulnerable as a woman who had recently given birth: pregnancy is often an aggravating factor in terms of gendered vulnerability to DV. Pregnant working women from every social class face the prospect of employment discrimination, which in turn entrenches gendered pay and status differences (Davis, Neathey, Regan and Willison 2005); indeed, women in low-paid or precarious employment may not have access to even basic maternity employment rights and are often forced out of work altogether (James 2012), losing economic independence and having to rely on their partners. The limited economic resources of the survivor in this case were intertwined with her vulnerability as a new mother.

Understanding this survivor's intersecting vulnerabilities – as a) a woman, b) a new mother, c) someone with limited economic resources to flee to safety, and d) someone facing a dramatic increase in risk because of her perpetrator's imminent release following arrest – demonstrates the necessity of a coordinated response from the Police Project IDVA, the housing IDVA and the police. The risk indicators were identified and managed effectively as a result of the pooling of skills, expertise and resources. This, in turn, reduced the impact of any inequalities this survivor might otherwise have faced as a result of her complex and intersecting vulnerabilities.

### *Immigration and the Police Project*

Heightened, coordinated responses from police and IDVAs can ensure a more equitable outcome for some marginalised survivors. However, reducing risk via the criminal justice system is more complex for others. For instance, the criminal justice system primarily tries to reduce risk by removing perpetrators, but their involvement may heighten the risk of institutional subjugation through immigration controls. Research Question 3 focuses on partnerships between women's organisations and state bodies, and the impact of their collaboration on survivors. The key finding from the interviews is that the policy of enforcing immigration controls against DV survivors means that the efficacy of risk management and support is greatly reduced, and survivors are often reluctant to engage at all for fear of deportation or other consequences that might worsen rather than ameliorate their situation. An officer from the Police Project described one such case in detail:

*The police, came round and found her [the survivor] unconscious on the floor and found him strangling her ... he was arrested... she disappeared. ... only through going back through their [IDVA] records [were we] able to find a phone number... once we got in contact with her we used the IDVA to start the ball rolling about getting her to come to the police because she didn't really want to... because she worries it will affect her immigration status. But without the IDVA, we'd have never had that initial conversation to find out that's why she was worried about going to see police... She'd never have brought it into the police report. ... She obviously remembered the IDVA.*

(Police Project, Officer 1)

The officer identified a deliberate attempt by this survivor to evade the police because of fears about being reported to immigration services. This is not an uncommon response from asylum-seeking, refugee and 'over-staying' women, who often fear contact with state authorities and

thus avoid all interaction with the criminal justice system (Voolma 2018). In such situations, a heightened coordinated response works more in favour of the police's interests than survivors'. In the case above, the police ultimately achieved a conviction; knowing the survivor's whereabouts and maintaining contact were key. However, the additional risks to the survivor of engaging with the justice process were borne out as a referral was made to immigration services:

*we'd have to refer that to the Border Agency, but we'd also refer that in the context of how we've come across them... we'd have to do a Nacro check and things like that on the suspect, and similarly if we think the victims are here illegally.*

(Police Project, Officer 1)

While the interviewee did not know how the Home Office handled the case post-referral, it is significant that the incident took place in the context of the 'hostile environment' that has increasingly criminalised undocumented migrants.

Such cases are not uncommon. Indeed, the first generic IDVA discussed a similar situation:

*A client's immigration status... had prevented her from reporting [DV]. Then the police officer... arrested her for being an over-stayer.*

(Generic, IDVA 1)

