



A Research and Literature Review

Protection and Accountability: The Reporting, Investigation and Prosecution of Domestic Violence Cases

by

Kate Paradine and Jo Wilkinson
National Centre for Policing Excellence, Centrex

CENTREX
DEVELOPING POLICING EXCELLENCE

Commissioned by HMIC and HMCPSI to inform their Joint Thematic Inspection
of the Investigation and Prosecution of Cases Involving Domestic Violence

February 2004

Research and Literature Review

Protection and Accountability: The Reporting, Investigation and Prosecution of Domestic Violence Cases

	PAGE
1 DOMESTIC VIOLENCE & DOMESTIC HOMICIDE	3
Definitions and terminology	3
Nature and extent	4
<i>Domestic violence</i>	4
<i>Domestic homicide</i>	6
<i>Gender of perpetrators and victims</i>	8
<i>Domestic violence and diverse communities</i>	9
Social and financial costs	11
Effects of domestic violence	11
<i>Effects on adult victims</i>	11
<i>Effects on children</i>	12
Risk factors and domestic violence	13
2 DOMESTIC VIOLENCE: THE LEGAL AND POLICY FRAMEWORK	17
Domestic violence as crime	17
Protecting victims of domestic violence	18
<i>Protection in the Criminal Justice System</i>	19
<i>Protection in the Civil Law System</i>	19
<i>Protection in the housing and immigration systems</i>	21
<i>Child protection and domestic violence</i>	22
Multi-agency responses	23
3 SURVIVORS' PERSPECTIVES	25
Patterns of help seeking	25
Consultation with survivors	26
Survivors' views on statutory services	27
Survivors' views on voluntary sector services	28
Safety planning	30

4 MULTI-AGENCY RESPONSES	31
Multi-agency partnerships	31
Assessing and managing risk	32
Institutional audits and fatality reviews	33
5 POLICE RESPONSES	35
Reporting and recording	35
Positive action and arrest policies	37
Investigation and evidence gathering	41
Protecting and supporting victims	42
6 PROSECUTION RESPONSES	47
Protection policies and practice	47
Evidence	48
Victims and prosecution	50
7 RESPONSES OF THE CRIMINAL AND CIVIL COURTS	55
Experiences in Criminal Court	55
Sentencing	56
Links between the Criminal and Civil Court Systems	59
8 FUTURE RESEARCH	63
BIBLIOGRAPHY	65

BY

KATE PARADINE AND JO WILKINSON

NATIONAL CENTRE FOR POLICING EXCELLENCE, CENTREX

CENTREX
DEVELOPING POLICING EXCELLENCE

**COMMISSIONED BY HMIC AND HMCPSI TO INFORM THEIR JOINT THEMATIC
INSPECTION OF THE INVESTIGATION AND PROSECUTION OF CASES INVOLVING
DOMESTIC VIOLENCE**

(The report is available at www.hmcpai.gov.uk and www.homeoffice.gov.uk/hmic)

This literature review was carried out in partnership with HMIC and HMCPSI to inform the inspection of the investigation and prosecution of domestic violence-related offences.¹ The brief for the review was to examine UK and relevant international research in the following areas, each of which corresponds to a particular section within the report:

- The extent of domestic violence and domestic homicide, including financial costs and risk factors.
- The UK legal and policy framework for domestic violence, particularly that relating to the criminal justice system.
- Survivor perspectives on services, including voluntary sector responses such as the women’s refuge movement and issues relating to service-user consultation and safety planning.
- Multi-agency responses that relate to initiatives involving the criminal justice system, including the role of multi-agency partnerships, assessing and managing risk, information sharing, institutional audits and fatality reviews.
- Police responses to domestic violence, including reporting and recording, positive action and arrest policies, investigation and evidence gathering.
- Prosecution responses to domestic violence, including CPS policies and practice, issues of evidence and the victim’s role in the prosecution process.
- Court and judicial responses to domestic violence including sentencing and links between the criminal, civil and family legal systems.
- To identify key questions for future research and to summarise the ‘gaps’ in current knowledge.

Issues that are not covered, or not covered in detail, include literature relating to the following:

- Psychological and social impact of domestic violence on adult and child victims.²
- Theories and research relating to the history and causes of domestic violence.³
- The civil and family legal systems, including the system of civil protection orders and legal proceedings relating to divorce, child protection and child contact.⁴

1 Frank Pike (University of Surrey) provided invaluable research assistance and Linda Soltysiak provided the crucial administrative support to enable this review to be completed.

2 For examples see Ferraro, K. and Johnson, J. (1983) ‘How women experience battering: The process of victimisation’, 80 *Social Problems* 325-337; Kirkwood, C. (1993) *Leaving Abusive Partners* (London: Sage); Mullender, A., Hague, G., Imam, U., Kelly, L., Malos, E. and Regan, L. (2002) *Children’s Perspectives on Domestic Violence* (London: Sage)

3 For discussion of different perspectives see Gelles, R. and Loseke, D. (Eds) (1993) *Current Controversies on Family Violence* (California: Sage); Hester, M., Kelly, L. and Radford, J. (Eds) (1996) *Women, Violence and Male Power* (Buckingham: Open University Press); James, K., Seddon, B. and Brown, J. (2002) ‘Using it’ or ‘losing it’: Men’s constructions of their violence towards female partners’, *Australian Domestic and Family Violence Clearinghouse Research Paper* (accessed at <http://www.austdvclearinghouse.unsw.edu.au>); Jukes, A. (1999) *Men Who Batter Women* (Boston: Routledge Kegan Paul); Mullender *et al* (2002); Smith, L. (1989) *Domestic Violence: An Overview of the Literature*, Home Office Study No. 107 (London: Home Office) at 1-2; Yllo, K. and Bograd, M. (Eds) (1988) *Feminist Perspectives on Wife Abuse* (California: Sage)

4 Burton, F. (2003) *Family law* (London: Cavendish); Lord Chancellors Department (2003) *Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions* (London: Lord Chancellor’s Department); Mullender, A. and Debbonaire, T. (2000) *Child Protection and Domestic Violence: Practitioner’s Guide* (Birmingham: Venture Press)

- Research relating to behavioural programmes aimed at perpetrators of domestic violence and educational publicity campaigns relating to domestic violence.⁵
- The responses of agencies outside the criminal justice system such as the health sector,⁶ unless they relate to multi-agency initiatives involving criminal justice agencies.

However, references are made to these issues to emphasise the importance of integrating current knowledge into existing criminal justice responses. The authors have avoided as far as possible duplication of the literature reviews contained in the volume edited in 2001 by Taylor-Browne, *What Works in Reducing Domestic Violence?*⁷ The chapters in that collection are extended versions of a set of briefing notes commissioned by the Home Office, Policing and Reducing Crime Unit in 1999.⁸

A combination of methods were used for this research including the following:

- Searches of reference material held by the National Centre for Policing Excellence and the National Police Library at Centrex Bramshill.
- Searches of abstracting sources using a variety of key words (e.g. Domestic violence, domestic abuse, family violence, domestic violence & police/policing, domestic violence prosecutions and trials, investigating domestic violence).
- Online searches using the search engine google.com using the same key words.
- Contacting academic and practitioner colleagues in the UK and internationally for relevant published and unpublished material.
- Early drafts of the review were distributed to two “critical readers”, Davina James-Hanman (Greater London Domestic Violence Project) and Professor Liz Kelly (Child and Woman Abuse Studies Unit, London Metropolitan University) and to a selection of specialists identified by HMIC and HMCPSI including Jerry Hyde (HMCPSI), Reg Pengelly (HMIC), Bridie Smurthwaite (HMCPSI) and Nadine Tilbury (CPS). The authors are very grateful for the insights and suggestions that these individuals have contributed.

5 For further information see Bennett, L. and Piet, M. (1999) ‘Standards for batterer intervention programs: In whose interest’, 5(1) *Violence Against Women* 6-24; Bowen, E., Brown, L. and Gilchrist, E. (2002) ‘Evaluating probation based offender programmes for domestic violence perpetrators: A pro-feminist approach’, 41(3) *The Howard Journal* 221-236; Eadie, T. and Knight, C. (2002) ‘Domestic violence programmes: Reflections on the shift from independent to statutory provision’, 41(2) *The Howard Journal* 167-181; Gondolf, E. and White, R. (2000) ‘Consumer’ recommendations for batterer programs’, 6(2) *Violence Against Women* 198-217; MacAskill, S. and Eadie, D. (1995) *An Evaluation of The Scottish Office Domestic Violence Media Campaign* (Edinburgh: Scottish Office, Central Research Unit); Mullender, A. and Burton, S. (2001) ‘Dealing with perpetrators’, in, Taylor-Browne (2001)

6 For example see Williamson, E. (2000) *Domestic Violence and Health: The Response of the Medical Profession* (Bristol: the Policy Press)

7 Taylor-Browne, J. (Ed) (2001) *What Works in Reducing Domestic Violence? A Comprehensive Guide for Professionals* (Whiting Birch, London)

8 Home Office (2000c) *Reducing Domestic Violence ... What Works? Policing and Reducing Crime Briefing Notes* (London: Home Office)

1. DOMESTIC VIOLENCE & DOMESTIC HOMICIDE

1.1. Definitions and Terminology

A review of government publications in 2001 identified 14 different definitions of domestic violence, indicating what has been described as a “definitional crisis.”⁹ In this literature review the term ‘domestic violence’ refers to the definition used for Best Value Performance Indicators (BVPI); “threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or are family members, regardless of gender.”¹⁰ This is different from the CPS definition which is not limited to adults and, in accordance with its remit within the criminal justice system, is restricted to “*any criminal offence* arising out of physical, sexual, psychological, emotional or financial abuse by one person against a current or former partner in a close relationship, or against a current or former family member.”¹¹ The BVPI definition is not restricted to domestic violence within an intimate relationship as is the case with most crime surveys and it is also gender neutral. This emphasises the duty on public authorities to provide services to all victims of domestic violence. Other terms, which often have different definitions, include ‘intimate partner violence’, ‘family violence’ and ‘domestic abuse’,¹² but ‘domestic violence’ is most commonly used in the context of the British criminal justice system.

This report uses the term ‘domestic homicide’ to describe killings (including murder and manslaughter) by a person who is a current/former intimate partner or family member of the victim and includes murders of children by a parent or step-parent. The term ‘intimate partner homicide’ is used to describe one particular sub category of ‘domestic homicide’ when the victim and perpetrator were current or former partners.

Other issues in relation to terminology concern the words used to describe those who experience and perpetrate domestic violence. Some people who experience domestic violence see themselves as ‘victims’, but that definition is unlikely to adequately reflect those individuals’ experience over time. The term ‘survivor’ focuses on the resilience, strength, and resourcefulness that many people reveal when they experience domestic violence.¹³ No one word adequately reflects the experiences of all people in this situation. Both terms are used in this research depending on the particular context, with ‘victim’ being the term most commonly used to describe status within the criminal justice system. At points in this review reference is made to adult and child victims or survivors of domestic violence. The BVPI definition is restricted to adults, but it is recognised here that when children live in a home where there is domestic violence it is also a form of child abuse. The term ‘perpetrator’ will generally be used to describe those responsible for the violence, although ‘offender’ will be used in the context of those convicted of domestic violence-related offences. The terminology used will be gender-neutral, except where research is gender specific, such as that focussing on female victims and male perpetrators.

9 Radford, J. (2003) ‘Professionalising responses to domestic violence in the UK: Definitional difficulties’, 2(1) Community Safety Journal, 32-39 at 34. Also, see DeKeseredy, W. (2000) ‘Current controversies on defining non-lethal violence against women in intimate heterosexual relationships: empirical implications’, 6(7) Violence Against Women 728-746

10 Taken from Audit Commission (2001) Best Value Performance Indicator No. 153

11 Crown Prosecution Service (2001a) *Revised CS Policy on Prosecuting Cases of Domestic Violence* (London: HMSO)

12 Smith, L. (1989) *op. cit.* at 1-2.

13 Gondolf, E. and Fisher, E. (1988) *Battered Women as Survivors: An Alternative to Treating Learned Helplessness* (Massachusetts: Lexington Books); Hoff, L. (1990) *Battered Women as Survivors* (London: Routledge); Kelly, L. (1989) *Surviving Sexual Violence* (Cambridge: Polity Press)

1.2. Nature and Extent

1.2.1. Domestic Violence

The definition of ‘domestic violence’ adopted in this review refers to a range of behaviour, much of which is criminal, some of which is not. The ‘Power and Control’ wheel is one model used in some training courses and domestic violence perpetrator programmes to explain the different controlling behaviours that make up coercive patterns of control and abuse.¹⁴ The wheel describes the dynamics of domestic violence including physical and sexual assaults, coercion, threats, intimidation, verbal attacks, blame, isolation, economic control, the abuse of authority, use of loved ones and the minimisation and denial of violence by the perpetrator. This particular model focuses on domestic violence by men against female partners, although some of the dynamics may be relevant to other relationships.

Domestic violence has been strongly linked to the physical abuse of children and estimates of the overlap range from 30-60%.¹⁵ The perpetrator’s abuse may include: threats to harm children, pets or others; allegations relating to parenting; threats to report the partner to social services; and using contact with children to prevent a victim from leaving.¹⁶ Some perpetrators use legal proceedings and contact with children as a way to control their partner after separation¹⁷ and where bisexual women and lesbians are victims of domestic violence, fears of losing custody disputes may be exacerbated.¹⁸ There has also been found to be a correlation between animal abuse and adult domestic violence and abuse of children.¹⁹

Low levels of reporting means that we cannot appreciate the full extent of domestic violence.²⁰ For example, in the 1996 British Crime Survey over half those who identified themselves as having experienced a domestic assault said that they had not told anyone about the last attack.²¹ However, we do know that domestic violence is widespread. The World Health Organisation found that in surveys from around the world, 10-69% of women report being physically assaulted by an intimate partner at some point in their lives.²² The Scottish Crime Survey in 1999 and the British Crime Survey in 2000 both found that

14 Shepard, M. and Pence, E. (1999) *Co-ordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond* (California: Sage) at 275. See Centrex (2002) *National Domestic Violence Modular Training Programme* (Harrogate: Centrex) for a copy of the Power and Control Wheel.

15 Edelson, J (1999) Children’s witnessing of adult domestic violence. 14 (8) *Journal of Interpersonal Violence* 839-870. Mullender, A. (2001) ‘Meeting the Needs of Children’, in Taylor-Browne (2001) *op. cit.* Mullender, *et al* (2002) *op. cit.*

16 Davies, J. and Lyon, E. (1998) *Safety Planning with Battered Women: Complex Lives/ Difficult Choices* (London: Sage) at 86.

17 Cahn, N. (1991) ‘Civil images of battered women: The impact of domestic violence on child custody decisions’, 44(5) *Vanderbilt Law Review* 1041-97; Mahoney, M. (1991) ‘Legal images of battered women: Redefining the issue of separation’, 90 *Michigan Law Review* 1-94 at 43-49.

18 Leventhal, B. and Lundy, S. (1999) *Same Sex Domestic Violence: Strategies for Change* (California: Sage)

19 Turner, N. (2000) ‘Animal abuse and the link to domestic violence’, *The Police Chief*, June: 28-29; NSPCC (2003) *Making the Links: Child Abuse, Animal Abuse and Domestic Violence* (London: NSPCC)

20 Smith (1989) *op. cit.* at 6-14.

21 Mirrlees-Black, C. (1999) *Domestic Violence: Findings from a New British Crime Survey Self-Completion Questionnaire*, Home Office Research Study 191 (London: Home office) at 51 and 54.

22 World Health Organisation (2002) *World Report on Violence and Health: Summary* (World Health Organisation: Geneva); For a discussion of approaches to researching prevalence in European countries see Hagemann-White, C. (2001) ‘European Research on prevalence of violence against women’, 7(7) *Violence Against Women* 732-759

domestic violence accounted for 23% of all violent crime.²³ One in twenty incidents of crime reported to the 2000 British Crime Survey were classified as domestic violence.²⁴

Innovative research methods have been developed in recognition of the fact that traditional crime surveys do not provide reliable measures of the extent of domestic violence.²⁵ In the UK, prevalence research suggests that domestic violence has occurred to between one quarter and one third of women, depending on how wide a definition is applied and the methodologies used.²⁶ In the self-completion module of the 1996 British Crime Survey, which was developed as a more valid measure of domestic violence, it was found that one in four women and one in seven men reported a physical assault by a current or former partner in their lifetime.²⁷ In a recent study of the prevalence of domestic violence in pregnancy, 2.5% of women had experienced domestic violence in their current pregnancy.²⁸ Using British Crime Survey and police reporting data, it has been estimated that an incident of domestic violence occurs in the UK every six to twenty seconds.²⁹ The British Crime Survey 2000 found that 57% of domestic violence victims were repeat victims and that “no other type of crime has a rate of repeat victimisation as high as that for domestic violence.”³⁰ The danger posed by domestic violence offenders also extends to violent offences against strangers, including rape and sexual assaults.³¹

Rape and harassment statistics provide another perspective on the extent of domestic violence. The overlaps between rape, sexual assault and domestic violence have been a neglected area of research³² although studies suggest that between 10% and 14% of married or cohabiting women have been raped at least once by their partners.³³ Of rapes reported by women in the self-completion surveys for the 1998 and 2000 British Crime Surveys, almost half were committed by perpetrators who were the victim’s current partner at the time of the incident.³⁴ Studies suggest that rape by a partner often involves extreme

23 Macpherson, S. (2002) ‘Domestic Violence: Findings from the 2000 Scottish Crime Survey (Edinburgh: Scottish Executive Central Research Unit) at 7; Kershaw, C., Budd, T., Kinshott, G., Mattinson, J., Mayhew, P. and Myhill, A. (2000) *The 2000 British Crime Survey England and Wales*, Home Office Statistical Bulletin 18/00 (London: Home Office)

24 Kershaw *et al* (2000) *ibid.*

25 Walby, S. and Myhill, A. (2001) ‘New Survey methodologies in researching violence against women’, 41 *British Journal of Criminology* 502-522

26 For examples see, Mirlees-Black (1999) *op. cit.*; Mooney, J. (1993) *The Hidden Figure: Domestic Violence in North London* (Centre for Criminology: Middlesex University and Islington Council) at 27

27 Mirlees-Black (1999) *op. cit.*

28 Bewley, S., Bacchus, L., Haworth, A., and Mezey, G. (2000) *An exploration of the prevalence, Nature and Effects of Domestic Violence in Pregnancy* (ESRC Violence Research Programme Findings)

29 Stanko, E. (2001) *The Day to Count: A Snapshot of the Impact of Domestic Violence in the UK* (accessed from website http://www.domesticviolencedata.org/5_research/count/count.htm. on 24th April 2003)

30 Kershaw *et al* (2000) *op. cit.* at 38

31 Buzawa and Buzawa (2003) *Domestic Violence: The Criminal Justice Response* (London: Sage) at 44-46; Kielinger, V. and Stanko, B. (2002) ‘What can we learn from people’s use of the police?’ 48 *Criminal Justice Matters* 4-5 at 5; Klein, A. (1996) ‘Re-abuse in a population of court-restrained male batterers’, in, Buzawa, E. and Buzawa, C. (Eds.) *Do Arrests and Restraining Orders Work?* (Thousand Oaks, CA: Sage); Also see Soothill, K., Francis, B., Ackerley, E., and Fligelstone, R. (2002) *Murder and Serious Sexual Assault: What Criminal Histories can Reveal about Future Serious Offending*, Police Research Series Paper 144 (London: Home Office)

32 Kelly, L. (2002) *A Research Review on the Reporting, Investigation and Prosecution of Rape Cases* (London: HMCPSI) at 12

33 Mahoney, P. and Williams, L. (1998) ‘Sexual assault in marriage: Prevalence, consequences, and treatment of wife rape’, in Jasinski and Williams (1998) *op. cit.* at 115; Painter, K. (1991) *Wife Rape, Marriage and the Law: Survey Report: Key Findings and Recommendations* (Manchester: Faculty and Economic and Social Studies, University of Manchester); Also see Harmes, R. (1999) ‘Marital rape: A selected bibliography’, 5(9) *Violence Against Women* 1082-1083

34 Myhill, A. and Allen, J. (2002) *Rape and Sexual Assault of Women: The Extent and Nature of the Problem: Findings from the British Crime Survey*, Home Office Research Study 237 (London: Home Office Research, Development and Statistics Directorate) at vii.

violence.³⁵ The Understanding and Responding to Hate Crime Project, which analysed domestic sexual assault cases in the Metropolitan police area for three months in 2001 found that the injuries experienced by victims were more serious than those assaults by strangers.³⁶ Across all jurisdictions studied, a large proportion of harassment and ‘stalking’ cases involve former partners and there are clear links between this behaviour and domestic violence and domestic homicide by men against women.³⁷ A US review of ‘stalking’ research identified that in 50%-60% of cases victims were former intimate partners and were most likely to be female.³⁸ In a Home Office evaluation of the effectiveness of anti-harassment legislation, a third of cases involved former partners.³⁹ Research analyses of ‘stalking’ cases generally reveal that perpetrators who ‘stalk’ former intimate partners subject them to more serious forms of violent and threatening behaviour than in stranger cases.⁴⁰

The 2001 British Crime Survey contained an ‘Interpersonal violence’ self completion module which covered domestic violence, sexual assault and ‘stalking’ and “will attempt to provide the most accurate prevalence estimates yet for these crimes.”⁴¹ The results from this module are due to be published in Summer 2003.