The arrest of migrant DV survivors is rife across the UK (Nye *et al.*, 2018): incarceration in the UK's large immigration-detention estate (28,900 migrants were detained in 2016) is an increasing risk for many women seeking support for gendered violence (Silverman, 2017). Freedom from Torture found that only 6% (364 of 6,300) of detainees classified as "vulnerable and at risk" have been released in accordance with a scheme introduced in 2016 (Townsend 2019). According to this scheme, which was introduced to release vulnerable adults from

detention, a vulnerable detainee may be “suffering from a condition or [have] experienced a traumatic event (such as trafficking, torture or sexual violence)” (Home Office 2016). As seen in the examples above, the threat of arrest and deportation adds yet another dimension to the multiple and intersecting vulnerabilities experienced by migrant survivors. The ways in which intimate partner and state oppression intersect are illustrated by G-IDVA 1’s case: the survivor deliberately avoided the police because she knew her status could be leveraged against her: arrest is a very real possibility for survivors who do not have secure status in the UK. Similarly, if the survivor in the first case was in the UK illegally, as Police Project Officer 1 indicated, her options for regularising her status would have been severely limited: she could have applied for asylum, but, even if she had sufficient grounds, this process is notoriously complex and arduous—a final decision can take months or even years. Moreover, many asylum claims are denied: 64% of applications made in 2015 were rejected (Silverman 2017). Even if the survivor had a legitimate claim to remain, her presence in the UK to date was likely to have been unlawful: the Home Office could well have sought to detain and subsequently deport her once the officer’s referral had been processed.

While the police’s ultimate role is to investigate crimes within their own jurisdiction, they are also obliged to ensure that they support other state institutions in doing the same. In some instances, such as the second case, the remit and interests of the Home Office and police are the same, as the police also shoulder responsibility for upholding immigration law. However, while the IDVA involved works within the confines of the police station, her employer is a local charity; therefore, she does not hold the same power or authority as the police officers she works alongside. The IDVA’s position in the station as formal partners in the Community Safety Unit affords a certain amount of negotiating power and privileges: indeed, the aim of such partnerships is to bridge the gap between state institutions and survivors, ensuring better access to support. Coming from a community-based organisation, IDVAs are likely to have

access to a great deal of information the police ordinarily do not: several respondents reported that it was usual for survivors to divulge much more information to an IDVA than to the police:

*There'll be more times probably when I'm wrong and IDVAs are right because ... they are the ones speaking to them day in day out.*

(Police Project, Officer 1)

In the first case, the IDVA had the survivor's personal information, gained from previous contact with the service, on file. Moreover, the survivor remembered the IDVA and presumably placed some trust in her. This put the IDVA in a unique negotiating position: her physical location in the station afforded Police Project Officer 1 a means of re-establishing contact with the survivor. This situation should exemplify the assumption that underpins the police project structure: that the IDVA's presence in the police station will help officers. However, the inflexible commitment to convictions as the metric by which safety is measured means that in the above case, although the IDVA successfully performed her duty to maintain contact between the survivor and the police, she ultimately failed to keep the survivor safe from state oppression. Although the IDVA may have access to a plethora of support services for survivors, the dangers associated with survivor detention and the poor prospects of release after custody suggest that this survivor may have been severely *disadvantaged* through IDVA contact.

The voluntary sector has recently started receiving intense public scrutiny for colluding with immigration enforcement: homeless charity St Mungo's has acknowledged accompanying Home Office teams on enforcement patrols of migrants living on the streets (Taylor 2018). Patel (2003) argues that this is a key potential problem with multi-agency endeavours: feminist organisations that are uncritical of the political consequences of their involvement run the risk of unintentionally siding with the state against survivors. In the first example above, this may have been due to over-emphasising the common ground between the objectives of the police

and the charity employing the IDVA: namely, successfully prosecuting perpetrators. Lack of critical attention towards how the police may pose risks to some survivors can lead to unintended consequences: in this instance, putting the DV charity in the position of effectively colluding with state immigration enforcement against their service user. It cannot be assumed that the police be a benevolent and supportive force in the lives of survivors.