1.2.2. Domestic Homicide

Homicide statistics provide an insight into one manifestation of domestic violence. Taking an annual average of homicides in the UK from 1991 to 2001 we know that 35% were ‘domestic homicides’ (committed by a family member, partner or ex-partner).⁴² Over that period, every year, on average 141 women and girls were killed in ‘domestic homicides’ amounting to 61% of all females murdered. In contrast, an average of 81 men and boys were killed annually by a family member or current or former partner, which amounts to 20% of all males murdered. In the case of ‘intimate partner homicides’ (committed by current or former partners) the gender differences are even clearer. Every year, since 1991, on average 97 women have been killed by a current or former partner (a total of 42% of all women killed). On average 28 men have been killed annually by a current or former partner which amounts to 7% of all men murdered. In an analysis of homicide data from 1985 to 1994 in Scotland, England and Wales it was concluded that one in five of male partner homicides were by gay partners but it was “quite rare” for homicides of partners in lesbian relationships.⁴³

35 Bergen, R. (1995) ‘Surviving wife rape: How women define and cope with the violence’ 1(2) *Violence Against Women* 117-138; Gregory, J. and Lees, S. (1999) *Policing Sexual Assault* (London: Routledge); Stermec, L., Del Bove, G. and Addison, M. (2001) ‘Violence, injury, and presentation patterns in spousal sexual assaults’, 7(11) *Violence Against Women* 1218-1233

36 Kielinger and Stanko (2002) *op. cit.* at 5

37 Morris, S., Anderson, S. and Murray, L. (2002) *Stalking and harassment in Scotland* (Edinburgh: Scottish Executive Social Research) at i.; Johnson, H. and Hotton, T. (2003) ‘Losing control: Homicide risk in estranged and intact intimate relationships’, 7(1) *Homicide Studies* 58-84 at 60-61; McFarlane, J., Campbell J, Wilt, S., Sachs, C., Ulrich, Y. and Xu, X. (1999) ‘Stalking and intimate partner femicide’, 3 *Homicide Studies* 300-316

38 Douglas, K. & Dutton, D. (2001) ‘Assessing the link between stalking and domestic violence,’ 6 *Aggression and Violent Behaviour* 519-546

39 Harris, J. (2000) *The Evaluation of the Use and Effectiveness of the Protection from Harassment Act 1997*, Home Office Research Study No. 203 at 10.

40 Douglas & Dutton (2001) *op. cit.* at 28

41 Myhill and Allen (2002) *op. cit.* at 63

42 Home Office (2001) *Criminal Statistics England and Wales 2001* (London: HMSO) at 71.

43 Soothill, K., Francis, B., Ackerley, E. and Collett, S. (1999) *Homicide in Britain: A Comparative study of Rates in Scotland and England and Wales* (Edinburgh: Scottish Executive Central Research Unit) at 31. Also, see Websdale, N. (1999) *Understanding Domestic Homicide* (Boston: Northern University Press) at 212

These striking gender differentials have been studied by a number of researchers.⁴⁴ On the basis of his US research, Websdale states:

*intimate partner homicide is a profoundly gendered affair. Not only do men commit the bulk of these offences, they do so for different reasons than women who kill their intimate partners. Men typically kill as part of an on-going abuse directed at women; women nearly always kill in self-defence.*⁴⁵

Other researchers in the field make the following observations:

*Men perpetrate familicidal massacres, killing spouse and children together; women do not. Men commonly hunt down and kill wives who have left them; women hardly ever behave similarly. Men kill wives as part of planned murder-suicides; analogous acts by women are almost unheard of. Men kill in response to revelations of infidelity; women almost never respond similarly.*⁴⁶

The *Homicide in Britain* study has examined different types of murder, their contexts, circumstances, motivations and intentions and includes a focus on the killing of intimate partners and children. Publication of the full results is forthcoming, but preliminary findings correspond with other research findings. For example, of the women convicted of murder, a number of the killings occurred in the context of violent abuse by the male partner.⁴⁷ There is a need for further empirical research to understand the patterns, pre-cursors and gender dimensions of all domestic homicides, familicides, murder-suicides and cases in which parents kill children.

In the UK, the annual number of domestic homicides appears to have remained relatively consistent over the last decade.⁴⁸ However, in other countries, there appears to have been a reduction in the numbers of some categories of domestic homicide.⁴⁹ For example, in the United States, since 1976, the number of men killed by intimate partners has dropped by 68%, whilst the number of women killed by intimates was relatively stable until 1993 when it too began to drop through to 1995, after which it remained relatively stable through to 2000.⁵⁰ In their review of the literature on the US rate of intimate partner homicides, Browne *et al* conclude that whilst men may be safer, partly due to services to support female victims of domestic violence, “societal remedies are still not sufficient to address underlying causes of male violence against their female intimates.”⁵¹

44 Browne, A., Williams, K. and Dutton, D. (1999) ‘Homicide between intimate partners: A Twenty Year Review’, in, Dwayne Smith, H. and Zahn, M. (eds) (1999) *Homicide: A Sourcebook of Social Research* (California: Sage Publications); Wilson, M., Johnson, M. and Daly, M. (1995) ‘Lethal and non-lethal violence against wives’, 37 *Canadian Journal of Criminology* 331-361 at 333; Websdale (1999) *op. cit.*

45 Websdale (1999) *op. cit.* at 25

46 Dobash R.E., Dobash, R., Wilson, M. and Daly, M. (1992) ‘The myth of sexual symmetry in marital violence’, 39(1) *Social Problems* 71-91 at 81

47 Cavanagh, K., Emerson Dobash, R., Dobash, R. and Lewis, R. (2002) *Homicide in Britain: Risk Factors, Situational Contexts and Lethal Intentions (Interviews with Women)*, Research Bulletin No. 3 (Department of Applied Social Science, University of Manchester)

48 On the situation in Australia see Carcach, C. and James, M. (1998) *Homicide between intimate partners in Australia*, Australian Institute of Criminology: Trends and Issues in Crime and Criminal Justice, Paper No. 90 (Australian Institute of Criminology)

49 For example see, Canadian Centre for Justice Statistics (2002) *Family Violence in Canada: A Statistical Profile 2002* (Toronto: Canadian Centre for Justice Statistics) at 1.

50 US Department of Justice Bureau of Justice Statistics (2002) *Homicide Trends in the United States: Intimate Homicide* (accessed at <http://www.ojp.usdoj.gov/bjs/homicide/intimates> on 24th April 2003)

51 Browne *et al* (1999) *op. cit.* at 162; Also see Dugan, L., Nagin, D. and Rosenfeld, R. (2002) ‘Exposure reduction or retaliation? The effects of domestic violence resources on intimate-partner homicide’, 37(1) *Law and Society* 169-198

1.2.3. Gender of Perpetrators and Victims

One study of 2001 showed that in the UK on Thursday 28th September of those requesting help from the police, 81% were female victims attacked by men, 8% were male victims attacked by women, 4% were women attacked by women and 7% were men attacked by male perpetrators.⁵² Despite official reporting rates such as these, some researchers and commentators have claimed that violence by women against men is as prevalent as violence against women by male partners.⁵³ These claims are difficult to reconcile with the empirical certainty that the vast majority of all other categories of reported violence are perpetrated by men.⁵⁴ For example, in the 2000 British Crime Survey male offenders committed 80% of violent crime.⁵⁵ Research findings of “gender symmetry” in domestic violence have been criticised for flawed methods, including the sampling of respondents (such as the exclusion of separated partners) and the focus on physical violence to the exclusion of sexual, psychological abuse and harassment.⁵⁶ Some studies have also been criticised for ignoring the context of violence, including whether there is a pattern of abuse, precipitating events such as those relating to acts of self defence, injuries sustained and the social and economic context of the power relationships between men and women.⁵⁷

Domestic violence by men has been found to be generally far more threatening and more likely to lead to serious injuries and increases in women’s fear and anxiety,⁵⁸ as well as having different motivations in terms of asserting power rather than self defence and escape.⁵⁹ British Crime Survey research in 1996 found that whilst 4.2% of both men and women said that they had been physically assaulted in the previous year by a current or former partner, women had higher risk during their life time and their chances of serious assault and injury were greater than men’s.⁶⁰ Women were more likely than men to experience threats, to be repeatedly assaulted and to seek medical help.⁶¹ The level of fear and emotional upset was higher for women and had more long lasting effects; women were less likely to be in a financial position to leave the relationship and were at greater risk of violence after separation from their partner.⁶² Following

52 Stanko (2001) *op. cit.* at 3

53 For a summaries of this research see Archer, J. (2000) ‘Sex differences in aggression between heterosexual partners: A meta-analytic review’ 126 *Psychological Bulletin* 651-680; Fiebert, M. (1997) ‘Annotated bibliography: References examining assaults by women on their spouses/partners’, 1 *Sexuality and Culture* 273-286; Straus, M. (1993) ‘Physical assaults by wives: A major social problem’, in Gelles and Loseke *op. cit.*

54 Kimmel, M. (2002) ‘“Gender symmetry” in domestic violence’, 8(11) *Violence Against Women* 1332-1363 at 1336

55 Kershaw *et al* (2000) *op. cit.* at 38

56 See, for example, Barron, J. and Harwin, N. (Spring, 1994) ‘The myth of the battered husband’, *Rights of Women Bulletin* 5-7; Dobash, R.P., Dobash, R.E., Cavanaugh, K. and Lewis, R. (1998) ‘Separate and intersecting realities: A comparison of men’s and women’s accounts of violence against women’, 4(4) *Violence Against Women* 382-414; Kurz, D. (1993) ‘Physical assaults by husbands: A major social problem’, in Gelles and Loseke (1993) *op. cit.* Saunders, D. (2002) ‘Are physical assaults by wives and girlfriends a major social problem?: A review of the literature’, 8(12) *Violence Against Women* 1424-1448

57 *ibid.*

58 Nazroo, J. (1995) ‘Uncovering gender differences in the use of marital violence: The effect of methodology’, 29(3) *Sociology* 475-494

59 Hamberger, L., Lohr, J., Bonge, D. and Tolin, D. (1997) ‘An empirical classification of motivations for domestic violence’, 3(4) *Violence Against Women* 401-423; Also, see, Dasgupta, S. (1999) ‘Just like men? A critical view of violence by women’, in, Shepard and Pence (1999) *op. cit.*

60 Mirrlees-Black (1999) *op. cit.* at 61.

61 *ibid.*

62 *ibid* at viii.

the results of the 2000 Scottish Crime Survey, the Scottish Executive commissioned research to examine the issue of domestic abuse against men in Scotland. The study found that a quarter of those men who had initially claimed to have experienced domestic violence later said that they had misinterpreted the term “domestic abuse” and of those that had experienced abuse, it was generally less frequent and less severe than that experienced by female victims.⁶³

1.2.4. Domestic violence and diverse communities

Domestic violence is perpetrated and experienced by individuals from different communities including those working in the criminal justice system.⁶⁴ The difficulties in conducting empirical research relating to the prevalence of domestic violence and patterns of help seeking are particularly pronounced in some communities that may be difficult for researchers to access. These include victims from minority ethnic groups, refugees and asylum seekers and those with insecure immigration status, gay, lesbian, bisexual and transgender victims, those who are disabled or suffer from mental illness, older people, travellers, victims with substance misuse problems, those working in the sex industry and those who live in rural areas.

Research suggests that migrant victims under-utilise the criminal justice system or avoid it altogether.⁶⁵ For those with insecure immigration status, disincentives to disclosing domestic violence for all victims combine with social isolation, fear of deportation and action relating to immigration status (possibly as a result of threats made by the perpetrator). Other barriers relate to language (including having no linguistic concept of domestic violence), lack of information about domestic violence and the UK system, perceived or anticipated discrimination and fear relating to past negative experiences.⁶⁶ Some of these issues face other victims from minority ethnic communities who may experience additional barriers including difficulty accessing appropriate support services and particular racist stereotypes and cultural expectations.⁶⁷ For example, some Asian women who leave violent partners risk being condemned for breaking “izzat”, the concept of honour, by which a woman is expected to uphold her own honour, that of her assailant, children, the extended family and the wider community.⁶⁸ Some communities can pressure a victim to stay in a violent relationship⁶⁹ and some community elders and ‘professionals’, including doctors and lawyers, may support the perpetrator.⁷⁰ One manifestation of domestic violence is forced marriage, which can include different forms of abuse by a spouse and other family members. Currently,

63 Gadd, D., Farrall, S., Dallimore, D. and Limbard, N. (2002) *Domestic Abuse Against Men in Scotland* (Edinburgh: Scottish Executive Central Research Unit)

64 For example, see Sheehan, D. (Ed) (2000) *Domestic Violence by Police Officers* (Washington D.C. Behavioural Science Unit, FBI)

65 Erez, E. (2002) ‘Immigration, culture conflict and domestic violence/ woman battering’, in Freilich, J., Newman, G., Shobam, S. and Addad, M. (eds) (2002) *Migration, Culture, Conflict and crime* (Dartmouth: Ashgate) at 147

66 *ibid.* at 153

67 Choudry, S. (1996) *Pakistani women’s experience of domestic violence in Great Britain*, Research Findings No. 43 (London: Home Office Research and Statistics Directorate); Kewley, A. (2000) ‘Double jeopardy: Race and Domestic Violence’, in, Murphy, J. (Ed) (2000) *Ethnic Minorities, Their Families and the Law* (Oxford: Hart); Rai, D. and Thiara, R. (1999) *Strengthening Diversity: Good Practice in Delivering Domestic Violence Services to Black Women and Children* (Bristol: WAFE)

68 Currell and Gill (1998) *op. cit.* at 12; Mullender *et al* (2002) Choudry, S. (1996) *Pakistani Women’s Experience of Domestic violence in Great Britain*, Research Findings No. 43 (London: Home Office); Mama (1989a) *op. cit.*; James-Hanman, D. (1990) *Domestic Violence and the Asian Community in Hounslow* (London Borough of Hounslow, Equal Opportunities Unit) at 2.2.4. and 2.2.6.

69 James-Hanman, D. (1995) *The Needs and Experiences of Black and Minority Ethnic Women’s Experiencing Domestic Violence* (Islington Women’s Equality Unit).

70 Mama, A. (1989) *The Hidden Struggle: Statutory and Voluntary Sector Responses to Violence Against Black Women in the Home* (London: London Race and Housing Research Unit) at 86; Currell, S. and Gill, A. (1998) *Silenced ‘n Caught: Unlocking the Barriers to Reporting Domestic Violence in an Asian Community* (Home Office, Police Policy Directorate) at 39.

approximately two hundred cases of forced marriage are reported to the Foreign and Commonwealth Office each year, the majority of which involve women and girls from South Asian families, although there are also cases involving boys and families from other parts of the world.⁷¹

Studies assessing the prevalence of violence in gay and lesbian relationships tend to be small scale and qualitative making it difficult to evaluate levels and patterns of violence.⁷² Estimates of the level of abuse in gay and lesbian relationships are problematic not only because of the methodological issues associated with small scale, non-random sampling but also because different definitions of domestic violence have been used to measure prevalence. Issues relating to sexual orientation have been found to exacerbate abuse, including threats of 'outing', lack of dedicated support services and homophobic attitudes that can be significant factors within abuse and which limit help seeking.⁷³

The 1996 British Crime Survey found that victimisation levels in domestic violence cases were highest amongst those suffering from poor health or disability, but could not determine whether this was a precursor or consequence of the violence.⁷⁴ A disabled person may find it more difficult to separate from a perpetrator because they are also the carer or because the disability is used as a way of increasing the victim's social exclusion and they face particular problems in accessing support services.⁷⁵ There is a lack of research highlighting the particular issues facing victims in rural areas, such as physical isolation and problems accessing services.⁷⁶

Several studies focussing on minority ethnic survivors of domestic violence have noted the perceived and actual racism and discrimination by services that can exacerbate the impact of domestic violence and act as barriers to help seeking.⁷⁷ The Laming Report of the Victoria Climbié Inquiry observed the effect of fear of accusations of racism on the provision of services designed to protect children and families. In particular, the inquiry noted that staff had been inconsistent with the application of policies because they were unsure if certain practices were culturally acceptable and that challenges to behaviour had not been made for fear of being perceived as racist.⁷⁸ Research, therefore, highlights the ways in which racism and discrimination can deter victims from reporting and result in over and under enforcement if they do. We need more research to address variations in experience, but most importantly to inform service providers about the barriers and incentives to help-seeking and the additional needs in diverse communities.

71 ACPO, Home Office and Foreign & Commonwealth Office (2002) *Dealing with Cases of Forced Marriage: Guidelines for Police* (London: Home Office) at 2.

72 Ristock, J (2002) *No More Secrets: Violence in Lesbian Relationships* (London: Routledge); West, C. (1998a) 'Leaving a second closet: Outing partner violence in same-sex couples', in Jasinski, J. and Williams, L. (Eds) (1998) *Partner Violence: A Comprehensive Review of Twenty Years of Research* (California: Sage Publications).

73 Gadd et al (2002) *op. cit.*

74 Mirlees-Black (1999) *op. cit.* at 32-33

75 Mullender and Hague (2002) at 5; Unity Sale, A. (2001) 'Nowhere to go', 19-25th July *Community Care* 22-23

76 Websdale, N. (1998) *Rural Woman Battering and the Justice System: An Ethnography* (California: Sage); For one local example of research focussing on a rural area see Hicks, A. (1999) *Isolated Incidents: Domestic Violence in Rural Areas* (Warwick: Warwickshire Rural Community Council)

77 Mama (1989); James-Hanman, D. (1995) *The Needs and Experiences of Black and Minority Ethnic Women Experiencing Domestic Violence* (London: London Borough of Islington, Women's Equality Unit)

78 Laming (2003) *The Victoria Climbié Inquiry Report* (London: HMSO) at 346

1.3. Social and Financial Costs

A recent review of the costs of domestic violence recognised that there is very little systematic research as to the financial costs of domestic violence and that evaluations of domestic violence initiatives need to build in measurements of cost effectiveness.⁷⁹ The financial cost of domestic violence in Greater London alone was estimated at £278 million annually in 1998.⁸⁰ This excluded the costs of prosecuting offenders, costs associated with domestic homicide, social security expenditure or working time lost.⁸¹ The interim findings of a recent study evaluating the costs of domestic violence estimated that the cost of the domestic homicide of women in England and Wales is approximately £112 million each year.⁸² The *Day to Count* study measured the impact of domestic violence on some public services on one September day in 2001. It concluded that in the UK, every minute the police receive a call from the public which is recorded as relating to domestic violence, amounting to an average of 3% of all calls to police for assistance. Victim Support Service England reported that one in fifteen of their referrals on that day were for domestic violence. One in five counselling sessions held in Relate centres in England and Northern Ireland mentioned domestic violence as an issue in the relationship.⁸³ A study has recently been commissioned by the Women and Equality Unit to provide a more comprehensive analysis of the overall economic costs of domestic violence.⁸⁴

1.4. Effects of Domestic Violence

1.4.1. Effects on adult victims

Most literature on the effects of domestic violence relates to women victims of male perpetrators.⁸⁵ Some of the effects described will apply to some male victims and some people experiencing violence in a gay or lesbian relationship, but further studies are needed to examine the dynamics of violence in different relationships, in particular where men are victims of female violence. Research suggests that the level of physical injury caused by domestic violence is high. For example, the 2001/2 British Crime Survey reported that 18% of domestic violence incidents result in attention from a doctor as compared with 8% of stranger violence.⁸⁶

As well as physical injuries and permanent disability, victims often experience psychological and emotional effects, including shock, fear, social isolation, depression, anxiety, anger, shame, self-blame,

79 Crisp, D. and Stanko, E. (2001) 'Monitoring Costs and Evaluating Needs', in Taylor-Browne (2001) *op. cit.* Also see, Anderson Clark, K., Biddle, A. and Martin, S. (2002) 'A cost-benefit analysis of the Violence Against Women Act of 1994 8(4) Violence Against Women 417-428

80 Stanko, B. (1998) *Counting the Costs: Estimating the Impact of Domestic Violence in the London Borough of Hackney* (Bristol: Crime Concern) at 5

81 *ibid*

82 Walby, S. (2003) *Cost of domestic violence: Interim Findings* (accessed at http://www.womenandequalityunit.gov.uk/domestic_violence/interim_findings.htm on 12th June 2003)

83 Stanko (2001) *op. cit.*

84 See Walby (2003) *op. cit.*

85 Barnett, O. and LaViolette, A. (1993) *It Could Happen to Anyone: Why Battered Women Stay* (California: Sage); Dobash, R.E. and Dobash, R.P. (1979) *Violence Against Wives: A Case Against the Patriarchy* (London: Open Books); Dobash, R.E. and Dobash, R.P. (1992) *Women, Violence and Social Change* (London: Routledge); Finkelhor, D. and Yllo, K. (1985) *License to Rape: Sexual Abuse of Wives* (New York: Free Press); Glass, D. (1995) *All My Fault: Why Women Don't leave Abusive Men* (London: Virago); Gondolf and Fisher (1988) *op. cit.*; Pagelow, M. (1981) *Woman Battering: Victims and Their Experiences* (London: Sage); Yllo and Bograd (1988) *op. cit.*

86 Simmons *et al* (2002) *Crime in England and Wales 2001/2002*, Home Office Statistical Bulletin (London: Home Office) at 50

low self-esteem social phobias, flashbacks, panic attacks, sleeping and eating problems.⁸⁷ Many survivors of domestic violence report that verbal and psychological abuse (including constant criticism, insults, name calling, blame and belittlement) has more long-term impacts than physical violence.⁸⁸ These effects have been said to indicate Battered Woman Syndrome,⁸⁹ Rape Trauma Syndrome and Post-Traumatic Stress Disorder.⁹⁰ The latter may be less stigmatising terms than ‘Battered Woman Syndrome’ because they are considered normal responses to traumatic events and can apply to any victim of domestic violence, rather than only women.⁹¹

Repeat victimisation exacerbates the effects of domestic violence and much psychological abuse and control is used by the perpetrator to undermine confidence and self worth and isolate the victim from others especially friends and family. Most victims develop coping strategies, including focussing on daily survival, minimising violence and focussing on the ‘good times’. Some also turn to alcohol, prescribed or illegal drugs as a survival strategy. However, many victims find internal and external resources which enable them to do more than just cope; they care for their children, hold down a job and are seldom seen by others as ‘a victim’.⁹²

1.4.2. *Effects on Children*

Research has suggested links between domestic violence and child physical and sexual abuse⁹³ and there is evidence that living with violence has psychological, behavioural and emotional effects on children.⁹⁴ Research in this area has usually focused upon children’s responses to domestic violence through interviewing mothers and professionals; however, some research has directly focused upon children’s attitudes towards and experience of domestic violence.⁹⁵ The NCH Action for Children study notes that children living with domestic violence often experienced direct physical and sexual assault and that 10% had witnessed their mother being sexually assaulted.⁹⁶ One study found that in 90% of domestic violence cases, children had been in the same or an adjacent room when a violent assault took place.⁹⁷ Whilst we

87 Barnett and La Violette (1993) *op. cit.*; Ferraro and Johnson (1983) *op. cit.*; Herman, J. (1992) *Trauma and Recovery* (New York: Basic Books); Giles-Sims, J. (1998) ‘The aftermath of partner violence’, in Jasinski and Williams (1998) *op. cit.*; Merritt-Gray, M. and Wuest, J. (1995) ‘Counteracting abuse and breaking free: The process of leaving revealed through women’s voices’, 16 *Health Care for Women International* 399-412.