Evidence suggests that migrant women are often at high risk of DV (Morash, Erez, Adelman, and Gregory 2009), meaning that this group of women are vulnerable to both interpersonal and state oppression. As being a migrant woman is a prominently racialised identity in the UK (Canning 2014), the experiences of this group of survivors is likely to be very different from those of UK citizens, regardless of whether an individual migrant woman is from a racialised minority or not. In the second case discussed above, the survivor's designation as 'illegal' meant that the apparatus put in place to support her simultaneously worked against her. Conversely, in the case explored in the previous subsection, the survivor's status as a British citizen allowed the police to ensure that she was kept safe from the perpetrator both by extending his detention and using the IDVA's knowledge and connections to facilitate a safe housing placement. This demonstrates that universal 'one size fits all' approaches are not fit for purpose: offering a generic approach focused on gender to the survivors discussed in this subsection meant that their intersecting identity as migrants was ignored, leaving them at risk of arrest, detention and deportation.

#### *Immigration and Pro-arrest and Prosecution Policies*

IBPA Question 6 asks 'What inequalities actually exist in relation to the problem?' and 'Which are the important intersecting social locations and systems?'

As discussed above, some women are more vulnerable to criminal justice sanctions than others—for example, migrant women. The first generic IDVA interviewed described numerous instances where migrant survivors were arrested:

*I have two clients... both Eastern European and they both had this experience where their British husband spoke to the police... and then they were arrested.*

*[One of them] ... the police... charged her for common assault. He had thrown her out of a moving car; he was constantly very violent towards her... he basically came for her, her daughter was present... she had got really angry that he had hurt their kid. She threw a shoe at him, and it hit him on the back of the head. They both called the police, but when the police arrived he went out first and spoke to them. With this case she basically didn't lie about it; she admitted to throwing a shoe at his head, but it was in self-defence, but she was charged with common assault and it went to court.*

(Generic, IDVA 1)

If such measures lead to unjust criminal convictions, this can, in turn, lead to loss of employment opportunities, housing and welfare benefits, and immigration status problems for survivors (Prison Reform Trust 2016). Thus these sanctions may undermine survivors' ability to gain financial and legal independence from perpetrators (Allard 2016). Even if a survivor's arrest does not result in conviction, law enforcement techniques may still cause significant trauma under the circumstances. These reflections illustrate the additional vulnerability migrant survivors may face when they contact the police, especially when perpetrators are British.

#### *Pro-arrest and Prosecution Policies*

A key criminal justice strategy intended to address inaction in DV cases is mandatory or pro-arrest policies, which the specialist initiatives researched in this paper were among the first to

adopt. However, one unintended consequence of these policies has been a dramatic increase in the number of women arrested for DV (Hester 2013). While there are no definitive statistics to 'prove' that women arrested for DV have acted in self-defence, there is evidence (albeit not specifically related to arrest) indicating that women are significantly more likely to commit violence as a form of resistance to abuse. Further, the statistics on 'dual arrest' (Hester 2013; Brooks and Kyle 2015) suggest that women arrested for DV are more likely to be arrested alongside their partner because the police must make an arrest, but either can't or won't identify who the main perpetrator is. Evidence from Miller (2005) found that perpetrators used mandatory and pro-arrest policies to their advantage, knowing that if they called the police, the survivor would likely be arrested after having acted in self-defence. Miller (2005) also found that the vast majority of women taking part in a perpetrator recovery program had committed violence in the context of being abused themselves. These studies suggest that the increase in women being arrested for DV can be linked to inflexible police policy that is causing a large proportion of survivors, rather than perpetrators, to be arrested for this crime. This situation reveals the complicated conceptual terrain that women's organisations and the criminal justice system must navigate.