88 Jones, A. and Schechter, S. (1992) *When Love Goes Wrong: What to do When You Can’t Get Anything Right* (London: Victor Gollancz) at 29-30; Walker, L. (1984) *The Battered Woman Syndrome* (New York: Springer) at 81.

89 Mooney (1993) *op. cit.* at 23; Giles-Sims (1998) *op. cit.* at 59; Holtzworth-Munroe, A., Bates, L., Smutzler, N. and Sandin, E. (1997) ‘A brief review of the research on husband violence: Part II: The psychological effects of husband violence on battered women and their children’, 2(2) *Aggression and Violence Behaviour* 179-213 at 193.

90 Walker (1984) *op. cit.*

91 Dutton, M. and Goodman, L. (1994) ‘Post Traumatic Stress Disorder among battered women: Analysis of legal implications’, 12 *Behavioural Sciences and the Law* 215-234 at 216; Meir, J. (1993) ‘Notes from the underground: Integrating psychological and legal perspectives on domestic violence in theory and practice’, 21(4) *Hofstra Law Review* 1295-1366.

92 Dutton and Goodman (1994) *ibid* at 216 and 221; Herman (1992) *op. cit.* at 127; Meir (1993) *ibid* at 1314.

93 For example see Kirkwood (1993) *op. cit.*

94 Mullender (2001) *op. cit.*

95 Brandon, M. and Lewis, A. (1996) ‘Significant harm and children’s experiences of domestic violence’, 1 *Child and Family Social Work* 33-42; Hester *et al* (1998) *op. cit.*; Holtzworth-Munroe *et al* (1997) *op. cit.* at 199-206; McGee, S. (1997) ‘Children’s experiences of domestic violence’, 2 *Child and Family Social Work* 13-23

96 Mullender *et al* (2002) *op. cit.*

97 NCH Action for Children (1994) *The Hidden Victims: Children and Domestic Abuse* (London: NCH Action for Children)

know that child abuse and domestic violence commonly occur in the same families, we know little about how these forms of violence develop and how informal and formal responses affect the abuse.⁹⁸

Children are frequently resourceful and creative in their responses to witnessing and experiencing direct violence. This can include calling the police and intervening during violent episodes.⁹⁹ Interventions vary but typically consist of shouting and other distracting behaviour intended to disrupt the abuse.¹⁰⁰ Children experiencing domestic violence develop both short-term and long-term coping strategies that may involve guarding mothers and/or siblings, adapting to the situation and becoming noticeably withdrawn or alternatively, outward looking.¹⁰¹ Part of the explanation for the inconsistency in responses to violence is that children have varying skills and protective factors that affect their ability to cope with domestic violence. For example, research has indicated that children from South Asian backgrounds identify not only the non-abusing parent but also the extended family as a source of support.¹⁰² There is a lack of research into how social characteristics such as age, ethnicity, social class, disability and gender affect the ways in which children understand and respond to domestic violence. Williams argues that researchers should adopt methods that examine domestic abuse through a ‘life course perspective’.¹⁰³ Such an approach would allow researchers to identify the complex interactions between childhood experiences, internal and external resources, and adult experiences and perceptions.

1.5. Risk Factors and Domestic Violence

Current knowledge about risk factors to identify domestic violence cases in which there is a high risk of future harm, such as homicide, is relatively weak and it is generally accepted that a scientific “predictive formula” is not possible.¹⁰⁴ Risk assessment, risk management and the related process of safety planning are all discussed later in the review. Focus in this section is on particular issues that indicate risk of repeat victimisation, serious injury and in some cases homicide of adult and child victim and others. Most research focuses on risk in the context of male perpetrators and female victims. Some risk factors, such as separation, are not the same if genders change; for others, evidence is not available. The following summary of the research focuses on risk indicators relating to perpetrators, adult, child victims and more general indicators.¹⁰⁵

In a review of the literature relating to assessing and managing risk, Walby and Myhill identify previous assault by the perpetrator as “one of the most robust, simple and straightforward risk factors for domestic violence” and claim that “assaults are likely to increase in severity unless there is a change of circumstances.”¹⁰⁶ In his US research on domestic homicide, Websdale lists the following

98 Hughes, H. (1992) ‘Impact of spouse abuse on children of battered women’ *Violence Update* 1st August 9-11

99 Edleson, J. (1999b) ‘The overlap between child maltreatment and woman battering’, 5(2) *Violence Against Women* 134-154 at 151

100 Edleson, J., Mbilinyi, L., Beeman, S. and Hagemester, A. (2003) ‘How children are involved in adult domestic violence: Results from a four-city telephone survey 18(1) *Journal of Interpersonal Violence* 18-32

101 Mullender *et al* (2002) *op cit.* at 67

102 Mullender *et al* (2002) *op cit.* at 82

103 Mullender *et al* (2002) *op cit.* at 67

104 Williams, L. (2003) ‘Understanding child abuse and violence against women: A life course perspective,’ 18(4) *Journal of Interpersonal Violence* 441-451

105 Websdale (1999) *op. cit.* at 204. Also see Department of Health (2002) *Learning from Past Experiences: A Review of Serious Case Reviews* (London: HMSO) at 60 and 62

106 For more detailed analysis see Buzawa and Buzawa (2003) *op. cit.* at Chapter 3; Walby, S. and Myhill, A. (2001b) ‘Assessing and managing risk’, in, Taylor-Browne (2001) *op. cit.*

perpetrator-related antecedents to the killings; escalating domestic violence and the increased entrapment of the victim, obsessive possessiveness and morbid jealousy; threats to commit suicide or homicide; prior agency involvement particularly the police; protective orders; the abuser's depression and/or history of criminal behaviour.¹⁰⁷ Websdale recommends that in the context of domestic violence "a person who is suicidal should also be considered homicidal."¹⁰⁸ Reference has already been made to the fact that there are clear links between 'stalking'-type behaviour by male partners and intimate partner homicide by men and by women¹⁰⁹ suggesting that "violent males frequently stalk and kill their ex-partners and sometimes are killed in the process."¹¹⁰ Studies of perpetrators suggest that psychological and emotional abuse, in particular dominance and isolation, is a useful variable in predicting repeat and severe violence.¹¹¹ Men who sexually and physically assault their partners have been found to be particularly dangerous.¹¹²

In relation to victims of domestic violence, Walby and Myhill's review concluded that women who are separated from partners "have a significantly higher risk of domestic violence." Despite the common assumption that leaving a violent partner will end violence, we know that women who separate from their partner are at a higher risk of physical violence and sexual assault as well as murder.¹¹³ In the context of recent Canadian study, researchers concluded that violence involving female victims that continues after separation tends to be more serious and obsessive, is more likely to involve stalking and to lead to homicide.¹¹⁴ Websdale identifies the increased entrapment of the victim and separation (including divorce) as antecedents to domestic killings.¹¹⁵ He concludes that after separation the risk of a woman being killed by a male perpetrator is significantly increased and that "attempts to leave violent men are one of the most significant correlates with domestic death."¹¹⁶ On the basis of their review of the literature, Browne *et al* conclude that "the greatest risk factor for partner homicide by men appears to be estrangement and prior assaultive and controlling behaviour."¹¹⁷ Similar risk factors have been identified with women who kill abusive partners.¹¹⁸

107 Walby and Myhill (2001b) *op. cit.*. For an alternative view see, Lambert, L and Firestone, J. (2000) 'Economic context and multiple abuse techniques', 6(1) *Violence against Women* 49-67

108 Websdale (1999) *op. cit.* at 19

109 *ibid.* at 47

110 Johnson and Hotton (2003) *op. cit.* at 60-61; McFarlane *et al* (1999) *op. cit.*

111 Johnson and Hotton (2003) *op. cit.* at 79

112 Bennett, L., Goodman, L. and Dutton, M. (2000) 'Risk assessment among batterers arrested for domestic assault: The salience of psychological abuse', 6(11) *Violence Against Women* 1190-1203; Thompson, M., Saltzman, L. and Johnson, H. (2001) 'Risk factors for physical injury among women assaulted by current or former spouses', 7(8) *Violence Against Women* 886-899

113 Campbell, J. and Soeken, K. (1999) 'Forced sex and intimate partner violence: Effects on women's risk and women's health', 5(9) *Violence Against Women* 1017-1035

114 Mahoney and Williams (1998) *op. cit.* at 133. Walby and Myhill (2000b) *op. cit.*; Kurz (1996) 'Separation, divorce and woman abuse', 2(1) *Violence Against Women* 63-81; Wilson *et al* (1995) *op. cit.* at 340-341; Also, see Hoyle, C. (1998) *Negotiating Domestic Violence: Police, Criminal Justice and Victims* (Oxford: Clarendon Press) at 188; Kelly, L. (1999) *Domestic Violence Matters: An Evaluation of a Development Project*, Home Research Study 193 (London: Home Office) at 17. For further details of women's victims experiences of 'post-separation violence' see Fleury, R., Sullivan, C., Bybee, D. (2000) 'When ending the violence does not end the violence: Women's experiences of violence by former partners', 6(12) *Violence Against Women* 1363-1383

115 Johnson and Hotton (2003) *op. cit.* at 60

116 Websdale (1999) *op. cit.* at 19

117 Websdale (1999) *op. cit.* at 21 and 52; Also see Johnson and Hotton (2003) *op. cit.* at 59

118 Browne *et al* (1999) *op. cit.* at 161.

There does appear to be a correlation between pregnancy and domestic violence,¹¹⁹ but this may be because youth is a risk factor with women aged 16 to 24 significantly more at risk than women of other ages, rather than indicating a causal link.¹²⁰ Pregnancy may increase the isolation and dependency of the victim and poses risks in terms of miscarriage and foetal abnormality as well as additional risks to the lives of women themselves. For example, domestic violence was disclosed as a feature of the lives of women in at least 12% of maternal deaths in the UK during 1997-1999.¹²¹ One study found that one in twenty incidents of domestic violence reported to one police service involved a victim who was pregnant.¹²² One US study has indicated that homicide was the leading cause of death for pregnant women.¹²³ Physical and mental ill health also appears to increase the risk of domestic violence, but again conclusions relating to causation are complex as the health issues may be the outcome of the violence.¹²⁴ Research supports the use of survivors' perceptions as an important element that should be included in risk assessments.¹²⁵

We need to know more about risk factors associated with violence against children and domestic violence. Walby and Myhill conclude that there is "robust evidence" of co-occurrence of child abuse and adult domestic violence.¹²⁶ In his review of the literature, Websdale outlines three antecedents to child homicide: prior history of child abuse; prior agency contact; and a history of adult domestic violence in the family.¹²⁷ He concludes that;

*confronting domestic violence among adults may provide multiple points of proactive intervention against child deaths in the home.*¹²⁸

In a recent analysis of serious review cases of child deaths, one of the commonly reoccurring features was the existence of domestic violence.¹²⁹ Throughout this review reference is made to child protection in discussing legal, policy and agency responses to domestic violence.

Turning to other indicators of risk, Walby and Myhill identify men's patriarchal attitudes and inegalitarian family structures as gender-related risk factors for domestic violence.¹³⁰ Their review also found complex relationships between poverty, social exclusion and domestic violence and that it was difficult to ascertain

119 Browne, A. (1987) *When Battered Women Kill* (New York: Free Press)

120 Richardson, J., Coid, J. and Detruckevitch, A. (2002) Identifying domestic violence: cross sectional study in primary care', 324 *British Medical Journal* 274-277

121 Walby and Myhill (2001b) *op. cit.*

122 The Confidential Inquires into Maternal Deaths in the United Kingdom (2001) *Why Mothers Die 1997-1999* (London: The National Institute for Clinical Excellence)

123 Metropolitan Police Service (2002) *Understanding and Responding to Hate Crime Factsheet: Domestic Violence* (London: Metropolitan Police Service)

124 Horon (2003) *Women Murdered due to Pregnancy* (accessed from <http://www.thewbalchannel.com/news/2194083/detail.html> on 24th June 2003)

125 Walby and Myhill (2001b) *op. cit.*

126 Weisz, A., Tolman, R. and Saunders, D. (2000) 'Assessing the risk of severe domestic violence: the importance of survivors' predictions', 15(1) *Journal of Interpersonal Violence* 75-90

127 Walby and Myhill (2001b) *op. cit.*

128 Websdale (1999) *op. cit.* at 23

129 Websdale (1999) *op. cit.* at 202

130 Department of Health (2002a) *op. cit.* at 7. For one example see, Newham Area Child Protection Committee (2002) *Report of Chapter 8 Review of Death of Ainlee Labonte* (Newham Area Child Protection Committee)

whether correlations were cause or effect.¹³¹ Although poverty does appear to be a risk factor for domestic violence, we need to know more about the differential impact of the income and employment status of perpetrators and victims. For example, treating a household as an economic unit, as is the case in most crime surveys, does not allow analysis of the links between poverty, social exclusion, economic dependency and domestic violence.¹³² Women who are unemployed or housewives have been found to have the highest risk of domestic violence, but there are a number of ways this could link to vulnerability.¹³³ These include lack of financial resources to leave, greater social isolation, less access to informal and formal support networks and potentially more forms of abuse available to the perpetrator.¹³⁴ Walby and Myhill's review of the literature did not find evidence that ethnicity correlated with any significant differences in levels of risk.¹³⁵ Although US homicide statistics do indicate differences in domestic homicide rates between ethnic groups.¹³⁶

131 Walby and Myhill (2001b) *op. cit.*

132 Walby and Myhill (2001b) *op. cit.* Also see Buzawa and Buzawa (2003) *op. cit.* at Chapter 3

133 Walby, S. and Myhill, A. (2001a) *op. cit.* at 518

134 *ibid.*

135 *ibid.*; Also see Lambert and Firestone (2000) *op. cit.*

136 Walby and Myhill (2001b) *op. cit.* See Buzawa and Buzawa (2003) *op. cit.* for US research on this issue.

2. DOMESTIC VIOLENCE: THE LEGAL AND POLICY FRAMEWORK

One of the problems with the legal and public policy response to domestic violence has been the failure to name it as ‘real’ violence.¹³⁷ The tendency has been to focus on domestic violence as “arguments, quarrels or disagreements” rather than as “serious crime and human rights violation”.¹³⁸ The ineffectual state response led to the establishment by a number of voluntary women’s groups of local refuges for women and children escaping domestic violence.¹³⁹ The state has been slower in its response but in the last two decades there have been various developments within the legal and policy framework including attempts to recognise many aspects of domestic violence as crime. Other changes include measures in the criminal, civil immigration and housing systems to protect victims, efforts to protect children experiencing domestic violence and more recently, a range of multi-agency initiatives to tackle domestic violence. Each of these developments will be considered in turn.

2.1. Domestic Violence as Crime

It was only in 1991 that it became a criminal offence in England for a man to rape his wife.¹⁴⁰ Since then, in principle, criminal laws prohibiting physical and other violence apply regardless of the relationship between the victim and perpetrator. There are a range of criminal offences including sexual and physical assault, harassment offences and the crimes related to homicide, which can be applied in a case of domestic violence.¹⁴¹ In an Annex to the Revised CPS policy on domestic violence examples of types of behaviour are given alongside the possible criminal offences that could be committed.¹⁴² Unlike in some jurisdictions, such as some US states and Latin America,¹⁴³ there is no specific offence of domestic violence. Current statutory criminal offences have been designed for assaults by strangers and generally do not take account of the pattern of multiple offences which constitute domestic violence. One exception is the Protection from Harassment Act 1997, which allows patterns of behaviour to be acted upon rather than single incidents. Other jurisdictions have also developed new criminal powers in acknowledgement of the limitations of current offences. For example, in Austria and Germany the police have the power to remove offenders from the home for ten days if they believe that an offence has been committed and is likely to be repeated, and the victim can then apply to the court to be extended.¹⁴⁴ The Women’s Peace Law in Sweden created a new offence of ‘gross violation of a woman’s integrity’ which permits prosecution for a

137 US Department of Justice Bureau of Justice Statistics (2002) *op. cit.*

138 Dobash and Dobash (1979) *op. cit.*; Edwards, S. (1989) *Policing ‘Domestic’ Violence: Women, the Law and the State* (London: Sage Publications); Freeman, M. (1984a) ‘Legal ideologies, patriarchal precedents and domestic violence’, in, Freeman, M. (Ed) (1984b) *State, Law and the Family* (Cambridge: Cambridge University Press) at 51; McWilliams, M. and Spence, L. (1996) *Taking Domestic Violence Seriously: Issues for the Civil and Criminal Justice Systems* (Belfast: HMSO); Pahl, J. (Ed) (1985) *Private Violence and Public Policy* (London: Routledge); Radford, J., Hester, M. and Kelly, L. (Eds) (1996) *Women, Violence and Male Power* (Buckingham: Open University Press); Also see, Estrich, S. (1987) *Real Rape: How the Legal System Victimized Women Who Say No* (Boston: Harvard University Press)

139 Radford (2003) *op. cit.* at 39

140 See Harwin, N. and Barron, J. (2000) ‘Domestic violence and social policy’, in, Hanmer, J. and Itzin, C. (Eds) (2000) *Home Truths about Domestic Violence: Feminist Influences in Policy and Practice: A Reader* (London: Routledge)

141 *R v R* [1992] 94 *Criminal Appeal Reports* 216. Also, s.142 Criminal Justice and Public Order Act 1994

142 For details see Home Office (2000a) Home Office Circular 19/2000, Domestic Violence, Revision of Home office Circular 60/90 (London: Home Office); Lord Chancellors Department (2003) *op. cit.*

143 CPS (2001a) *op. cit.* at Annex A

144 Kelly, L. (2002b) ‘Limited progress? Reflections on recent developments in domestic violence legislation in Europe’ (paper prepared for ESF Seminar, Leiden, Netherlands)

pattern of behaviour when it may be difficult to prosecute for a single incident and this can be charged alongside another offences.¹⁴⁵

Despite the wide range of powers that can be used in domestic violence situations, practical implementation can undermine legislation and legal rules can be fettered by the discretion given to police, prosecutors and judges.¹⁴⁶ For example, we know that the Protection from Harassment Act 1997, is being used in the context of domestic violence, but there are local variations.¹⁴⁷ The police, in particular, have been subject to a great deal of criticism for failing to respond to domestic violence, not recording incidents as crimes, not making arrests and failing to enforce civil injunctions.¹⁴⁸ Others in the criminal justice system, including the judiciary, have also been subject to criticism for failing to treat crimes of domestic violence as seriously as crimes of stranger violence, particularly in the case of sexual violence.¹⁴⁹ In 2002 The Sentencing Advisory Panel recommended that sentences for rape should reflect the fact that rape by a partner is “of equal seriousness to cases of stranger rape.”¹⁵⁰ The Panel accepted the need to recognise the “inherent” breach of trust in non-stranger rape, but did not recommend that this be a specific aggravating factor.¹⁵¹ However, there have been cases in which the breach of trust in such cases has been recognised as an aggravating factor. In other European countries including Belgium, France and Spain, legislation specifies that criminal assault by a partner should be an aggravating factor in sentencing.¹⁵² In addition to attempts to ensure the recognition of domestic violence and accountability of perpetrators within the criminal law, policy reform has focussed on the protection of victims.