All respondents in this study discussed cases involving 'counter-allegations': instances where both parties reported a DV incident to the police. Indeed, eleven of the sixteen respondents reported that this is a significant phenomenon: all characterised it as a key reason for survivor distrust and discontent regarding the police. One criminal justice IDVA (a former police officer) described her experiences with counter-allegations in depth:

*I have got quite a few clients... where they have reported incidents before and they have actually ended up being arrested themselves... One case, a client called the police and reported [her partner] and he had scratches on his neck. They were blatantly defence marks. She got arrested. From that point on she refused to call the police.*

(Criminal Justice Independent Domestic Violence Advocate [CJ-IDVA])

However, not all respondents wholly accepted an arrested survivor's potential innocence in such circumstances. For example, the manager of the criminal justice IDVA services studied stated that

*There are clients who will have been perpetrators but then it is looking more into the reason of why that was in terms of their own experience of domestic abuse.*

(CJ-IDVA Service Manager)

Similarly, one of the generic IDVAs interviewed discussed the fact that some professionals feel male DV victims are not afforded sufficient recognition:

*I've got a male client... he's a straight man in a relationship with a woman; she's harassed him a lot—he told me that the police officer in the case told him that he wanted her to get charged for this to prove that there are male victims too. When the case didn't go to charge, because the CPS said there wasn't enough evidence, he said to the victim, "Taking my police officer's hat off, this is because you're a man".*

(Generic IDVA 1)

IBPA Question 4 ('How do the current representations shape understandings of different groups of people?') was particularly useful for analyzing the differing positions on female arrests—that is, whether women arrested for DV are viewed as perpetrators or victims. The Home Office definition of DV is non-gendered (Home Office 2012), although most violence committed by women in relationships tends to take the form of resistance to DV (Kimmel 2002), as the criminal justice IDVA argued. However, the manager of the same IDVA service did not necessarily agree, stating that some women are also perpetrators whose own violence is connected to their previous experiences of DV. This situates women as perpetrators of

violence with the caveat that they may *also* be survivors, rather than recognizing them as *principally* survivors. Although many respondents (N = 4) from the women's organizations similarly classified these women as primarily perpetrators, five out of six IDVAs felt that women in such circumstances should be assessed as the 'primary victim', given their prior experience of DV; one IDVA and the IDVA manager regarded these women as both perpetrators and survivors. There are material consequences to how women's services conceptualise survivors who commit violence: there is evidence that the criminal justice IDVA service redirects such service users to 'women's offender' services instead of DV support.

This complex narrative around women's use of violence may either be an influence on, or a result of, different procedural responses to arrested women. Determining which of these— influence or result—is the more likely could be established by interviewing IDVAs with previous experience in other kinds of services. These IDVAs should be asked to reflect on whether their attitudes towards women arrested as perpetrators had changed since joining such a criminal justice-based service and, if so, what the reasons for this change might be. The police are incident-led in their investigations of DV, and are therefore less likely to assess who the main perpetrator is based on anything other than the incident to which they have been called (Hester 2013).

Despite attempts to reform the criminal justice system's response to DV, the police remain incident-led in their approach, with decisions about arrest failing to take gender into account and instead being made in relation to individual incidents reported to them rather than patterns of incidents concerning the same people. This is a key limitation because DV rarely comprises just one incident: usually it is a gendered pattern of behaviour that develops over time (Hester 2013). Kelly (1988) argues that rather than focusing on different forms of abuse and women's responses to them as discrete issues, it would be more effective to explore specific abuses as part of a continuum of violence; only this conceptualisation illuminates the commonalities

between women's experiences to demonstrate how all are underpinned by patriarchal power and control. The women's organisation's re-conceptualisation of survivors as perpetrators of individual crimes combines feminist conceptions of the dynamics of DV's with an incident-led approach more commonly found in the justice system. However, this does little to challenge the growing injustice of criminalised survival, rather accepting and reinforcing it.