2.2 Protecting Victims of Domestic Violence

The criminal justice system has been criticised for failing to give protection to victims of domestic violence and not holding perpetrators accountable for their violence by failing to arrest, charge, convict and sentence appropriately.¹⁵³ Similar criticisms have been made in relation to civil and family law responses due to the limited effectiveness of injunctions¹⁵⁴ and the failure to take account of domestic violence in divorce and child contact proceedings.¹⁵⁵ The Human Rights Act 1998 implemented the European Convention on Human Rights which includes positive obligations on state agencies to take

145 *ibid.*

146 *ibid.*

147 Edwards (1989) *op. cit.*; Ferraro, K. (1989) ‘Policing woman battering’, 36(1) *Social Problems* 61-74. Smart, C. (1989) *Feminism and the Power of Law* (London: Routledge) at 118; Ferraro, K. and Boychuck, T. (1992) ‘The courts response to interpersonal violence: A comparison of intimate and non intimate assault’, in, Buzawa, E. and Buzawa, C. (Eds) (1992) *Domestic Violence: The Changing Criminal Justice Response* (Westport Connecticut: Auburn House) at 216; McCann, K. (1985) ‘Battered women and the law: Limits of the legislation’, in, Brophy, J. and Smart, S. (Eds) (1985) *Women In Law: Explorations in Law, Family and Sexuality* (London: Routledge and Kegan Paul) at 71

148 Edwards, S. (2001a) ‘New Directions in prosecution’, in Taylor-Browne (2001) *op. cit.*

149 Edwards (1989) *op. cit.*; Kelly (1999) *op. cit.*

150 Alder, Z. (1987) *Rape on Trial* (London: Routledge) at 11; Edwards (1989) *op. cit.* at 97; Gregory and Lees (1999) *op. cit.* ; Rumney, P. (1999) ‘When rape isn’t rape: Court of Appeal sentencing practice in cases of marital and relationship rape’, 19(2) *Oxford Journal of Legal Studies* 243-269;

151 Rumney, P. (2002) ‘Rape sentencing’, August 16, *New Law Journal* 1282-1283 at 1282 citing para 26.

152 *ibid.* citing para 23, 39

153 Kelly (2002) *op. cit.*

154 Edwards (1989) *op. cit.*; Dobash and Dobash (1979) *op. cit.*

155 Barron, J. (1990) *Not Worth the Paper. . .? The Effectiveness of Legal Protection for Women and Children Experiencing Domestic Violence* (Bristol: Women’s Aid Federation England)

measures to protect adult and child victims of domestic violence whose lives are at risk¹⁵⁶ or who are experiencing torture or inhuman and degrading treatment.¹⁵⁷

2.2.1. Protection in the Criminal Justice System

In the US, civil actions against criminal justice agencies for failure to protect domestic violence victims have been a major ‘driver’ for the introduction of mandatory arrest policies and other law reform relating to domestic violence.¹⁵⁸ To date there have not been similar actions in the UK although the enactment of the Human Rights Act 1998 makes this a real possibility. The Protection from Harassment Act 1997 introduces criminal and civil sanctions to tackle common behaviour by domestic violence perpetrators which previously did not constitute a criminal offence. The Revised Home Office Circular states that the primary duty of the police is to protect the victim¹⁵⁹ and CPS domestic violence policy makes the safety of victims and children a priority.¹⁶⁰ The Youth Justice and Criminal Evidence Act 1999 also contains measures to protect vulnerable and intimidated witnesses in court, including use of screens, videos and television links for giving evidence. The Revised CPS policy on domestic violence states that, “whenever possible” victims of domestic violence will benefit from these measures.¹⁶¹ In later sections of this review, the concept of protection and the accountability of perpetrators in the context of the criminal justice system is examined in more depth highlighting the inconsistent implementation of these reforms which have limited their impact.

2.2.2. Protection in the Civil Law System

Another form of legal protection for victims of domestic violence comes from civil injunctions.¹⁶² Prior to 1996 the legislation was said to be a “confusing array of statutory relief”¹⁶³ and there was evidence of the police and courts failing to enforce orders by not making arrests or punishing breaches.¹⁶⁴ Overall these civil law responses provided limited protection for victims,¹⁶⁵ and legislation in 1996 sought to address some of these limitations. Part IV of the Family Law Act 1996 replaced the previous terminology with that of ‘occupation orders’ and ‘non-molestation orders’, increased their availability to victims and the likelihood of a power of arrest being attached. For those who fall outside the ambit of the Family Law Act 1996, if, for instance, they have never lived with the perpetrator, the Protection from Harassment Act 1997 provides a possibility for action, including damages and court orders. The Lord Chancellor’s Department has recently issued a useful guide to the current civil legislation.¹⁶⁶

156 Joseph Rowntree Foundation (1996) *Domestic Violence and Child Contact Arrangements*, Social Policy Research 100 (York: Joseph Rowntree Foundation); Radford, L., Sayer, S. and Aid for Mothers Involved in Contact Action (AMICA) (1999) *Unreasonable Fears? Child Contact in the Context of Domestic Violence: A Survey of Mothers Perceptions of Harm* (Bristol: Women’s Aid Federation England).

157 Article 2 ECHR. Also see *Osman v UK* [1999] FLR 193

158 Article 3 ECHR. Also see *A v UK* [1998] FLR 959 and *Z v UK* [2001]

159 Sims Blackwell, B. and Vaughn, M. (2003) ‘Police civil liability for inappropriate response to domestic assault victims’, 31 *Journal of Criminal Justice* 129-146

160 Home Office (2000a) *op. cit.* at 4.

161 CPS (2001a) *op. cit.* at 3

162 CPS (2001a) *op. cit.* at 4

163 For more detail of the relevant legislation see Lockton, D. and Ward, R. (1997) *Domestic Violence* (London: Cavendish); Lord Chancellors Department (2003) *op. cit.*

164 McCann (1985) *op. cit.* at 76. Also see, Barron (1990) *op. cit.* at 18.

165 Barron (1990) *op. cit.* at 66. Edwards (1989) *op. cit.* at 107.

166 Lockton and Ward (1997) *op. cit.* at 48.

A review of legislative protection from the perspectives of Women's Aid refuge workers found that the 1996 legislation had generally improved protection for women and children experiencing domestic violence, but there was still a great deal of concern about the lack of enforcement of civil orders.¹⁶⁷ Recent research indicates that there was no change in the number of non-molestation orders granted under the Family Law Act, but there were more occupation orders.¹⁶⁸ There has also been an increase in attachment of powers of arrest and more committal proceedings, but statistics suggest that victims in different parts of the country receive different degrees of protection.¹⁶⁹ It is difficult to know the extent to which the 1997 Act has been used in domestic violence cases, due to the limitations of statistics collected by the civil courts.¹⁷⁰ Prior to the Family Law Act, research found that a high percentage of breaches do not reach court and those that do rarely result in prison sentences for contempt.¹⁷¹ A recent study of criminal justice responses in Northumberland did not find one arrest or charge relating to breach of an injunction.¹⁷² One limitation of the system in England and Wales is that there is no means of periodic review of injunctions in the courts and enforcement relies on action by the victim. The practical and emotional influences on victim's decisions to co-operate with a criminal prosecution may also affect decisions to enforce an order by calling the police or returning to court.¹⁷³ Court orders are often a last resort following a range of help-seeking efforts.¹⁷⁴ In Northern and Southern Ireland, recognition of the limitations of relying on the victim to enforce injunctions, led to a change which makes breach of a domestic violence order a criminal offence.¹⁷⁵

There have not been any major evaluations in the UK of the effect of civil court orders on victims, or perpetrators, or the extent to which they are breached and patterns of enforcement.¹⁷⁶ One study in the United States found that violators were more likely to be unemployed, to abuse alcohol or drugs, to be violent in and outside the home and to have a general disregard for the law.¹⁷⁷ US studies have identified barriers to seeking a court order as fear of leaving the relationship permanently, fear of the abuser retaliating and the fear and shame of appearing in court.¹⁷⁸ However, the civil system may be preferable to the criminal one, when a victim views the outcomes as more responsive to individual needs or does not want criminal sanctions against the perpetrator either to avoid retaliation or for other reasons relating to avoiding the criminalisation and punishment of the perpetrator.¹⁷⁹ It has been suggested that court orders

167 Lord Chancellors Department (2003) *op. cit.*

168 Barron, J. (2002) *Five Years On: A review of Legal Protection From Domestic Violence* (Bristol: Women's Aid Federation England)

169 Edwards, S. (2000b) 'Domestic violence and harassment: An assessment of the civil remedies', in, Taylor-Browne (2001)

170 *ibid.*

171 *ibid.*

172 Barron (1990) *op. cit.* at 70.

173 Hester, M., Hanmer, J., Coulson, S., Morahan, M. and Razak, A. (2003) *Domestic Violence: Making it Through the Criminal Justice System* (University of Suntherland, Northern Rock Foundation and International Centre for the Study of Violence and Abuse) at 3

174 Fischer, K. and Rose, M. (1995) 'When "enough is enough": Battered women's decision-making around court orders of protection', 41(4) *Crime and Delinquency* 414-29 at 417

175 Horton, A., Simionidis, K. and Simionidis, L. (1987) 'Legal remedies for spousal assault: Victim characteristics, expectations and satisfaction', 3(2) *Journal of Family Violence* 265-279 at 275. Barron (1990) *op. cit.* at 37.

176 Kelleher, P. and O'Connor, M. (1999) *Safety and Sanctions* (Dublin: Dublin Women's Aid) at 3.

177 Kewley, A. (1996) 'Pragmatism before principle: The limitations of civil law remedies for the victims of domestic violence', 18(1) *Journal of Social Welfare and Family Law* 1-10 at 3. For a review of relevant US research see Buzawa and Buzawa (2003) *op. cit.* at Chapter 14

178 Chaudhuri, M. and Daly, K. (1992) 'Do restraining orders help? Battered women's experience with male violence and legal process', in, Buzawa and Buzawa (1992) *op. cit.* at 240.

179 Fishcher and Rose (1995) *op. cit.* at 418.

may be more beneficial for victims who seek them at an early stage in the pattern of violence, changing the “power dynamics of the relationship.”¹⁸⁰ In some cases court orders can be a “psychological as well as legal victory,” in allowing a survivor to demonstrate a public act of strength to the perpetrator.¹⁸¹ Action by civil courts does seem to have a positive impact in some circumstances but we need more research on what exactly the relevant factors are.

2.2.3. Protection in the Housing and Immigration Systems

Domestic violence is one of the chief causes of homelessness for women¹⁸² and yet a recent report commissioned by the Home Office found that there is a widespread shortage of refuges, and under funding of existing provision.¹⁸³ The provision of refuges is discussed further in the next part of the review, but it is important to note here that they are largely provided by voluntary sector providers and have no statutory basis or secure funding stream. There is however, a Best Value Performance Indicator which requires local authorities to measure how many refuge places they provide. Housing legislation makes it possible for a victim fleeing domestic violence to be permanently re-housed, if necessary in another area but practice differs between local authorities in terms of compliance with government guidance.¹⁸⁴ It has been recognised that benefits agencies and housing departments have been used by perpetrators to find a partner who is trying to escape.¹⁸⁵ There is certainly a need for co-ordinated strategies which enable victims to be protected in their own home and when they leave.

Insecure immigration status can have a profound affect on the safety of some victims. The immigration rules state that anyone who comes to Britain to marry must remain in the marriage for a probationary period before applying for indefinite leave to stay, which has to be applied for by the person who sponsored entry, usually the spouse. Southall Black Sisters and other campaigning groups have pointed out that some husbands never apply for this leave to remain and that this can serve as a permanent threat.¹⁸⁶ A recent concession by the Home Office allows victims who leave spouses due to domestic violence during the probationary period to apply for leave to remain indefinitely, if they have some objective proof of domestic violence such as a conviction, civil court order, medical evidence or statement from a medical professional, the police, social services or refuge worker.¹⁸⁷ However, those subject to the one-year probationary period are not entitled to public funds, which limits, in some cases wholly prevents, their access to refuges and other housing options.¹⁸⁸

180 Gondolf, E., McWilliams, J., Hart, B. and Sterling, J. (1994) ‘Court response to petitions for civil protection orders’, 9 *Journal of Interpersonal Violence* 503-517 at 504.

181 Schollenberg, E. and Gibbons, B. (1992) ‘Domestic violence protection orders: A comparative review’, 10 *Canadian Journal of Family Law* 191-238 at 233.

182 Fischer and Rose (1995) *op. cit.* at 424.

183 Scottish Executive (2000) ‘Domestic Abuse and Homelessness’, Scottish Executive Homelessness Taskforce.

184 Levison, D. and Harwin, N. (2000) ‘Accommodation Provision’, in, Taylor-Browne (2001) *op. cit.*

185 Hague, G. (1996) ‘Domestic violence and housing’, *Rights of Women Bulletin* (Summer) 17-20 at 18.

186 Radford *et al* (1999) *op. cit.* at 19.

187 Southall Black Sisters (1995) *Domestic Violence or Deportation*, Campaign Leaflet (London: Southall Black Sisters)

188 See Home Office (2002) ‘Victims of Domestic Violence Get More Help with Immigration Change’ (accessed at <http://www.ind.homeoffice.gov.uk> on 26th June 2003); Also see Immigration Rules, Part 8, Section. 1.

2.2.4. Child Protection and Domestic Violence

The Department of Health recently confirmed that 75% of children on the 'at risk' register live in households where domestic violence occurs.¹⁸⁹ Many women victims of domestic violence are apprehensive about approaching social services because of the perception that they will be blamed for failing to protect their children and that social workers are primarily concerned with child protection.¹⁹⁰ Social services departments have various duties towards children under the Children Act 1989 and other legislation, but the only duties to adult victims of domestic violence are to those who are deemed 'vulnerable', for a reason such as disability. Domestic violence itself is rarely interpreted as conferring vulnerability status. Reluctance to seek support from services because of fears about losing residence of children indicates a need to develop independent support services for adults and children suffering domestic violence.¹⁹¹ Child protection services as provided by statutory agencies tend to be reactive and focused upon case management and risk. There is a strong case for such services to adopt a more proactive position in terms of developing services and policies that promote the protection of women and children from harm.¹⁹² Tensions between services for women survivors of domestic violence and child protection services have been well documented.¹⁹³ A number of researchers in this field have argued that 'women protection' is often the best approach to child protection.¹⁹⁴ Some researchers and commentators have argued that child protection agencies should define all children living with or surviving domestic violence as 'children in need' and provide appropriate services.¹⁹⁵

Increased attention has been focussed on the issue of contact between fathers who are perpetrators of domestic violence and their children following separation.¹⁹⁶ The Court of Appeal¹⁹⁷ and the Lord Chancellor's Department¹⁹⁸ have recognised the impact of domestic violence on children and an amendment to the Children Act extends the definition of "harm" to include the witnessing of ill treatment of others.¹⁹⁹ However, it is questionable whether this has improved court practice and there is evidence that courts are still reluctant to refuse or restrict contact with a violent father.²⁰⁰ Several studies have highlighted

189 Bossy, J. and Coleman, S. (2000) *Womenspeak: Parliamentary Domestic Violence Internet Consultation; Report of the Main Findings* (Bristol: Women's Aid Federation England) at 21.

190 Department of Health (2002b) *Women's Mental Health: Into the Mainstream: Strategic Development of Mental Health Care for Women* (London: Department of Health) at 16

191 Mullender and Hague (2001) 'Women survivors' views', in Taylor-Browne (2001)

192 Mullender, A. & Humphreys, C. (1998) *Domestic Violence and Child Abuse: Policy and Practice Issues for Local Authorities and Other Agencies* (London: Local Government Association)

193 Smith, R. (2002) 'The wrong end of the telescope: child protection or child safety?' 24(3) *Journal of Social Welfare and Family Law* 247-261

194 Humphreys, C., Mullender, A., Hague, G., Abrahams, H. and Hester, M. (2001) 'Domestic violence and child abuse: Developing sensitive policies and guidance', 10 *Child Abuse Review* 183-197; Koverola, C. and Heger, A. (2003) 'Responding to children exposed to domestic violence: Research informing policy and practice', 18 (4) *Journal of Interpersonal Violence*

195 For example see Mullender, A. and Morley, R. (1994) *Children Living with Domestic Violence: Putting men's Abuse of Women on the Child Care Agenda* (London: Whiting and Birch)

196 For example, see Rowsell, C. (2003) 'Domestic violence and children: Making a difference in a meaningful way for women and children', in, Calder, M. and Hackett, S. (Eds) (2003) *Assessment in Child Care: Using and Developing Frameworks for Practice* (Dorset: Russell House)

197 Radford *et al* (1999) *op. cit.*

198 *Re L, V, M and H* (Contact: Domestic Violence) [2000] 2 *Family Law Reports* 334

199 Children Act Sub Committee of the Lord Chancellor's Advisory Board on Family law (2002) *Guidelines for Good Practice on Parental Contact in Cases where there is Domestic Violence* (London: Lord Chancellor's Department)

200 Adoption and Children Act (2002) s.120

the danger to both women and children when perpetrators of domestic violence have contact with their children.²⁰¹ Studies over the last four years have found that it is not uncommon for child contact to be ordered even where the perpetrator has been the subject of a social services referral due to concerns of child protection, breached a civil injunction or had a criminal conviction for violence against the partner.²⁰² There have been a number of children killed by fathers during contact visits and murders of mothers facilitated by information about their location accessed via contact proceedings.²⁰³ Child contact centres have been established to supervise ‘hand-overs’ but are usually staffed by untrained volunteers and have resulted in some inappropriate referrals by the courts.²⁰⁴ Several contact centres in the UK and in other jurisdictions offer parents skilled workers and a range of support services, information and referrals to other help as well as assistance to victims in devising safety plans.²⁰⁵ In New Zealand, there is a statutory presumption that contact should not be granted to a perpetrator of domestic violence unless the court is satisfied that it will be safe for the child and the other parent.

2.3. Multi-agency responses

In her review of the literature relating to multi-agency responses to domestic violence,²⁰⁶ Hague summarises their history, including government promotion through Home Office Circulars in 1995²⁰⁷ and 2000²⁰⁸ and the publication of the *Living Without Fear* guidance in 1998.²⁰⁹ The Crime and Disorder Act 1998 imposes a duty on local authorities and the police to work in partnership and consult with the local population and other agencies to produce a three yearly audit and strategy relating to local crime and disorder issues and to do all they “reasonably can to prevent crime and disorder.” Multi-agency initiatives in the context of domestic violence consist of local inter-agency forums and specific multi-agency projects such as those funded by the Home Office Crime Reduction Violence Against Women Initiative all of which are referred to later in this review. Research relating to multi-agency responses is discussed further in section 4.

201 Saunders, H. (2002) *Making Contact Worse? Report of a National Survey of Domestic Violence Refuge Services into the Enforcement of Contact Orders* (Bristol: Women’s Aid Federation England)

202 Radford *et al* (1999) *op. cit.* at 20-21; Saunders (2002) at 7

203 Radford *et al* (1999) *op. cit.* at 17, 18 and 23; Saunders (2002) *op. cit.* at 5-8

204 Women’s Aid Federation England (1998) ‘Sequence of events leading up to the murder of Georgina McCarthy’ (Unpublished paper on file with author). Also see Radford *et al* (1999) *op. cit.* at 19. Currently 19 cases of children killed by fathers on contact visits are being reviewed by the Lord Chancellors Department. Examples of such cases can be found in Saunders (2002) *op. cit.* at 11

205 Saunders (2002) *op. cit.* at 4; Aris, R., Harrison, C. and Humphreys, C. (2002) *Safety and Contact: An Analysis of the role of Child Contact Centres in the Context of Domestic Violence and Child Welfare Concerns* (London: Lord Chancellor’s Department); Radford *et al* (1999) *op. cit.* at 27.

206 McManon, M., Neville-Sorvilles, J. and Schubert, L. (1999) ‘Undoing harm to children: The Duluth family visitation center’, in Shepard and Pence (1999) *op. cit.* Radford *et al* (1999) *op. cit.* at 31

207 Hague, G. (2001) ‘Multi agency initiatives’, in, Taylor-Browne (2001) *op. cit.*

208 Home Office (1995) *Inter-Agency Circular: Inter-Agency Co-ordination to Tackle Domestic Violence* (London: Home Office)

209 Home Office (2000b) *Multi-agency Guidance for Addressing Domestic Violence* (London: Home Office)

3. SURVIVORS' PERSPECTIVES

Understanding the patterns of coping and help-seeking of adult and child survivors of domestic violence is a crucial first step towards understanding their perspectives on services and processes of safety planning.