The case explored by the criminal justice IDVA 1 above raises the issue that an increased focus on women as perpetrators reflects police officers' attitudes and priorities. The officer described appeared politically motivated to see a woman charged—a position Chesney-Lind and Pollock (1995) term 'vengeful equity'. This woman may have been guilty of the charge against her, but the interviewee felt that the officer believed the survivor ought to be charged irrespective of contextual evidence to the contrary to satisfy his personal suspicion that female abusers elude justice. IBPA Question 5c asks 'Do current policies focus on target groups? If so, are they seen as homogenous or heterogeneous? Are they stigmatized by existing policy responses?' Empirical evidence suggests that more women than ever are facing arrest and conviction for DV (Hester 2013; Brooks and Kyle 2015). Hester's (2013) study of Northumberland police examined 96 examples from 692 'perpetrator profiles' and found that women were three times more likely to be arrested than men in DV cases: men were arrested once in every 10 incidents and women arrested once in every three, despite 83% of the men in the sample having at least two previous incidents recorded and 62% of the women arrested as perpetrators having only one previous incident recorded. Brooks and Kyle's (2015) pilot study of dual arrest in Scotland found that of the 532 dual arrests recorded, 3% of incidents involving a male perpetrator and female victim occurred within context of a dual report compared with 16% of incidents involving a female perpetrator and male victim.

Chesney-Lind and Pollock (1995) identified similar attitudes within the US justice system as part of a growing backlash against feminist criminal justice reforms. Insisting that women face

equal criminal justice sanctions fails to recognise they are not equal perpetrators: the statistics show that women tend to commit violence in self-defence, that the violence they inflict tends to be much less serious than the violence male perpetrators commit against them and that they commit fewer violent acts than men. Further, the evidence that DV is a gendered crime is substantial, both nationally and globally. International studies estimate that between 40–70% of all female murder victims are killed by their partners or former partners (depending on the country), and that approximately one in four women will experience DV in their lifetime (Corradi and Stöckl 2014). According to the Crime Survey for England and Wales, 8.4% of women and 4.2% of men were estimated to have experienced domestic abuse in 2018–19. Overall, 26% of women and 15% of men aged 16 to 59 had experienced some form of domestic abuse since the age of 16. These figures suggest that women are almost twice as likely as men to be affected by DV, underscoring the gendered nature of this type of violence (ONS 2019). Walby and Towers (2017) found that three-quarters (76%) of victims experiencing repeat DV crime in the UK were female, and 83% of high-frequency (10 or more crimes in a year) DV victims were female.

Concerns around survivor arrests were raised by interviewees not only in relation to policing, but also in terms of arrest or the threat to arrest being used to force survivors to testify against perpetrators in court. This highlights a conflict between the pressure on institutions to respond to DV and the wishes of survivors, who may not want a criminal justice remedy.

All the IDVAs in the study were asked to reflect on witness summons. Some believed in using a summons to ensure perpetrator accountability, but others felt the wider aim of perpetrator accountability had to be balanced against the wishes of survivors.

*Our advice... would be go along to court and explain to the prosecutor why you don't want to give evidence... and I would always make a point of being available to go to court with them...*

*to assist them to speak to the prosecutor around the reasons why they didn't want to give evidence.*

(Police Project IDVA 1)

IBPA Question 5d asks 'How do existing policies address inequities between different groups?'

In practical terms, if a survivor were adamant that she did not want to give evidence some IDVAs would encourage her to attend court then decline to take the stand if too afraid. In such instances, the survivor's position would be bolstered by the IDVA advocating for her, especially in relation to meeting prosecutors' demands enough to weaken their power to arrest. IDVAs may personally feel that perpetrators must be held to account by the criminal justice system, but the interview responses demonstrated that they have developed sophisticated ways of navigating prosecutors' demands on survivors, balancing concessions with negotiation and advocacy. As seen above, advocacy-focused strategies are an effective way for IDVAs to address the potential inequalities associated with witness summons.

Women's sector collaboration with the justice system is complex: partnerships shape respective and collective responses to survivors in both positive and negative ways. IDVAs are doing critical work in developing sophisticated strategies to resist the more punitive aspects of witness procedures and to limit the possibility of arrest, avoiding breakdowns in stakeholder relationships. However, more work is needed to better navigate the issue of counter allegations against survivors. These differences in where partnerships are effective and where they can be problematic are partly the result of the fact that witness summons are a tool used at magistrates' discretion (HMCPSI, 2016), while incident-led, non-gendered approaches to policing, especially in the context of mandatory arrest policies, present a thornier problem, especially given the growing push for more women to face criminal sanctions for DV. At a time when men's rights activism is becoming increasingly vocal and political, collaborative responses to

women's use of violence in relationships must take account of both feminist and intersectional analyses to ensure women's interests are not sidelined by ignoring the full context of such violence (Miller, 2001).