3.1. Patterns of Help Seeking

As there are different patterns of domestic violence so too are there many patterns of help seeking.²¹⁰ One model that describes the process of women victims ending a relationship with a violent partner identifies five stages: (1) Non-recognition (pre-contemplation); (2) acknowledgement (contemplation); (3) consideration of options (preparation); (4) selection of actions (action) and (5) use of safety strategies to remain free from abuse (maintenance).²¹¹ After acknowledging or naming domestic violence as a problem, survivors often use their own personal resources and private strategies to try and manage the violence that may include combinations of resistance and attempts to “placate” the perpetrator.²¹² Informal social networks, including family, friends and work colleagues, can be very important sources of support,²¹³ especially when tangible resources, such as a place to stay, are offered.²¹⁴ The 1996 British Crime Survey found that about half of domestic violence victims had told someone about their most recent assault and this was most likely to be a friend, neighbour or relative.²¹⁵ Some may use the criminal legal system, to challenge their partner’s behaviour, as a “power resource” in the relationship with the perpetrator or in the event of a life threatening assault.²¹⁶ We know relatively little about what patterns of early actions, including the threat of criminal law, can be effective in reducing or ending violence.

Informal social networks are especially important for victims who live in some minority or socially isolated communities and there may be social sanctions for calling statutory agencies such as the police into particular communities.²¹⁷ The problems that all victims face in disclosing domestic violence to others may be exacerbated for those experiencing racism, language differences, poverty, bad housing and unemployment.²¹⁸ In these contexts formal legal responses and official agencies, particularly the police,

210 Home Office (1998) *Living Without Fear: An Integrated Approach to Tackling Violence Against Women* (London: Home Office)

211 Pisspa, M. (2002) ‘Complexity of patterns of violence against women in heterosexual partnerships’, 8(7) *Violence Against Women* 873-900

212 Burke, J., Carson Gielen, A., McDonnell, K., O’Campo, P. and Maman, S. (2001) ‘The process of ending abuse in intimate relationship: A qualitative exploration of the transtheoretical model’, 7(10) *Violence Against Women* 1144-1163; Resources for survivors of domestic violence and those who work with them include Kennedy Dugan, M. and Hock, R. (2000) *It’s My Life Now: Starting Over After an Abusive Relationship or Domestic Violence* (New York: Routledge)

213 Goodman, L. Dutton, M., Weinfurt, K. and Cook, S. (2003) ‘The intimate partner violence strategies index: Development and application’, 9(2) *Violence Against Women* 163-186; Hoff (1990) *op. cit.*

214 Kelly, L. (1996) ‘Tensions and possibilities: Enhancing informal responses to domestic violence’, in, Edleson and Eisikovits (Eds) (1996) *Future Interventions with Battered Women and Their Families* (California: Sage Publications); Mooney (1993) *op. cit.*

215 Goodkind, J., Gillum, T., Bybee, D. and Sullivan, C. (2003) ‘The impact of family and friends’ reactions on the well-being of women with abusive partners’, 9(3) *Violence Against Women* 347-373

216 Mirrlees-Black (1999) *op. cit.* at x.

217 Ford, D. (1991) ‘Prosecution as a victim power resource: A note on empowering women in violent conjugal relationships’, 25(2) *Law and Society Review* 313-334 at 329

218 McWilliams and Spence (1996) *op. cit.* at 104

may be perceived as hostile or racist towards the victim²¹⁹ and there may be fear of fuelling racism against the perpetrator.²²⁰

The two statutory agencies most often told about domestic violence by victims are the police, followed by medical services, including general practitioners, community nurses, hospital staff, and health visitors.²²¹ Other formal agencies contacted by victims include solicitors and legal advisors (such as the Citizens Advice Bureaux), counsellors (for both individuals and couples), community and religious leaders. In a study of survivors' views, women consistently reported that they want to be asked about domestic violence²²² and are more likely to disclose domestic violence when asked specific questions.²²³ A recent review of research on health service responses highlighted the importance of medical practitioners providing links with other services and recommended that questions about domestic violence be asked as a matter of routine.²²⁴ Interviews with survivors of domestic violence consistently indicate the need for consistent messages to those who disclose abuse: naming the violence, reassurance it is not their fault and that they deserve something better.²²⁵ Service providers need to recognise the personal survival strategies of victims of domestic violence whilst at the same time recognising that survivors are rarely able to achieve an end to the violence without additional support and intervention.²²⁶

3.2. Consultation with Survivors

A number of current policy initiatives include local consultation requirements including 'Best Value' regimes, crime and disorder audits and strategies and a range of neighbourhood renewal, health and social services initiatives. Consultation with survivors of domestic violence who use and do not use services is crucial in meeting survivors' needs with appropriate interventions and services. Mullender and Hague found that women survivors rate more positively those services that routinely consult them about their needs and that 90% of refugees undertook direct consultation with survivors, as opposed to only 40% of inter agency forums.²²⁷ A recent study to map and evaluate current service user consultation in the context of domestic violence services concluded that while there are examples of good practice the majority of agencies do not consult systematically.²²⁸ Research shows that few multi-agency domestic violence fora have meaningful involvement and consultation with survivors.²²⁹ However, local initiatives include survivors advisory groups, focus groups, one-off consultation meetings and survivors recruited direct to the forum. A recently published guide to developing consultation makes it clear that to be effective and empowering and to lead to concrete changes in service design and delivery, survivor participation needs to include financial compensation, expenses, training, interpreters and accessible venues with child care

219 Barron (1990) *op. cit.* at 87

220 Mama (1989) *op.cit.*; James-Hanman, D. (1990) *Domestic Violence and the Asian Community in Hounslow* (London Borough of Hounslow, Equal Opportunities Unit) at 2.2.4.

221 James Hanman (1990) *ibid.*

222 Mirrlees-Black (1999) *op. cit.* at x

223 Mullender and Hague (2001) *op. cit.*

224 Bewley *et al* (2000) *op. cit.*

225 Davidson, L., King, V., Garcia, J. and Marchant, S. (2000) 'What role can the health services play?', in, Taylor-Browne (2001)

226 *ibid.*

227 Goodman *et al* (2003) *op. cit.* at 180

228 Mullender and Hague (2001) *op. cit.*

229 Hague, G., Mullender, A., Aris, R. and Dear, W. (2001) *Abused Women's Perspectives: Responsiveness and Accountability of Domestic Violence and Inter-agency Initiatives. End of Award Report to the ESRC Award No: L133251017* (Bristol: University of Bristol, School for Policy Studies)

facilities.²³⁰ In Duluth, the ‘Battered Women’s Advisory Committee’ meets regularly to review and discuss how suggested changes might have affected them when they used the system.²³¹

In 2000 the *Womenspeak* project enabled survivors of domestic violence to contribute evidence and information about their experiences direct to Members of Parliament via the internet.²³² The sense of empowerment of those taking part was a key theme in the report on the project.²³³ Some areas use a panel of domestic violence survivors to advise the inter-agency forum and operate a ‘friends’ system to support other survivors.²³⁴ Some police forces distribute victim satisfaction questionnaires contained in information packs for domestic violence victims.²³⁵ In terms of consultation with children, Scottish Women’s Aid published *Young People Say* in 1998²³⁶ and Mullender and Hague confirmed that many refuges run children’s workshops and hold regular decision-making children’s meetings although few other agencies do anything comparable.²³⁷

One important aspect of indirect survivor consultation is the involvement in policy making and training at national and local level of voluntary sector providers of specialist domestic violence services, many of whom advocate for survivors of domestic violence. Studies have found these groups to be regularly marginalised in multi-agency domestic violence forums.²³⁸ The ‘Duluth’ model of community intervention in domestic violence is based on a strong relationship between state agencies and specialist groups who advocate for survivors of domestic violence.²³⁹

Recently in the UK the police and CPS have committed to working with providers of specialist services such as Women’s Aid, for example by co-delivering training.²⁴⁰

3.3. Survivors’ Views on Statutory Services

One review of the literature on survivors’ perspectives on statutory services (social services departments, health services, housing, social security, and legal services and the criminal justice system) revealed an overwhelming need for staff to improve knowledge and expertise in the domestic violence.²⁴¹ Access to law and lack of information about legal and other services is a major concern for survivors of domestic violence.²⁴² Many victims of domestic violence do not perceive standard state responses as addressing their

230 Hague (2001) *op. cit.*

231 Hague, G., Mullender, A. and Aris, R. (2002) *Professionals by Experience: A Guide to Service User Participation and Consultation for Domestic Violence Services* (Bristol: Women’s Aid Federation England)

232 Pence, E. and McDonnell, C. (1999) ‘Developing policies and protocols’, in Shepard and Pence *op. cit.* at 61. Also, for discussion of the Accountability Committee of Women Survivors in Toronto, Canada, see Hague *et al* (2001) *op. cit.* at 19

233 Bossy and Coleman (2000) *op. cit.*

234 *ibid* at 19.

235 Home Office (1998) *op. cit.* at 17.

236 For example see Green, J. (2001) ‘The success of the police in combating domestic violence has been difficult to measure’, November *Police Review* 20-21 at 21

237 Scottish Women’s Aid (1998) *Young People Say* (Edinburgh: Scottish Women’s Aid)

238 Mullender and Hague (2001) *op. cit.*

239 Hague (2001) *op. cit.*

240 Pence, E. (1999) ‘Some thoughts on philosophy’, in, Shepard and Pence (1999) *op. cit.* at 35. Pence and McDonnell (1999) *op. cit.* at 48

241 CPS (2001a) *op. cit.* at 3; Centrex (2002) *op. cit.*; Scottish Office (1997) *Hitting Home: A Report on the Police Response to Domestic Violence* (Edinburgh: HMIC)

242 Mullender and Hague (2001) *op. cit.*

problems and help has been found to be neither comprehensive nor easily accessible.²⁴³ Researchers have highlighted the need for flexible packages of responses that fit the stage each individual has reached in their help seeking process²⁴⁴ rather than being “premised on an assumption that leaving and staying away from an abusive partner is always the best choice.”²⁴⁵ We know that leaving is not the “exclusive safety strategy” for all those experiencing domestic violence²⁴⁶ and given the importance of early intervention it is crucial that statutory responses acknowledge other strategies. Victims who feel it is in their best interests to stay currently have few options to empower them in their own strategies.²⁴⁷

3.4. Survivors’ Views on Voluntary Sector Services

The refuge movement provides a pragmatic supplement and alternative to the formal legal system in terms of the safety of adult and child victims. The founding principles of women’s refuges are to provide both shelter and an empowering, mutually supportive and non-judgmental environment of collective living, in which women can address a complex range of issues including isolation and low self-esteem. There are also a small number of specialist refuges providing services for women from particular minority ethnic communities, young women and one for women with learning disabilities.²⁴⁸ Some refuges make residents’ participation in decision and policy-making a core aspect of refuge life.²⁴⁹ Survivors consistently rate refuges more positively than other services in terms of assistance, safety and support.²⁵⁰ However, only a small number of survivors access refuges and the picture is not entirely positive with negative aspects including lack of privacy, comfort, lack of resources and the stress of living with other women and their children.²⁵¹ There has been no major evaluation of the effectiveness of refuge provision nor are there national minimum standards although proposals have been published under the *Supporting People* initiative.²⁵²

Leaving can be a time of grief, depression, loneliness and vulnerability.²⁵³ The experiences of survivors show that on-going support is vital in sustaining the separation in the process of leaving abusive relationships.²⁵⁴ Today, many Women’s Aid and other refuge projects provide services including telephone advice and outreach support, support groups and ‘drop in’ services so that women and children can be

243 For example see Bossy and Coleman (2000) *op. cit.* at 27; Doy, E. and Maitland, L. (1996) *Norwich Challenging Abuse of Women and Children: Views From the Sharp End* (Women Policy Research Unit, University of East Anglia) at v and 13; Hoyle (1998) *op. cit.* at 197.

244 Barron (1990) *op. cit.*; Cretney, A. and Davis, G. (1997b) ‘Prosecuting domestic assault: Victims failing courts or courts failing victims?’ 32(2) *The Howard Journal* 146-157 at 154; Home Office (1998) *op. cit.* at 1; Hoyle (1998) *op. cit.*; Pahl (1985) *op. cit.*.

245 Brown, J. (1997) ‘Working toward freedom from violence: The process of change in battered women’, 3(1) *Violence Against Women* 5-26; Gondolf and Fisher (1988) *op. cit.* at 100; Hoyle (1998) *op. cit.* at 221

246 Baker, P. (1997) ‘“And I went back”: Battered women’s negotiation of choice’, 26(1) *Journal of Contemporary Ethnography* 55-74 at 71; Mills, L. (1998) *The Heart of Intimate Abuse: New Interventions in Child Welfare, Criminal Justice and Health Care Settings* (New York: Springer Publishing) at 4

247 Davies and Lyon (1998) *op. cit.* at 127

248 Baker (1997) *op. cit.* at 71; Lempert, L. (1996) ‘Women’s strategies for survival: Developing agency in abusive relationships’, 11(3) *Journal of Family Violence* 269-289 at 284

249 Mullender and Hague (2002) *op. cit.* at 7

250 *ibid.*

251 *ibid.*; Dobash and Dobash (1992) *op. cit.* at 90

252 *ibid.* at 226

253 Office of the Deputy Prime Minister (2002) *Supporting People Summary No. 3: Handy Guide: Addressing Domestic Violence in the Support People Programme* (London: HMSO) (accessed at www.housing.odpm.gov.uk on 24th June 2003)

254 Jones and Schechter (1992) *op. cit.* at 205-208

supported, while still living with perpetrators or in independent accommodation.²⁵⁵ Victim advocacy efforts are usually either focussed on, working with, or on behalf of individuals or systems-based (advocating to change and improve institutional responses) and many efforts involve a combination of both.²⁵⁶ Kelly and Humphreys have reviewed the various definitions and approaches to outreach and advocacy, and the range of services provided to women and children finding that research in this area is limited.²⁵⁷ Studies show that children rate children's services within refuge and outreach provision as particularly useful as specialist staff pay particular attention to their perceptions and needs.²⁵⁸ On the basis of the *Day to Count* data on victim contact with refuge and related services, Stanko concluded that Women's Aid and Refuge have more contact (through telephone advice lines, refuges and their other services) with more women victims on a day-to-day basis than do the police.²⁵⁹

Recently there have been campaigns by some men's groups questioning the lack of provision for male victims of domestic violence by women. Research commissioned by the Scottish Executive to assess the nature and extent of domestic abuse against men in Scotland concluded that evidence did not suggest the need for a new agency with a specific remit to support male victims of domestic abuse in Scotland, nor for refuges for abused men.²⁶⁰ It did, however, recommend that advice relating to legal, housing, finance and welfare support as well as alternative accommodation would benefit some male victims. A refuge in London has been set up to provide shelter and services for gay men experiencing domestic violence and the policies of most women's refuges mean that they are open to lesbians and their children as well as women fleeing male violence.

There are a number of other voluntary domestic violence services providing specialist advice and support at a local and national level. Some produce useful written guidance for survivors such as the *Domestic Violence Injunction Handbook* to assist survivors in obtaining civil court orders without legal representation.²⁶¹ Victim Support also provides general support to victims of crime including those of domestic violence. Research has found that police officers do not routinely tell victims about services provided by Victim Support, Women's Aid or Rape Crisis.²⁶²

We do not know enough about the impact of state or voluntary sector initiatives on reducing domestic violence, causing desistance by the perpetrator and increasing the safety of the victim. In the United States, one study suggested that legal and advocacy services for victims of domestic violence reduced the rate at which women kill male partners, but not the rate at which men kill their female partners.²⁶³ However, it has been suggested that such findings should be viewed with caution, since existing studies have not

255 Wuest, J. and Merritt-Gray, M. (1999) 'Not going back: Sustaining the separation in the process of leaving abusive relationships', 5(2) *Violence Against Women* 110-133

256 Humphreys *et al* (2000) *op. cit.*; Humphreys, C. and Thiara, R. (2002) *Routes to Safety: Protection Issues Facing Abused Women and Children and the Role of Outreach Services* (Bristol: Women's Aid Federation England)

257 Sullivan, C. and Keefe, M. (1999) 'Evaluations of advocacy efforts to end intimate male violence against women', *Violence Against Women Online Resources* (accessed at <http://www.vaw.umn.edu/documents> on 20th May 2003)

258 Kelly, L. and Humphreys, C. (2001) 'Supporting women and children in their communities: Outreach and advocacy approaches to domestic violence', in Taylor-Browne (2001) *op. cit.*

259 Humphreys and Thiara (2002) *op. cit.*

260 Stanko (2002) *op. cit.*

261 Gadd, *et al* (2002) *op. cit.*

262 Urbach, C. and Rights of Women (2000) *Domestic Violence Injunction Handbook* (London: Rights of Women)

263 Hoyle (1998) *op. cit.* at 203; Gregory and Lees (1999) *op. cit.* at 181.

measured the availability and quality of services, relying only on quantitative measures to assess the impact of particular services.²⁶⁴

3.5. Safety Planning

Before moving on to consider multi-agency responses to domestic violence it is important to consider the issue of safety planning. There is sometimes confusion between the distinct processes of safety planning and risk assessment.²⁶⁵ The term ‘safety planning’ is generally used to describe a structured method used by agencies to enable adult and child survivors to make use of their existing and other available resources and sometimes to shift from re-active to proactive strategies. The ‘safety plan’ which is developed belongs to the victim and/or child. In contrast, risk assessment and management (which will be discussed fully in the next section) are processes undertaken by agencies in which good practice involves a partnership with the survivor (although this may not always be possible). The model of safety planning proposed by Davies and Lyon emphasises that processes need to be focussed on the victim’s and children’s needs as opposed to those of institutions, building on, and enhancing survivors’ existing strategies and resources.²⁶⁶ Various current initiatives include the production of a safety planning video for survivors of domestic violence and written guidance to survivors on safety planning.²⁶⁷

264 Dugan, L., Nagin, D.S. and Rosenfeld, R. (1999) ‘Explaining the decline in intimate partner homicide’, 3 *Homicide Studies* 187-214

265 DeLeon-Granados and Wells, W. (2003) ‘The reliability and validity of measures of domestic violence resources as used in intimate partner homicide research’, 9(2) *Violence Against Women* 148-162

266 Kelly and Humphreys (2001) *op. cit.*

267 Davies and Lyon (1998) *op. cit.*

4. MULTI-AGENCY RESPONSES

4.1. Multi-Agency Partnerships

Research into the effectiveness of multi-agency partnerships, including crime and disorder partnerships is still in its infancy, although the Audit Commission concluded that local partnerships had not made an “obvious impact” on community safety between 1999 and 2000.²⁶⁸ Existing research evaluating multi-agency responses to domestic violence at a local level in England and Wales, particularly domestic violence fora, have found a number of difficulties.²⁶⁹ These include: inappropriate representation; lack of resources; the imbalance of power between statutory and voluntary sector representatives, particularly small specialist agencies; lack of consultation systems with domestic violence survivors; and poor provision for the evaluation and monitoring of effectiveness. The contribution of multi-agency fora includes opportunities for networking and exchanging information, co-ordinating and improving the delivery of multi-agency and individual services and public education and awareness raising.²⁷⁰ Hague noted that many fora do not have specific staff assigned to them and that dedicated co-ordinators are able to give “focus and direction” to fora.²⁷¹ Recommendations by Hague include the development of clear lines of accountability and agreed terms of reference, objectives and regularly reviewed action plans to ensure that fora move beyond ‘talking shops’.²⁷² There is a need to develop further guidance for local fora, based on evaluated good practice and emphasis on the fact that effective inter-agency working is dependent on the practice of each individual agency within the partnership.

International good practice in integrated multi-agency responses include the Duluth Domestic Abuse Intervention Project and other similar initiatives in Canada (particularly London, Ontario), Australia (particularly Canberra) and New Zealand.²⁷³ These integrated projects include co-ordinated criminal and civil responses, perpetrators’ programmes, survivor’s support groups, comprehensive training initiatives and sophisticated monitoring and evaluation schemes. Their core philosophy tends to be that communities, rather than individuals or families, should be responsible for holding perpetrators accountable and protecting victims.²⁷⁴ Such community intervention models have proved difficult to replicate in the UK, but several projects part-funded by the Home Office Crime Reduction Violence Against Women Unit are attempts to build similar systematic responses.²⁷⁵ A recent evaluation of the Family Violence Intervention Program in Canberra, Australia found that the co-ordinated response increased charges against, and guilty pleas by, perpetrators, and reduced withdrawal of cases due to lack of evidence and victim reluctance to proceed.²⁷⁶ The evaluation also reported an increase in convictions by 68% (1998/9 to 2000) and 126% in

268 For one example, see Tools for Practitioners, Suffolk (2002) *Safety Plan for Women Experiencing Domestic Abuse: A Practical Resource for You to Use* (Suffolk: Tools for Practitioners)

269 Audit Commission (2002) *Community Safety Partnerships* (London: Audit Commission)

270 Hague E. and Dear, W. (1996) *Inter-agency Approaches to Domestic Violence* (Bristol: University of Bristol, School for Policy Studies); Hague (2001) *op. cit.*; James-Hanman, D. (2000) ‘Enhancing Multi agency work’, in, Hanmer and Itzin (2000) *op. cit.*

271 Hague et al (1996) *op. cit.* and Hague (2001) *op. cit.*

272 Hague (2001) *ibid.*

273 *ibid.*

274 Hague, G., Kelly, L. and Mullender, A. (2001) *Challenging Violence Against Women: The Canadian Experience* (Bristol: Policy Press); Shepard and Pence (1999) *op. cit.*

275 Shepard, M., Falk, D. and Elliott, B. (2002) ‘Enhancing coordinated community responses to reduce recidivism in cases of domestic violence’, 17(5) *Journal of Interpersonal Violence* 551-569 at 552

276 For further details see the Home Office website at <http://www.homeoffice.gov.uk/crimpol/crimreduc/domviolence/index.html>.