## **Conclusion**

Using an intersectional approach, this paper examines the complex power structures created when institutions partner to address DV. Developing a new analytic framework using IBPA helps illuminate the dynamics between women's organisations, the criminal justice system and marginalised DV survivors. Elucidating the practical ways these partnerships work helps answer Research Question 1. The findings show that IDVAs and police officers are developing sophisticated collaborative strategies to combat DV in ways that maximise the benefits to survivors and, at least ideally, minimise potential harms.

In looking at precisely how partnerships have shaped both the practice of different bodies and their collaboration (Research Question 2), the data revealed that women's organisations are adapting to an increase in women arrested for DV by diverting survivors to new local women's offender services, indicating a perceived need to cater to women within the justice system rather than simultaneously catering to them as survivors, despite evidence that perpetrators may be using the criminal justice system against survivors as part of a DV pattern (Miller 2001; removed for review). This creates a silo effect in how DV survivors are treated. However, on a more positive note, advocacy strategies are being used by IDVAs to resist criminalising survivors in the case of witness summons. Nonetheless, survivors who find themselves on the 'wrong' side of the law when arrested either as 'perpetrators' or as undocumented migrants may find that the initiatives established to protect them only further marginalise and oppress them.

Research Question 3 concerns how different, intersecting vulnerabilities lead to different outcomes for different groups of survivors: whether survivors experience DV-related organisational partnerships as supportive or marginalising depends on the ways in which they are marginalised. For example, social class, gender and pregnancy did not appear to prevent survivors from reaping the benefits of these initiatives for survivors who were British citizens and not suspects in a criminal investigation: for undocumented survivors or those facing ‘counter allegations’ of DV, close relationships between DV services and the justice system increased vulnerability.

A combination of institutional and service-user advocacy was seen to ameliorate these intersectional problems. Adjusting the structure of the Police Project according to the findings might involve moving the IDVA role back to the community-based IDVA team; the Police Project Manager would need to take on a bigger role easing communication between the IDVAs and police officers to maintain the benefits of partnership (including having DV specialists inside police stations), but this shift could provide the separation needed to ensure that safety planning is centred on the survivor’s needs rather than criminal justice priorities (Howarth, Stimpson, Barran and Robinson 2009). Ensuring that frontline advocates are independent and can critically reflect on partnerships with statutory bodies will help them develop a tailored, intersectional response for DV survivors. Advocates also have a key role to play in addressing the increased criminalisation of DV survivors. They have successfully developed strategies to avoid criminalisation through witness summons. Now the same must be done to address the impact of pro-arrest policies on survivors accused of reciprocal DV through ensuring that counter-allegations are considered in relation to the overall pattern of violent behaviour in the relationship, and criminalisation is challenged (Miller 2001). At the least, arrested survivors ought to receive continued support from DV services.

The increasing criminalisation of migration poses specific problems for criminal justice and women's sector partnerships, as well as for migrant survivors seeking support, especially in the context of the current the 'hostile environment' policy. Pro- or mandatory-arrest policies for DV were formulated by the women's movement to address disparities in responses to crimes that disproportionately impact women, directly influencing criminal justice operations. Partnerships such as those discussed here represent an ongoing commitment to include the women's sector in every stage of the criminal justice system, from arrest and investigation to prosecution. However, compared to the US (where these policies originated) the UK has adopted these practices largely uncritically. The findings demonstrate the problems associated with criminological research and criminal justice policies that prioritise gender over other forms of marginalisation. It is imperative that a critical intersectional analysis is promoted in British criminology, particularly as regards the introduction and evaluation of new criminal justice policies.

Intersectional scholars have warned of the dangers associated with mainstream feminism's assumption that all women face a similar risk of gendered violence and therefore require the same responses in practical and policy terms (Richie 2013). This paper provides an empirical basis for challenging criminal justice policies that ignore how other factors such as 'race' and migration status can increase the likelihood of criminal justice sanctions or immigration enforcement for survivors, especially when partnerships between the women's sector and the criminal justice system mean there are no options to seek support without engaging with governmental agencies. The assumption in much of British criminology and criminal justice policy that gender is the primary axis of marginalisation is not limited to the DV field: it is also seen in relation to women's imprisonment and the policing of drugs, mental health, homelessness and sex work (Carlen 2002; Tompkins and Neale 2018). However, the findings

of this paper demonstrate the need for broadening analysis to other, interwoven forms of marginalisation, such as class, 'race', migration status, disability and sexuality.

This study highlights some of the intersectional problems associated with taking a non-gendered approach to DV, especially one that also fails to respond to migrant survivors' specific needs. The Domestic Violence and Abuse Bill may help address some of the problems arising from these issues: consultation responses on the draft Bill have consistently recommended a more intersectional approach. However, in the meantime, the threat of violence from an intimate partner remains one form of oppression among many for numerous survivors and failing to take account of these various oppressions places such survivors at further risk. By adopting a critical approach that centres DV survivors' needs, partnerships between government bodies and women's organisations have the potential to establish an intersectional approach to safety that offers genuine empowerment to end *all* forms of oppression and violence against *all* survivors.

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Table 1

*Details of participants interviewed and their respective organisation*

Specialist Domestic Violence Court 1	Specialist Domestic Violence Court 2	Police Project	Criminal Justice IDVA service	Generic IDVA Service
SDVC 1 Prosecutor	SDVC 2 Co-ordinator	PP IDVA	CJ-IDVA 1	G-IDVA 1
SDVC 1 Co-ordinator		Former PP IDVA	CJ-IDVA Service Manager	G-IDVA 2
Magistrate SDVC1		PP Officer 1	Co-founder Criminal Justice IDVA Service	
Former Chief Superintendent/co-founding stakeholder in specialist initiatives		PP Officer 2		
Co-Founder Specialist Initiatives		Police Project Case Analyst		
		Police Project Manager		

The greyed-out sections are participants not included in the analysis for this paper.

Table 2

*Codes identified during initial analysis*

RQ1	RQ2	RQ3
Multi-Agency Practice	Competing Agency Interests	Power <ul style="list-style-type: none"> <li>• Criminal Justice/Home Office</li> <li>• Women's Organisation</li> <li>• Survivor</li> </ul>
Relationships Building	Policy, Procedure and Structure	Autonomy <ul style="list-style-type: none"> <li>• Survivor Empowerment</li> <li>• Criminalisation</li> <li>• Trust</li> </ul>
Safety Planning	Police Culture	Social Locations: <ul style="list-style-type: none"> <li>• Gender</li> <li>• Poverty</li> <li>• Homelessness</li> <li>• Migration Status</li> <li>• 'Race'</li> <li>• Disability</li> </ul>
Perpetrator Accountability	Training and Development	

Table 3

*Scaled-down illustration of IBPA analysis*

Modified IBPA Questions	Mandatory Arrest Policy
<b>What is the policy 'problem' being addressed?</b>	Attrition rates with very small numbers of call outs resulting in arrest, and fewer still staying with the criminal justice process to conviction (supported by literature and data).
<b>What effects are produced by this approach to the 'problem'?</b>	Some positive effects, increase in numbers of perpetrators arrested, charged and convicted overall. Unintended effects include increase in number of women arrested for DV (supported by literature and data).
<b>How are groups differently affected by this approach to the 'problem'?</b>	Evidence in data to suggest that some women are most vulnerable to wrongful arrest, such as migrant women with British perpetrators

DO NOT