2000/2001.²⁷⁷ In recent years some multi-agency partnerships have considered the establishments of ‘one stop shops’ which enable representatives of a range of statutory organisations to work from a central location, although there has been no comprehensive evaluation of this approach. Kelly and Humphreys have argued that independent well-resourced advocacy and outreach projects may be better placed to provide flexible ‘packages’ of provision combining advice, support, referral, co-ordination and advocacy.²⁷⁸

One particular barrier to effective multi-agency responses to domestic violence is that of information sharing. On the one hand information can be shared too freely, undermining the trust, confidence and safety of adult and child victims. On the other hand failure to share information can undermine safety and the provision of integrated services. The lack of adequate systems for sharing information, lack of shared definitions, incompatible data systems and poor recording practices have not only hindered agencies’ protection of adult and child victims but have also proved to be an obstacle to measuring the extent of domestic violence and the effectiveness of interventions. Whilst much recent attention has focused on improving systems to share information, there is a need to recognise the importance of confidentiality and trust for survivors and the necessity for developed systems to ensure that there is an adequate response once information is shared.

4.2. Assessing and Managing Risk

Most research relating to risk assessment in the context of domestic violence comes from the US and it is difficult to apply the findings to different social, criminal justice and support systems within the UK.²⁷⁹ Although agencies, including the National Probation Service and some police forces, have formal systems for assessing and managing risk in the context of domestic violence, others do not. Indeed, many front line practitioners, including police officers, social workers and prosecutors have low levels of knowledge, and sometimes wholly inaccurate understanding about indicators of future serious harm in cases of domestic violence. It is clear that in order to assess and manage risk effectively this knowledge is crucial for all staff as well as systems by which agencies can share information in order to increase victim safety. It is also important to recognise that any risk assessment tool based upon inventories and categories will provide only a limited picture of the nature, severity and danger of a particular domestic violence situation.²⁸⁰

In the Duluth ‘Enhanced Domestic Abuse Intervention Project’ (EDAIP) methods have been developed for criminal justice practitioners and advocates to collect and share risk assessment data which are then used to determine the sanctions recommended for domestic violence offenders. Offenders are only categorised in terms of levels of risk by qualified probation officers when the relevant agencies have pooled information. Evaluation of this project concluded that “improved co-ordination through the sharing of risk assessment information among criminal justice professionals can reduce recidivism among men who abuse their partners.”²⁸¹ Multi Agency Public Protection Arrangements (MAPPA) are likely to have a profound impact on multi-agency systems for assessing and managing the risk of sexual and violent offenders, some of whom will be domestic violence perpetrators.²⁸²

277 ACT Department of Justice and Community Safety (2002) ACT Family Violence Intervention Program Briefing (Canberra: ACT Department of Justice and Community Safety)

278 *ibid.*

279 Kelly and Humphreys (2001) *op. cit.*

280 Walby and Myhill (2001b) *op. cit.* at 256. For a brief overview of issues relating to the difficulty of assessing and managing risk in relation to child abuse see Sidebotham, P. (2003) ‘Red skies, risk factors and early indicators’, 12 *Child Abuse Review* 41-45

281 Gondolf, E. and Beeman, A. (2003) ‘Women’s accounts of domestic violence versus tactics-based outcome categories’, 9(3) *Violence Against Women* 278-301 at 297

282 Shepard et al (2002)

4.3. Institutional Audits and Fatality Reviews

Some domestic violence initiatives, including Duluth, have utilised multi-agency institutional or ‘safety and accountability audits’ to monitor and evaluate the quality and efficiency of each agency. These audits open up policies and practices to review by a range of agencies and survivors of domestic violence, which then enables recommendations for change.²⁸³ This is widely viewed as good practice in terms of effective evaluation of service delivery and ensuring openness and accountability.²⁸⁴ Although such processes are under-developed in the UK, some organisations have engaged in ‘safety and accountability audits’ to identify good practice, gaps in services and ways to improve current systems and practice.²⁸⁵

In the US and Canada another multi-agency initiative is that of domestic violence fatality reviews in which each agency’s role in the lead up to a domestic homicide is examined in order to identify patterns and formulate recommendations regarding the investigation, intervention and prevention of domestic violence.²⁸⁶ The experience of the Washington State Domestic Violence Fatality Review Project was of interdisciplinary discussions which enabled the review team to gain insight into current systems, identify gaps and increase communication and collaboration amongst those involved in a co-ordinated community response.²⁸⁷ In some US states legislation guarantees that information shared at the reviews will be confidential which raises issues of public accountability, transparency and openness.²⁸⁸ In the UK several models of domestic violence fatality reviews have been developed and there is a possibility that forthcoming legislation will enshrine the review process in statute in a similar way to that of Chapter 8 reviews of child deaths.

283 Bryan, T. and Payne, W. (2003) ‘Developing MAPPA: Multi-Agency Public Protection Arrangements’, 51 *Criminal Justice Matters* 20-21; Home Office (2003) *The MAPPA Guidance* (London: National Probation Directorate)

284 Shepherd and Pence (1999) *op. cit.*

285 Hague (2001) *op. cit.*

286 For one example see Sissons, P. and Pigeon, M. (2001) *Report of the Domestic Violence Safety and Accountability Audit carried out with Suffolk Constabulary: Summary Version* (Home Office Crime Reduction Programme Reducing Violence Against Women Initiative in Suffolk)

287 Websdale (1999) *op. cit.* For one example see Hobart, M. (2000a) *Honouring their Lives, Learning from their Deaths: Findings and Recommendations from the Washington State Domestic Violence Fatality Review* (Washington: Washington Coalition Against Domestic Violence) at 5.

288 Hobart, M. (2000b) *Homicide at Home: Washington State’s Domestic Violence Fatality Review Project* (Washington: Washington Coalition Against Domestic Violence) at 2.

5. POLICE RESPONSES

In this section the literature is discussed as it relates to police reporting and recording, positive action and arrest policies, investigation, evidence-gathering and police initiatives which focus on protecting and supporting victims. The police response to domestic violence has been the focus of much attention from researchers. In their review of the literature, Hanmer and Griffiths include a summary of the history of police responses to domestic violence.²⁸⁹ The issue of attrition (or ‘drop out’) in domestic violence cases is considered throughout this and sections six and seven. The issue has been the subject of a recent study in Northumbria which included analysis of police and CPS files, interviews with victims, police officers, CPS prosecutors, defence solicitors and representatives of non-criminal justice agencies as well as court observations.²⁹⁰ The study found that only 4.3% of domestic violence incidents reported to the police resulted in a criminal conviction.²⁹¹ The difficulty of understanding the high attrition rates in rape cases²⁹² is complicated by the lack of systems to differentiate domestic violence cases (including rape by a partner or former partner) from stranger offences. Data collection systems are being developed within the criminal justice system to ensure that the necessary information is available to increase knowledge of these issues. In her review of the research relating to attrition in rape cases, Kelly emphasises the importance of distinguishing between cases such as those which do not reach court due to police and prosecutorial decision-making and evidence gathering, cases where the victim withdraws support and those which result in acquittal.²⁹³ Understanding such distinctions will be crucial to developing different strategies to reduce attrition which target different groups of cases.²⁹⁴

5.1. Reporting and Recording

It is clear that many victims of domestic violence will be assaulted a number of times before contacting the police, and whilst some recent research suggests that patterns of reporting may have changed over time²⁹⁵ we lack a detailed study of these shifts. There is some confusion surrounding the origin of the oft-quoted statistic that a victim of domestic violence will be assaulted 35 times before contacting the police but it seems to be based on a Canadian study from the 1980s.²⁹⁶ There is a need for up to date UK research to understand the stages at which victims of domestic violence seek police intervention. The 1996 British Crime Survey self-completion module found that of those who had been victims of domestic assault in the previous year, only 17% said the police were aware of one or more incident.²⁹⁷ The 2000 British Crime Survey found that less than one in three victims of domestic violence reported the incidents to police.²⁹⁸

289 Websdale (1999) *op. cit.* at 235

290 Hanmer and Griffiths (2001) ‘Effective policing’, in, Taylor-Browne (2001) *op. cit.*

291 Hester et al (2003) *op. cit.*

292 *ibid.*

293 Kelly (2002a) *op. cit.* at 13-17

294 *ibid.* at 17

295 *ibid.*

296 For example Kelly (1999) *op. cit.*

297 For example see Jaffe, P., Wolfe, D., Telford, A. and Austin, G. (1986) ‘The impact of police charges in incidents of wife abuse’, 1(1) *Journal of Family Violence* 37-49 at 38, cited in, Morley, R. and Mullender, A. (1994) *Preventing Domestic Violence to Women*, Police Research Group, Crime Prevention Unit Series, Paper No. 48 (London: Home Office) at 12

298 Mirrlees-Black (1999) *op. cit.* at 54.

Domestic violence is under-reported to the police for a variety of reasons, including victims being physically prevented, concerns by the victim and others of privacy, fear of reprisal, feelings of care for the offender and perceptions that it is not a police or criminal matter. The 2000 British Crime Survey found that, of those victims who did not report domestic violence to the police, 'privacy' was the main factor.²⁹⁹ In her research, Hoyle found three main reasons why women victims did not contact the police; that they did not want to break up their relationship, that they feared retaliation and that the outcomes of a criminal justice prosecution was not worth the 'cost' to the victim.³⁰⁰ Victims from some communities (such as minority ethnic groups, lesbian, gay, transgender or bisexual individuals) might risk providing fuel for discriminatory or racist stereotypes and face the possibility of racist, homophobic or discriminatory responses from public authorities.³⁰¹ Research studies suggest different rates of police reporting by different groups of black minority ethnic women suggesting reluctance for some due to perceptions of racism by service providers.³⁰² Some research suggests increased use of the police by some groups/individuals because it is the only agency available in an emergency, because they lack family and community supports and limited sanctions within their own communities.³⁰³

To date the focus of research has tended to be on factors that inhibit reporting to the police, rather than on incentives to report, such as the desire for protection.³⁰⁴ In one study a third of women victims contacting the police wanted immediate protection, a further third wanted the perpetrator calmed down without recourse to criminal law and in the remaining third of cases they wanted the perpetrator arrested.³⁰⁵ The 1996 British Crime Survey found that incidents perceived as crimes were more likely to be reported to the police but only 17% of those who described physical violence by a partner thought that their experiences amounted to a crime.³⁰⁶ The 1996 survey also found that the police came to know of about a third of domestic assaults from someone other than the victim.³⁰⁷ Further research needs to examine the barriers and incentives to reporting for victims in different communities and at different stages in the help seeking process, as well as the reporting patterns of other people.

When a victim or other person calls the police by telephone the first point of contact is with control room staff.³⁰⁸ In her research in the 1980s, Edwards found that controllers regularly screened domestic violence calls or accorded them low priority.³⁰⁹ The Home Office has since advised that all domestic violence calls should result in a police officer's visit at some stage³¹⁰ and research suggests that it is now rare for reports

299 Kershaw et al (2000) *op. cit.*

300 *ibid.* at 34

301 Mama (1989) *op. cit.*

302 Choudry, S. (1996) *Pakistani Women's Experience of Domestic violence in Great Britain*, Research Findings No. 43 (London: Home Office); Currell, S. and Gill, A. (1998) *Silenced 'n Caught: Unlocking the Barriers to Reporting Domestic Violence in an Asian Community* (London: Home Office); James-Hanman, D. (1990) *op. cit.* at 2.2.4. and 2.2.6.; Mama (1989) *op. cit.*

303 Mama, A. (1989a) *op. cit.* at 172

304 Kelly (1999) *op. cit.* at 18. Mooney (1993) *op. cit.*

305 Felson, R., Messner, S., Hoskin, A. & Deane, G. (2002) 'Reasons for Reporting and not reporting domestic violence to the police', *Criminology* 40 (3) 617-648

306 Hoyle (1998) *op. cit.*

307 Mirrlees-Black *op. cit.* at 55

308 *ibid.*; Also see Nieme-Kiesilainen, J.(2001) 'The deterrent effect of arrest in domestic violence: Differentiating between victim and perpetrator response', 12(2) *Hastings Women's Law Journal* 283-305 at 288

309 See Hoyle (1998) *op. cit.*, esp. Chapter 3

310 Edwards (1989) *op. cit.* at 108.

of domestic violence to be resolved on the telephone.³¹¹ In the 1980s research revealed that a high rate of domestic violence cases were not recorded as crimes and were diverted out of the criminal system.³¹² It remains the case that police records relating to domestic violence are neither systematic nor consistent.³¹³ There are examples of good practice in some individual police forces and some have domestic violence recording systems which are integrated with existing IT systems to allow the automatic transfer of data and the identification of repeat victimisation through victim, offender and location.³¹⁴ The HMCPSI/HMIC Inspection provides an opportunity to identify baseline information about police recording systems. The HMCPSI/HMIC Joint Inspection on the investigation and prosecution of rape offences identified that cases which do not proceed through insufficient evidence are classified as undetected, which is particularly anomalous when the alleged perpetrator is the identifiable partner of the victim.

5.2 Positive Action and Arrest Policies

Research in the 1980s led to criticism of the police response to domestic violence for failing to assist victims in limiting and stopping violence, attempting to mediate between the parties and directing victims to civil remedies even where the victim supported an arrest and powers existed under criminal law.³¹⁵ Later studies note that when they contact the police some victims want immediate physical protection from the perpetrator either by being removed, ‘calmed down’ or given a strong warning rather than a criminal prosecution.³¹⁶ The Northumberland study found two main categories of need among victims. One group of women wanted the immediate violence to be stopped and the situation calmed down and were generally satisfied when the police arrived quickly and separated the parties.³¹⁷ The other group were seeking longer term protection and were more likely to be dissatisfied, particularly with the court process and outcomes such as fines, bind-overs and short custodial sentences.³¹⁸ Another recent study found that police behaviours that increase victim satisfaction include: speaking to the victim separately from the perpetrator; questioning witnesses; searching for evidence; and making arrests.³¹⁹ This study emphasises the importance, not only of officers using police powers but also of treating victims with courtesy, respect, understanding, appearing concerned and listening.³²⁰

As with all crimes, it is the duty of the police officer to enforce the law and current policy states that if there is evidence that a crime has been committed in a domestic violence situation then the police are obliged, by the Home Office, and by many local constabulary policies to take positive action.³²¹ The Human Rights Act 1998 means that all decisions to deprive a person of their liberty must include consideration as to whether that is in accordance with the law, proportionate and necessary which renders blanket terms, such as ‘positive arrest’ or ‘mandatory arrest’ policy, inappropriate. When an arrestable

311 Home Office (1990) Home Office Circular 1990/60 Domestic Violence (London: Home office) at para. 12

312 Hoyle (1998) *op. cit.* at 51

313 Edwards (1989) *op. cit.* at 50 and 143

314 For example, see Kelly (1999) *op. cit.* at viii

315 Green (2001) *op. cit.* at 21

316 For example, see Edwards (1989) *op. cit.*

317 Cretney, A. and Davis, G. (1996) ‘Prosecution “domestic” assault’, *Criminal Law Review* 162-174 at 172; Hoyle (1998) *op. cit.* at 193-194

318 Hester *et al* (2003) *op. cit.* at 4

319 *ibid*

320 Robinson, A. (2003) *The Cardiff Women’s Safety Unit: A Multi-Agency Approach to Domestic Violence* (Cardiff: Cardiff University, School of Social Sciences)

321 *ibid*

offence has been committed, officers must exercise their discretion to arrest with due regard to the rights of the alleged offender and the adult and child victim's right to protection. In some police forces this means that officers have to justify both decisions to, and not to, arrest. In cases where there is not evidence of an offence with a power of arrest, officers are expected to take appropriate action through either the criminal law (through charging) and/or by referring the victim to another agency or other legal avenues to ensure their safety. However, there is limited evidence of these 'positive action' policies being consistently applied.³²² The study of attrition in Northumberland found that a third of domestic violence incidents recorded by the police were deemed by officers to justify an arrest and of these three quarters resulted in an arrest.³²³ The study also found local variations in the number of incidents, proportion of criminal offences with a power of arrest and number of cases in which that power was exercised which the researchers suggest reflects different district policing policies.³²⁴ An evaluation of an initiative in Cardiff indicated that changes to police policy in conjunction with other agencies resulted in a decrease in the number of recorded repeat victims, decrease in the number of victims refusing to make a complaint and an increase in the concern for child reports submitted.³²⁵

We do not have a clear picture of police officer decision-making at domestic violence incidents. Research has found that decisions by officers to arrest and charge tend to depend on a range of factors including the 'wishes' of the complainant, attitudes of perpetrators, and whether the couple are separated as well as the severity of violence, availability of evidence and witnesses and previous history of the violence.³²⁶ One study found that decisions to charge were shaped "almost entirely by the victim's preferences", even in serious cases,³²⁷ but the issue of victims expressed wishes is itself complex. At least one study indicates that police officers make decisions based on assessments of 'victim worthiness' and assessments of likely withdrawal, when victims actually want assertive action.³²⁸ Research has also indicated that some victims are dissuaded from pursuing criminal action by police officers behaviour or advice or because they had 'prepared' the victim for the worst possible case scenario (such as having to give evidence in court with the result only being a fine).³²⁹ Research in the US has shown that it is common for the police not to arrest when the offender is absent on arrival at the scene, despite the fact that in one study offenders who left before the police arrived were twice as likely to re-offend.³³⁰

The recent Home Office Circular recognises the complexity of experiences of domestic violence when it emphasises that it is the decision of the police, not the victim, to arrest and charge a suspect.³³¹ Victims' views in relation to police action may be affected by a number of factors including: whether or not they are separated from the perpetrator; fears of retaliatory violence; consideration of their children's feelings;

322 Home Office (2000a) *op.cit.*

323 Hester *et al* (2003) *op. cit.*; Hoyle (1998) *op. cit.*; Grace, S. (1995) *Policing Domestic Violence in the 1990s*, Home Office Research Study 139 (London: Home Office); Kelly (1999) *op. cit.*; Plotnikoff, J. and Woolfson, R. (1998) *Policing Domestic Violence: Effective Organisational Structures*, Police Research Series Paper 100, (London: Home Office)

324 Hester *et al* (2003) *op. cit.* at 2

325 *ibid.*

326 Robinson (2003) *op. cit.* at vii-viii and 41

327 Hanmer, J., Griffiths, S. and Jerwood, D. (1999) *Arresting Evidence: Domestic Violence and Repeat Victimisation*. Police Research Series Paper 104 (London: Home Office) at 31

328 Hoyle (1998) *op. cit.* at 151

329 Kelly (1999) *op. cit.*

330 Edwards, S. (1996) *Sex and Gender in the Legal Process* (London: Blackstones) at 197. Hoyle (1998) *op. cit.* at 202. Cretney and Davis (1997b) *op. cit.* at 147; Kelly (1999) *op. cit.* at ix

331 Buzawa, E., Hotaling, G., Klein, A. and Byrne, J. (1999) *Response to Domestic Violence in Proactive Court Setting: Final Report* (Washington, DC: National Institute of Justice); Also see Buzawa and Buzawa (2003) *op. cit.* at 145

and material issues, such as need for financial support. Their views are also likely to be influenced by previous experience of police intervention and criminal justice processes and outcomes. We need to know more about the decision-making of all police officers who first respond to domestic violence incidents and the views of victims on the actions police do and do not take.

Further research is also needed on the responses of other police officers including those custody officers responsible for authorising detention, charging and decisions relating to caution and bail. A study in Thames Valley examined 387 cases of domestic violence and the custody officer only challenged the decision of the arresting officer in one case.³³² However, this needs to be understood in the context of front line police officers ‘second guessing’ the response of custody officers. The Northumberland study found a high rate of attrition at the charge stage with districts varying from one third to one fifth of arrests leading to a charge.³³³ In contrast to Hoyle’s finding that the vast majority of perpetrators arrested for Breach of the Peace, were released without further action,³³⁴ more recent research has confirmed that police are using Breach of the Peace as an alternative means of taking formal action against domestic violence offenders.³³⁵ Such evidence suggests a need to develop our understanding of decisions about bail conditions and patterns of enforcement as we know that even when conditions such as residence requirements, curfews and exclusion from a particular locality are used, actions for breaches are rare.³³⁶

Attempts to hold perpetrators accountable for their violence have resulted in a trend towards mandatory arrest or preferred arrest policies.³³⁷ Alternative models include a mandatory charge policy in Canada and legislation in Austria, Germany and Norway that gives the police powers to remove the perpetrator for two weeks.³³⁸ There has not been any systematic study of the effects of arrest on domestic violence perpetrators in the UK. Hoyle has observed that in some cases arrest seemed to make the perpetrator more violent,³³⁹ and Kelly suggests that some perpetrators were not affected by arrest because they had “no regard for the law.”³⁴⁰ Results from extensive studies in other jurisdictions are inconclusive.³⁴¹ A study conducted in Minneapolis indicated that arrest was effective in reducing the likelihood of further violence.³⁴² However, replications of this study show a much more complex reality.³⁴³ For some individuals there was no evidence of arrest decreasing violence. Rather it escalated over the long term and it was concluded that overall “arrest increases violence for unmarried and also for unemployed suspects and deters it for married and for employed suspects.”³⁴⁴ One explanation for these different effects is that arrest is more likely to be a deterrent for perpetrators with “strong conventional social bonds”, but may further alienate those with

332 Home Office (2000a) *op. cit.*

333 Hoyle (1998) *op. cit.* at 147

334 Hester *et al* (2003) *op. cit.* at 2

335 Hoyle (1998) *op. cit.* at 149

336 Hester *et al* (2003) *op. cit.* at 3

337 Kelly (1999) *op. cit.* at 49

338 For an overview of research from the US perspective see Buzawa and Buzawa (2003) *op. cit.*

339 Kelly (2002) *op. cit.*

340 Hoyle (1998) *op. cit.* at 190

341 Kelly (1999) *op. cit.* at 52

342 Wanless, M. (1996) ‘Mandatory arrest: A step toward eradicating domestic violence, but is it enough?’, 2 *University of Illinois Law Review* 533-586; Garner, J., Fagan, J. and Maxwell, C. (1995) ‘Published findings from the spouse assault replication program: A critical review’, 11(1) *Journal of Qualitative Criminology* 3-28

343 Sherman L. and Berk, R. (1984) ‘The specific deterrent effects of arrest for domestic assault’, 49 *American Sociological Review* 261-272

344 Garner *et al* (1995) *op. cit.*

“already weak ties to conventionality.”³⁴⁵ There is also potential for arrest policies to have a disproportionate effect on perpetrators from minority ethnic groups and economically deprived communities.³⁴⁶ One review of the literature concludes that, “the deterrent effect of arrest in domestic violence cases is uncertain.”³⁴⁷ Measuring the causal link between arrest and violence is complex in that victims are more likely to call the police when at the point of wanting to end the relationship, which we know correlates, in a proportion of cases, with increased risk of lethal violence. It is crucial to recognise that arrest of the perpetrator can be valuable to a victim, even without prosecution, because it removes the immediate danger, provides a safe window of opportunity for the victim to leave and sends a message to the perpetrator that their behaviour is unacceptable. In the case of apparent differences between employed and unemployed suspects we do not know whether these are explained by victims with less resources being more likely to involve the police or whether there is differential enforcement of criminal law by police, prosecutors and courts. One researcher has recommended that decisions to arrest should be based on “victim safety immediately after the arrest, justice and proportionality” rather than theories relating to long term impacts and differences such as the employment status of offenders.³⁴⁸ After all, the usual reasons for implementing other aspects of criminal law is the question of whether a crime has been committed not the impact on future offending behaviour.

Some researchers have examined the effect of the perpetrator’s arrest on victims and found that such action can give time to arrange safety, shows that there is help available, and protects victims from immediate danger.³⁴⁹ Widespread fears that positive action policies would decrease reporting do not seem to have been realised, other the research is not clear whether such policies lead to reporting rate increase, decrease or have little impact.³⁵⁰ In the US there have been some indications of increased rates of reporting following the introduction of mandatory arrest policies and other law reform relating to domestic violence.³⁵¹ One overview of the effectiveness of US arrest policies reports that in cases where the perpetrator was arrested, victims called the police as or more often compared to victims who received other responses.³⁵² At least one researcher has argued that the high level of repeat victimisation in evaluations of mandatory arrest could, in part, be the result of increased willingness of the victim to call the police.³⁵³

Other relevant research issues with respect to arrest are that studies have not tested the general deterrent effect of pro-arrest and prosecution policies,³⁵⁴ nor the impact that the actions of prosecutors and judges

345 *ibid* at 7

346 Paternoster, R., Brame, R., Bachman, R. and Sherman, L. (1997) ‘Do fair procedures matter? The effect of procedural justice on spouse assault’, 31(1) *Law and Society Review* 163-204 at 174

347 Miller, S. (1989) ‘Unintended side effects of pro-arrest policies and their race and class implications for battered women: A cautionary note’, 3 *Criminal Justice Policy Review* 299-317; Zorza, J. and Woods, L. (1994) *Mandatory Arrest: Problems and Possibilities* (New York: National Center on Women and Family Law)

348 Hirschel, D. and Hutchinson, I. (2003) ‘The voices of domestic violence victims: Predictors of victim preference for arrest and the relationship between preference for arrest and re-victimisation’, 49(2) *Crime and Delinquency* 313-336 at 318

349 Nieme-Kiesilainen (2001) *op. cit.* at 304

350 For example see Bowman (1992) ‘The arrest experiments: A feminist critique’, 83 *Journal of Criminal Law and Criminology* at 204; Sherman (1993) *Policing Domestic Violence: Experiments and Dilemmas* (New York: Free Press) at 278

351 For examples see Busch, R. and Robertson, N. (1993) ‘“What’s love got to do with it?” An analysis of an intervention approach to domestic violence’, 1 *Waikota Law Review* 109-140 at 140; Martin (1997) *op. cit.* at 145-6

352 Wanless, M. (1996) ‘Mandatory arrest: A step toward eradicating domestic violence, But it is enough? *University of Illinois Law Review* 533 at 550; Sherman (1993) *op. cit.* at 119

353 Nieme-Kiesilainen (2001) *op. cit.* at 301

354 *ibid.* at 303

have on the effectiveness of arrest.³⁵⁵ Proactive criminal justice responses to domestic violence may make the violence more visible and generate social support for the victim and informal sanctions against the perpetrator. Also, arrest and prosecution of perpetrators may help a victim in ways that are not detected in official recidivism data, such as encouraging the ‘naming’ of domestic violence and further help seeking.³⁵⁶ There is a need for a comprehensive UK study to evaluate the impact of early interventions by the police on victims, perpetrators and others in the context of an integrated multi-agency response to domestic violence.

One consequence of mandatory arrest policies in the US has been the increase in dual arrests of both victim and perpetrator.³⁵⁷ There is also evidence that perpetrators are manipulating the criminal justice system by, for example, pre-empting their partners by involving the police themselves, self-inflicting wounds and controlling the immediate police response to ensure that they appear as the victim.³⁵⁸ In the context of the UK, it has been suggested that “calling the police and claiming ‘victim status’ can be used by the perpetrator as a controlling tactic during assault.”³⁵⁹ In the US this has led to the enactment of legislation which requires law enforcement officers to determine the “principal aggressor” in domestic violence situations through effective evidence gathering and taking into account whether one person has acted in self defence.³⁶⁰

5.3 Investigation and Evidence-Gathering

The revised CPS policy on domestic violence states that it is the role of the police to investigate and gather evidence and that of the CPS to consider the evidence and provide the police with advice as to charge.³⁶¹ Hoyle found that police effort in finding or generating evidence varied and in some cases officers failed to conduct a thorough investigation, to follow cases up and to locate and interview those who could provide corroborative evidence.³⁶² The Northumberland study found that the extent to which officers followed up statements varied between individuals and areas.³⁶³ In interviews, victims said that they would have pursued charges if contacted again by police a few weeks later – as happened in some instances.³⁶⁴ There are other suggestions that basic standards of investigation are not met in current practice. For example, research on children’s perception of the police response to domestic violence has noted that children often feel ignored by officers and are not questioned directly even in cases where they have made the emergency call or are in the police station.³⁶⁵

355 Wanless (1996) *op. cit.* at 557

356 Lerman, L. (1992) ‘The decontextualisation of domestic violence’, 83(1) *Journal of Criminal Law and Criminology* 217-235

357 Tolman, R. and Weisz, A. (1995) ‘Co-ordinated community intervention for domestic violence: The effects of arrest and prosecution on recidivism of woman abuse perpetrators’, 41(4) *Crime and Delinquency* 481-495 at 493

358 Buzawa and Buzawa (2003) *op. cit.* at 135-138; Martin, M. (1997) ‘Double your trouble: Dual arrest in family violence’, 12 *Journal of Family Violence* 139-157; Miller, S. (2001) ‘The paradox of women arrest for domestic violence’, 7(12) *Violence Against Women* 1339-1376

359 Miller (2001) *op. cit.* at 1355

360 Radford (2003) *op. cit.* at 38

361 Chestnut, S. (2001) ‘The practice of dual arrests in domestic violence situations: Does it accomplish anything?’ 70 *Mississippi Law Journal* 971-981; Miller (2001) *op. cit.*

362 CPS (2001a) *op. cit.* at 3

363 Hoyle (1998) *op. cit.* at 155 and 180

364 Hester *et al* (2003) *op. cit.* at 3; Also see Robinson (2003) *op. cit.*

365 *ibid.*

A range of investigation techniques including instant and digital photographic recording of injuries and the scene, video-taped statements, witness interviews with neighbours and others have been collectively described as ‘enhanced evidence gathering’. The more appropriate term is ‘effective evidence gathering’ given that these are basic to professional police investigation. However, existing research shows that the routine use of such methods in the context of domestic violence is rare and requires further evaluation.³⁶⁶ The Northumberland study indicated that photographic evidence makes it more likely that a guilty plea and/or successful conviction would result,³⁶⁷ which has been supported by evaluations of projects in other countries.³⁶⁸ It has been suggested that effective evidence gathering, such as photographs of injuries, can also help the victim to recognise the extent of abuse and encourage support for prosecution.³⁶⁹ A number of evaluated UK projects have been funded by the Home Office Crime Reduction initiative. For example, in some areas GPs and Health Visitors are provided with cameras to offer victims the opportunity to record and document assaults for use in current or future criminal or civil proceedings. In the US, police departments offer training to officers which emphasises the importance of the first ‘golden hour’ after the offence to collect evidence and provides advice on appropriate interrogative techniques for suspects.³⁷⁰ Similar training is delivered in the UK through the national police training package³⁷¹ and local initiatives.³⁷²

5.4. Protecting and Supporting Victims

Domestic Violence Units and specialist officers were first recommended in the Home Office Circular of 1990³⁷³ although specialist officers had been introduced at a local level before then. Since that time police areas have appointed domestic violence officers, and/or co-ordinators, and established dedicated units, but there are different types and levels of service provided across the country.³⁷⁴ In some areas specialist domestic violence units have been replaced with ‘Community Safety Units’, which deal with a range of issues, that may include racially motivated crime, child abuse and homophobic violence. In general victims’ experiences of specialist police responses have been positive, but research suggests that domestic violence work tends to be marginalised from mainstream policing, is poorly resourced and has low status.³⁷⁵ There have also been criticisms of the management of specialist domestic violence officers.³⁷⁶

The role of domestic violence officers differs between forces and research is needed to examine the effectiveness of different models. In their study of police organisational structures relating to domestic

366 Mullender *et al* (2002) *op. cit.* 221

367 Hester *et al* (2003) *op. cit.* at 3

368 *ibid.*

369 ACT Department of Justice and Community Safety (2002) *op. cit.*

370 Edwards (2001a) *op. cit.*

371 Ellison, L. (2002) ‘Prosecuting domestic violence without victim participation’, 65(6) *Modern Law Review* 834-858

372 Centrex (2002) *op. cit.*

373 For example, Metropolitan Police Service (2000) *Investigation of Racist, Domestic Violence and Homophobic Incidents: A Guide to Minimum Standards* (London: Metropolitan Police Service)

374 Home Office (1990) *op. cit.*

375 Plotnikoff and Woolfson (1998) *op. cit.*

376 For example, see Grace (1995) *op. cit.*; Hoyle (1998) *op. cit.* at 216; Hoyle, C. and Sanders, A. (2000) ‘Police response to domestic violence: From victim choice to victim empowerment’, 40 *British Journal of Criminology* 14-36; Morley, R. (1993) ‘Recent responses to ‘domestic violence’ against women: A feminist critique’, in, Page, R. and Baldock, J. (Eds) (1993) *Social Policy Review* (University of Kent: Social Policy Association) at 180

violence, Plotnikoff and Woolfson found that no structure was any more or less problematic than others.³⁷⁷ Core duties of specialist officers can include investigation and securing prosecutions, co-ordinating services and/or supporting individual victims.³⁷⁸ Hoyle found that when contacting the police the vast majority of women victims, regardless of other wishes, wanted advice and information and that the emotional and practical support from domestic violence officers enabled some victims to continue with the prosecution process.³⁷⁹ However, a specialist officer's role as a supporter, and 'someone to talk to', may present a conflict between the victim's wishes and needs and the law enforcement role of the police service. Whilst specialist officers spend a great deal of time in the role of listener and counsellor, questions have been raised about the place of 'intelligence led policing' and the use of police powers in this role.³⁸⁰ In some areas specialist officers have 'filled a gap' due to an absence of advocacy projects and specialist support for victims.

The aim of the *Domestic Violence Matters* project in Islington, was for civilian advocates to make contact with victims within at least 24 hours of a call to the police, and to provide them with immediate support.³⁸¹ The implementation of the project was hampered by inconsistent referrals, conflicts over 'ownership' of the project and ongoing negotiations about the respective roles of police officers and civilians.³⁸² In her evaluation of the project Kelly observes that "substantial institutional barriers exist in the police which are hampering implementation of policy."³⁸³ Nonetheless, service users "attributed their ability to end relationships and/or proceed with legal action" to the project, and it also appeared to increase confidence in the police and decrease repeat calls.³⁸⁴ Several projects part-funded by the Home office Crime Reduction Violence Against Women Initiatives provide access to specialist advocates and witness support workers who work alongside the police. There is some evidence from other countries that specialist domestic violence officers teamed with dedicated victim advocates have had a positive impact on rates of arrest, prosecution and conviction, as well as influencing court dispositions and sentencing.³⁸⁵ This is in addition to the impact on victims' lives in terms of reduced violence, improved quality of life, social support and easier access to resources.³⁸⁶ The *Domestic Violence Matters* project and other similar initiatives suggest that victims benefit from a source of support which is independent of the criminal justice system, but with strong links to it, and which is available to all victims who contact the police (including those who are not involved in a prosecution).³⁸⁷ A specialised system of domestic violence advocates plays a crucial role in supporting and empowering victims who are not involved in criminal proceedings. An overview of

377 Plotnikoff and Woolfson (1998) *op. cit.*

378 Plotnikoff and Woolfson (1998) *op. cit.*

379 Grace (1995) *op. cit.*; Hoyle, C. and Sanders, A. (2000) 'Police response to domestic violence: From victim choice to victim empowerment', 40 *British Journal of Criminology* 14-36 at 28

380 Hoyle (1998) *op. cit.* at 197; Hoyle and Sanders (2000) *ibid.* at 28

381 Plotnikoff and Woolfson (1998) *op. cit.* at 28

382 Kelly, L. (1999) *op. cit.*

383 *ibid.*

384 *ibid.* at xi

385 *ibid.* at viii and ix

386 For example, see Whetstone, T. (2001) 'Measuring the impact of a domestic violence co-ordinated response team', 24(3) *Policing: An International Journal of Police Strategies and Management* 371-398 at 393

387 For example, see Sullivan, C. and Bybee, D. (1999) 'Reducing violence using community based advocacy for women with abusive partners', 67(1) *Journal of Consulting and Clinical Psychology* 43-53. For advice as to how enhance co-operation between domestic violence advocates and law enforcement professionals from the US perspective see Jenkins, P. and Davidson, B. (2001) *Stopping Domestic Violence: How a Community Can prevent Spousal Abuse* (New York: Kluwer Academic/Plenum)

different studies found that independent advocacy services can have a significant impact on the effectiveness of both police and prosecution responses.³⁸⁸

There has been increased attention to reported repeat victimisation in domestic violence and indications that “the risk of re-victimisation is greatest in the period immediately after victimisation.”³⁸⁹ There is as yet no clear framework for measures addressing the needs of victims who are still living with the perpetrator as well as those who are vulnerable to post-separation violence. Measures tend to be aimed at those living separately from the perpetrator including mobile phones and home alarms.³⁹⁰ Research has highlighted how, for instance, alarms may be valuable in making victims feel safer and reassured that violence is being taken seriously.³⁹¹ In one domestic violence project, victims living apart from their partner were issued with personal alarms and offered the support of a community based domestic violence worker.³⁹² The ‘graded response’ in the Killingbeck project in West Yorkshire depended on the number of incidents of police attendance and previous history of reported violence with interventions focussing on both the victim and the offender.³⁹³ The first ‘level’ involved a warning letter to the offender and an information letter for the victim. The second included installation of a home alarm, a visit from a domestic violence officer and ‘police watch’, which involves patrol cars making regular checks on the house.³⁹⁴ ‘Cocooning’ was used with a victim’s consent and involved neighbours and others in the support network watching out for the victim’s safety and calling the police when necessary.³⁹⁵ Evaluation of the project suggests that a combination of such responses can be successful in reducing repeat attendance and increasing time intervals between attendances, addressing chronic repeat offenders and encouraging victims to ask for police support.³⁹⁶ One of the challenges of making sense of data that focuses on repeat reporting is that a service which increases victim satisfaction may increase the likelihood of violence being reported to the police which may give a misleading impression when measuring the impact of interventions. We need to know more about the responses of victims to and usefulness to them of measures like ‘cocooning’. Further research has been undertaken into the West Yorkshire model but has yet to be published.

Safety planning, risk assessment and risk management have been discussed in previous sections, but it is worth highlighting particular issues in the context of policing. Recently, some police forces have focussed on developing tools for risk assessment and management in domestic violence cases. Such tools range from an aide memoir of risk factors for first-response officers, a multi-agency tool to assess risk and those which utilise a ‘standard, medium and high’ assessment for use by specialist officers and custody officers. None of these tools have been the subject of published evaluations to date. Their use raises a number of

388 Kelly (1999) *op. cit.*; For advice as to how enhance co-operation between domestic violence advocates and law enforcement professionals from the US perspective see Jenkins, P. and Davidson, B. (2001) *Stopping Domestic Violence: How a Community Can prevent Spousal Abuse* (New York: Kluwer Academic/Plenum)

389 Sullivan and Keefe (1999) *op. cit.*

390 Farrell, G. and Pease, K. (1993) *Once Bitten, Twice Bitten: Repeat Victimisation and its Implications for Crime Prevention*, Police Research Group, Crime prevention Unit Series Paper 46 (London: Home Office) at 8

391 Hanmer *et al* (1999) *op. cit.* at 5.

392 Lloyd, S., Farrell, G. and Pease, K. (1994) *Preventing Repeated Domestic Violence: A Demonstration Project on Merseyside*. Police Research Group, Crime Prevention Unit Series Paper 49 (London: Home Office) at 10

393 *ibid.* at 5

394 Hanmer *et al* (1999) *op. cit.*

395 *ibid.*

396 Lloyd *et al* (1994) *Preventing Repeated Domestic Violence: A Demonstration project on Merseyside*. Police Research Group, Crime Prevention Unit Series, Paper 49 (London: Home Office) at 9; Hanmer *et al* (1999) *op. cit.* at 4

issues relating to the training required to implement such tools, systems for updating assessments, the validity of categorising risk according to police data only and questions of how such decisions are communicated to victims and how they affect decisions relating to perpetrators, including bail. There are also dangers in giving a subjective decision-making process the appearance of objectivity, when in fact the exercise of discretion may lead to very different outcomes of risk assessment tools used by police officers.³⁹⁷ There is little doubt that unevaluated risk assessment tools or those implemented by ill-trained staff with incomplete information could endanger victims and potentially leave organisations vulnerable to costly litigation. It has been suggested that whilst research in this area is still in its early stages, tools should be used to gather information, rather than as formal predictive instruments.³⁹⁸

In some jurisdictions, and some UK police forces, the focus is on safety planning with victims, which includes raising their awareness of risk. Such processes focus on the individual situation of the victim and may be particularly effective when carried out by independent victim advocates as opposed to criminal justice staff. For example, refusing to co-operate with a prosecution may be part of a victim's safety plan, by forming a bargain with the ex-partner - she will not testify if he leaves her alone.³⁹⁹ For victims in this situation their goals may clash with those of the criminal justice system.

397 Hanmer *et al* (1999) *ibid* at vi

398 For example, see Hester *et al* (2003) *op. cit.* at 8-9

399 Goodman, L., Dutton, M., Bennett, L. (2000) 'Predicting repeat abuse among arrested batterers: Use of the Danger Assessment Scale in the Criminal Justice System', 15(1) *Journal of interpersonal Violence* 63-74

6. PROSECUTION RESPONSES

Effective police decision-making and evidence gathering is crucial to the prosecution response to domestic violence. The literature reviewed here relates to prosecution policies and practice, particularly focussing on the question of evidence and the victim's role in the prosecution process. The issue of attrition will be discussed throughout, particularly drawing on the recent Northumberland study.⁴⁰⁰

6.1. Prosecution Policies and Practice

In accordance with the Code for Crown Prosecutors, the Crown Prosecution Service (CPS) is under a duty to review all cases that are referred to it and can determine whether to continue with the existing charge or an alternative, or to discontinue the case.⁴⁰¹ In making decisions there are two tests set out in the Code; the first is the 'evidential test' of whether there is sufficient evidence and a realistic prospect of conviction; then and only if the first test is satisfied, the second test is whether the public interest requires a prosecution.⁴⁰² These two tests are applied to all criminal prosecutions and additional guidance exists in respect of domestic violence cases and the revised *CPS Policy on Prosecuting Cases of Domestic Violence*⁴⁰³ and accompanying *Guidance for Prosecutors* that were published in 2001.⁴⁰⁴ When considering the 'public interest test', prosecutors are requested to take into account "the consequences for the victim of the decision whether or not to prosecute, and any views expressed by the victim or the victim's family" although sometimes the wider 'public interest' will prevail.⁴⁰⁵ The policy draws attention to a number of factors that assist a prosecutor in deciding whether it is in the public interest to prosecute even in cases where the victim has withdrawn support. These include: the seriousness of the offence; injuries (psychological and physical) caused to adult victim and children; use of a weapon; threats made since the attack; whether the defendant planned the attack; and the chances of re-offending, including previous criminal history.⁴⁰⁶ As was noted earlier, there is currently no established national system for multi-agency risk assessment or management system whereby all of this information is routinely passed between agencies and any such system is likely to come with its own dangers. In monitoring the outcomes of domestic violence cases it is not always clear whether cases are discontinued due to insufficient evidence or because it has been deemed not to be in the public interest.

In 1998, an HMCPSI inspection on domestic violence found that some prosecution decisions were being made without: information about the ability and willingness of the victim to give evidence; history of the violence in the relationship; the existence of civil proceedings; the future of the relationship; and the likelihood of violence recurring.⁴⁰⁷ It was concluded that the then current CPS policy was not complied with in a significant number of cases.⁴⁰⁸ A study of cases reaching court in the mid-1990s, found that 'plea bargaining' (where the prosecutor agrees to reduce the charge in return for the defendant pleading guilty)

400 Mills (1998) *op. cit.* at 151

401 Hester *et al* (2003) *op. cit.*

402 Crown Prosecution Service (1994) *The Code for Crown Prosecutors* (London: HMSO)

403 *ibid.* at 4-9

404 Crown Prosecution Service (2001a) *op. cit.*

405 Crown Prosecution service (2001b) *Guidance on Prosecuting Cases of Domestic Violence* (London: HMSO)

406 CPS (2001a) *op. cit.* at 7

407 CPS (2001a) *op. cit.*

408 Crown Prosecution Service Inspectorate (1998) *The Inspectorate's Report on Cases Involving Domestic Violence*, Thematic Report 2/98 May (London: CPS)

was widespread in domestic violence cases.⁴⁰⁹ Whilst such practices may save witnesses from the trauma of a full trial, increase guilty pleas and save money for the public purse, they risk being perceived by victims as trivialising their experience.⁴¹⁰ The on-going evaluation of pilot initiatives whereby the CPS rather than the police take responsibility for charging may provide useful information about the application of charging standards and ‘plea bargaining’. Indications from a recent study indicated that in one area at least practice has changed, that charges are maintained in a high proportion of cases and that charge reduction is uncommon.⁴¹¹

There has been no comprehensive national study to examining the extent to which CPS practice in domestic violence has changed following the new policy and guidance. A review of HMCPSI area inspection reports from 2002 and 2003 indicate that although generally CPS policy appears to be applied appropriately; and in some areas there is good liaison with the police and other agencies, file samples show a mixed picture.⁴¹² The reports found examples of: failure to consult police in appropriate circumstances; late decisions; not seeking further information or reconsidering cases upon receipt of it; undercharging; and failure to pursue alternative charges. Other issues included failures to explore the reasons behind any victim retraction or to utilise alternative evidence or to consider compelling a victim to give evidence, as well as examples of failure to warn witnesses or to record bail conditions. In some areas there also appear to be problems ‘flagging’ cases as domestic violence, which indicates need for further development of police and CPS systems to ensure the accuracy of monitoring statistics relating to the numbers and outcomes of domestic violence cases. One HMCPSI area inspection report explicitly contradicts the suggestion that high rates of discontinuance are due to either the police charging on the basis of insufficient evidence or prosecutors proceeding with cases inappropriately.⁴¹³ One function of the 2003 HMCPSI/HMIC inspection will be to examine compliance with the 2001 policy and the consistency of application of charging standards. Further research is also needed to analyse the effect that the presence of children has on the decision-making of both police and prosecutors.⁴¹⁴

6.2. Evidence

One of the main problems facing both the police and CPS is that of how to obtain sufficient evidence to progress with a case and secure a conviction. Research suggests that fear of giving evidence, particularly in the presence of the offender, is a key issue affecting whether victims support prosecutions.⁴¹⁵ Ellison draws together the extensive research literature illustrating the stresses of giving evidence, particularly in

409 *ibid.*

410 Cretney and Davis (1997b) *op. cit.* at 148 and 151-152

411 *ibid.* at 148-149

412 Robinson (2003) *op. cit.* at 64

413 For examples see HMCPSI (2002) *The Inspectorate’s Report on CPS Avon and Somerset* (Report 13/2002) at 21-22; HMCPSI (2002) *The Inspectorate’s Report on CPS Bedfordshire* (Report 1/2002) at 22; HMCPSI (2002) *The Inspectorate’s Report on CPS Cumbria* (Report 7/2002); HMCPSI (2002) *The Inspectorate’s Report on CPS Derbyshire* (Report 2/2002) at 17; HMCPSI (2002) *The Inspectorate’s Report on CPS Devon and Cornwall* (Report 9/2002) at 22; HMCPSI (2002) *The Inspectorate’s Report on CPS Dyfed-Powys* (Report 3/2002); HMCPSI (2002) *The Inspectorate’s Report on Hertfordshire* (Report 8/2002) at 17; HMCPSI (2002) *The Inspectorate’s Report on CPS Leicestershire* (Report 6/2002); HMCPSI (2002) *The Inspectorate’s Report on CPS North Wales* (Report 4/2002) at 17; HMCPSI (2002) *The Inspectorate’s Report on CPS Thames Valley* (Report 2/2002) at 20-21; HMCPSI (2002) *The Inspectorate’s Report on CPS Suffolk* (Report 3/2003) at 17; HMCPSI (2002) *The Inspectorate’s Report on CPS Sussex* (Report 10/2002) at 20-21; HMCPSI (2002) *The Inspectorate’s Report on CPS Thames Valley* (Report 2/2002) at 20-21; HMCPSI (2002) *The Inspectorate’s Report on CPS Wiltshire* (Report 2/2002) at 20-21

414 HMCPSI (2002) *The Inspectorate’s Report on CPS Sussex* (Report 10/2002) at 20

415 For one example, see Burton, M. (2000) ‘Prosecution decisions in cases of domestic violence involving children’, 22(2) *Journal of Social Welfare and Family Law* 175-191

front of the defendant and the ways this can lead to less clear, complete and accurate testimony.⁴¹⁶ The Northumberland study indicates that retraction of statements (including as a result of pressure on or intimidation of victims by offenders, the parties being back together and child contact arrangements) is one of the main reasons for attrition at the prosecution stage of the criminal justice process.⁴¹⁷ The CPS policy recommends the active consideration of other evidence to support the victim's statement or as an alternative.⁴¹⁸ Some examples of this kind of evidence were discussed in section five.

In the US specialised evidential rules have been developed to achieve convictions without a victim's direct testimony, such as the admission of evidence of prior domestic violence against other alleged victims to show propensity.⁴¹⁹ Other examples include reading out the victim's statement in court, evidence from other witnesses, recorded calls to emergency services and photographs of injuries and the scene of the crime. Exceptions to the hearsay rule have also enabled admitting into evidence prior out of court statements of an absent complainant, including spontaneous statements at the time of the event and diary entries.⁴²⁰ In some jurisdictions 'expert witnesses' are permitted to explain to juries and the judiciary the dynamics of domestic violence which provide a context for making sense of victims' behaviour such as not leaving a violent partner or refusing to give evidence.⁴²¹ Such 'experts' include psychologists, specialist law enforcement officers, academics and refuge workers.⁴²²

In England and Wales, a victim's statement can be read out in evidence without the person having to testify, but is only admissible as evidence where direct oral evidence on the same issue would be allowed.⁴²³ The statement must have been made to a police officer and the witness must have refused to give evidence through fear or they are being 'kept out of the way' and the court must consider it in the interests of justice for justice for the statement to be admitted.⁴²⁴ Despite encouragement to use this power,⁴²⁵ research in the mid 1990s found that it was rarely used.⁴²⁶ HMCPSP area inspections in 2002 indicate that some areas are making applications under this legislation.⁴²⁷ The Northumbria study highlighted examples of victims being summonsed to attend court but no examples of warrants being issued or arrests being made.⁴²⁸ There

416 Bennett, L., Goodman, L. and Dutton, M. (1999) 'Systemic obstacles to the criminal prosecution of a battering partner', *Journal of Interpersonal Violence* 761

417 Ellison, L. (2001) *The Adversarial Process and the vulnerable Witness* (Oxford: Oxford University Press) at 12-23

418 Hester *et al* (2003) *op. cit.* at 3-4

419 CPS (2001a) *op. cit.* at 7-8

420 Ellison (2002) *op. cit.* at 843

421 *ibid.* at 846

422 Schroeder, J. (1991) 'Using Battered Woman Syndrome evidence in the prosecution of a batterer', 140 *Iowa Law Review* 553-582; Sonkin, D. and Fazio, W. (1987) 'Domestic violence expert testimony in the prosecution of male batterers', in, Sonkin, D. (Ed) (1987) *Domestic Violence on Trial: Psychological and Legal Dimensions of Family Violence* (New York: Springer)

423 Finley Mangum, P. (1999) 'Reconceptualising Battered Woman Syndrome evidence; Prosecution use of expert testimony on battering', 19 *British Columbia Third World Journal* 593; Rogers, A. (1998) 'Prosecutorial use of expert testimony in domestic violence cases: From recantation to refusal to testify', 8 *Columbian Journal of Gender and Law* 67

424 Criminal Justice Act 1988 s.23(3)(a)

425 Criminal Justice Act 1988 s.23(3)(b)

426 Home Office (1990) *op. cit.* at 26

427 Cretney and Davis (1997a) 'The significance of compellability in the prosecution of domestic assault', 37(1) *British Journal of Criminology* 75-89

428 For example, see HMCPSP (2002) *The Inspectorate's Report on CPS Devon and Cornwall* (Report 9/2002) at 22; HMCPSP (2002) *The Inspectorate's Report on CPS Greater Manchester* (Report 5/2002) at 22; HMCPSP (2002) *The Inspectorate's Report on CPS Thames Valley* (Report 2/2002) at 21

is a need for a comprehensive national study to examine the effectiveness of these and other measures to facilitate the victim's presentation of evidence (such as the Youth Justice and Criminal Evidence Act to support vulnerable and intimidated witnesses).⁴²⁹ There is also a need to assess the impact of photographic evidence in terms of facilitating guilty pleas and convictions, as early indications are that this is highly effective.⁴³⁰ Legislative changes in the forthcoming Criminal Justice Bill will have a considerable impact on the processes of evidence gathering and prosecuting in all criminal cases, including domestic violence.

6.3. Victims and Prosecution

In 1998 HMCPSI found that 46% of domestic violence victims withdrew their support for a prosecution following an initial complaint.⁴³¹ Research studies illuminate the range of reasons prompting victim withdrawal including: fear of retaliation; change in the partner's behaviour; because the parties are back together; child contact; and because they believe that the outcome (such as a fine or a 'bind over') is not worth the trauma and inconvenience involved in the prosecution process.⁴³² Further studies could usefully explore the factors which are associated with non-withdrawal, and how far previous experiences of the criminal justice system affect the decisions of victims.

There are certain standards of service for victims set down in the *Victim's Charter*, such as the provision of information relating to the progress of the case and the CPS duty to consult the victim and take their interests into account,⁴³³ alongside a number of area initiatives relating to witness care. There is no legal right for a victim to meet the prosecutor before the trial due to the possibility of accusations by the defence of influencing or 'coaching' witnesses.⁴³⁴ Such meetings are regarded as essential case preparation in other common law jurisdictions. Consultation is underway by the CPS to consider whether prosecutors should have pre trial meetings with witnesses.⁴³⁵

Several studies have reported that, despite the prosecutor's limited contact with the victim, an individual's decision not to give evidence tends to determine the outcome of the case.⁴³⁶ One study in the mid 1990s found that neither the police nor prosecutors appeared to distinguish between cases where the witness withdrew from fear or where it was due to personal or "familial reasons."⁴³⁷ Another noted that it was not uncommon for a defence lawyer to tell the court that the couple were reconciled and "to produce the complainant like a rabbit from a hat."⁴³⁸ The revised CPS policy introduced a system for prosecutors to ascertain from the police whether a 'decision' to withdraw is due to lack of protection, fear, shame and confusion, practical considerations relating to financial issues or children, feelings of guilt and attachment or a combination of all of these. The outcomes of future research and the HMCPSI/HMIC inspection should indicate the degree to which the new policy has changed practice.

429 Hester et al (2003) *op. cit.* at 3

430 Quinn, K. (2003) 'Justice for vulnerable and intimidated witnesses in adversarial proceedings?' 66 *Modern Law Review* 139-155

431 Hester et al (2003) *op. cit.* at 3

432 HMCPSI (1998) *op. cit.*

433 For examples see Cretney and Davis (1996) *op. cit.* at 172; Hester et al (2003); Hoyle, C. and Sanders, A. (2000) 'Police response to domestic violence: From victim choice to victim empowerment', 40 *British Journal of Criminology* 14-36 at 23

434 Home Office (1996) *Victim's Charter: A Statement of the Rights of Victims of Crime* (London: HMSO)

435 See Bar Council (2000) *Code of Conduct* (London: Bar Council)

436 Crown Prosecution Service (2003) *Pre-trial Witness Interviews by Prosecutors: A Consultation Paper* (York: CPS)

437 Hoyle (1998) *op. cit.*; Cretney and Davis (1997b) *op. cit.*; Kelly (1999) *op. cit.*

438 Hoyle (1998) *op. cit.* at 191 and 213

Although research is inconclusive as to the impact of prosecuting domestic violence offences in terms of reducing violence and increasing safety, recent trends in different jurisdictions have been towards ‘victimless’ or ‘state’ prosecutions’ (in which prosecutors treat cases as if no victim were available to testify, similar to a murder trial).⁴³⁹ Approaches to prosecution termed ‘hard’, ‘no drop’ policies in Australia, Canada and the US routinely compel survivors to testify, either against the individual’s wishes or as a public stance (with the victim’s consent) to protect them from later retaliation by the perpetrator.⁴⁴⁰ For example, in Duluth, Minnesota, victims are regularly subpoenaed to give evidence so that they are shielded from the responsibility of pursuing a prosecution and there also exists a strong network of support to guide people through the criminal system, such as specialist victim advocates.⁴⁴¹ Ultimately victims can be imprisoned for contempt but sentences are usually to attend a domestic violence victim education and support programme or a community sentence.⁴⁴² Australian research has demonstrated that a very low percentage of women become hostile witnesses once they are required to give evidence against a violent spouse in a criminal prosecution.⁴⁴³ In England and Wales there are powers to compel married and unmarried victims to be witnesses, who may be held in contempt of court for refusing to give evidence and fined or imprisoned.⁴⁴⁴ If victims do not voluntarily attend court as a witness they can be required to by witness summons or compelled by a witness warrant which may lead to their being arrested and brought to court, although the threat of such action may be sufficient. Research in the 1990s found that compellability provisions were rarely used in domestic violence cases.⁴⁴⁵ There are a range of reasons why prosecutors do not apply to the court to compel witnesses to give evidence, including reluctance to punish the victim, the low chance of achieving a conviction, violence being too trivial or too grave in terms of risk of reprisals, because the relationship is continuing or because it is over.⁴⁴⁶ Future studies are needed to analyse if this situation has changed in recent years (as CPS ‘snap shot’ monitoring seems to suggest). There is also a need for a longitudinal study to examine the views and circumstances of those who are summonsed or compelled as witnesses as some may, in hindsight, welcome the fact that the decision as to whether or not to give evidence was taken out of their hands.

Arguments for proactive prosecution policies include promoting the safety of immediate and future victims and relieving individuals of the burden of responsibility for a prosecution by clearly transferring it to the state.⁴⁴⁷ Concerns about such policies include; problems achieving convictions; insufficient attention to the complex reality of domestic violence; potential escalation of violence by the perpetrator and discouraging victims from reporting.⁴⁴⁸ Evidence on reporting in other jurisdictions is equivocal with studies pointing to a reporting decrease,⁴⁴⁹ no change, and an increase.⁴⁵⁰ The issue is a complex one. Some victims will call, or not call, the police irrespective of the response, in some cases victims may be deterred

439 Cretney and Davis (1996) *op. cit.* at 167. Also, see Cretney and Davis (1997a) *op. cit.* 75-87 at 87

440 Ellison (2002) *op. cit.*

441 Buzawa and Buzawa (1996a) *op. cit.* at 178-179

442 Corsilles, A. (1994) ‘No-drop policies in the prosecution of domestic violence cases: Guarantee to action or dangerous solution’, 63(3) *Fordham Law Review* 853-881 at 862

443 *ibid* at 864

444 Australian Capital Territory Director of Public Prosecutions (2001) *Annual Report 2000-2001* (Australian Territory Government) at 12-13

445 Police and Criminal Evidence Act 1984, s.80; Magistrates Court Act 1980, s.97

446 Brownlee, I. (1990) ‘Compellability and contempt in domestic violence cases’, *Journal of Social Welfare Law* 107-115; Cretney, A. and Davis, G. (1997a) *op. cit.*; Hoyle (1998) *op. cit.* at 213

447 For example, see Cretney and Davis (1997a) *op.cit.*

448 Ellison (2002) *op. cit.* at 852

449 Buzawa and Buzawa (1996a) *op. cit.* at 178-179

450 Martin (1997) *op. cit.* at 145-6

from calling but some who previously would not involve the police may do so when they are aware of a proactive response. At least one commentator has suggested that compelling testimony creates an adversarial relationship between a victim and prosecutors and implies that a victim is somehow to blame for not ending the violence.⁴⁵¹ Some argue that the benefits of ‘no-drop’ policies outweigh their risks, in that they communicate a message to the community, perpetrator and survivor about the unacceptability of violence and do not allow perpetrators to extend their power and control into the criminal justice system.⁴⁵² In one US study it was found that retaining the potential for victims to drop charges, whilst supporting them to follow through could make victims safer, but only if they did not eventually choose to drop charges.⁴⁵³ This indicates the importance of measures that simultaneously support and empower the victim and hold the perpetrator accountable. Some ‘soft’ no drop prosecution policies provide victims with support services, and only allow them to drop charges after counselling and the victim may have to appear in front of a judge to explain the reasons for not supporting a prosecution.⁴⁵⁴

In 2001, the CPS established a network of specialist domestic violence co-ordinators in each CPS area, but the impact of this initiative on the process and outcomes of prosecution has yet to be evaluated. In parts of Australia, Canada and the US a specialist prosecutor is assigned to each domestic violence case and contact between witnesses and prosecutors is a vital component of case preparation.⁴⁵⁵ Consultation between victims and prosecutors, as well as effective police investigation, enables prosecutors to uncover intimidation and other factors influencing a victim’s decision to co-operate.⁴⁵⁶ In some inquisitorial systems victims are allowed their own representatives in court and/or to sit in court alongside the prosecutor.⁴⁵⁷ This enables the victim, in partnership with the prosecutor, to point out inconsistencies in the case of the defence. However, such formal partnerships may add to the burden and sense of responsibility of involvement in a prosecution and are not truly empowering unless accompanied by information and support through the process.

Some advocacy services in this country and in other jurisdictions provide this support and also have close links with prosecutors.⁴⁵⁸ For example, a recent evaluation of a project in Cardiff found that advocates information and advice to prosecutors impacted on the prosecutors’ ability to make informed decisions relating to the case.⁴⁵⁹ Independent advocacy services can provide victims with the support and information that is often crucial in enabling the giving of evidence.⁴⁶⁰ Some US projects incorporate opportunities for education on domestic violence and familiarisation with legal proceedings on a one-to-one basis and in groups (known as ‘victim-witness clinics’, ‘court schools’ or ‘radical education groups’).⁴⁶¹

451 Hanna, C. (1996) ‘No right to choose: Mandated victim participation in domestic violence prosecutions’, 109 *Harvard Law Review* 1850-1910 at 1865; Busch and Robertson (1993) *op. cit.* at 140

452 Durham, G. (1998) ‘The domestic violence dilemma: How our ineffective and varied responses reflect our conflicted views of the problem’, 71(3) *Southern California Law Review* 641-665 at 653

453 Corsilles (1994) *op. cit.* at 878-879 and 881

454 Ford, D. and Regoli, M. (1993) ‘Criminal prosecution of wife assaulters: Process, problems and effects’, in, Hilton, N. (Ed) (1993) *Legal Responses to Wife Assault: Current Trends and Evaluations* (Newbury Park, California: Sage) at 158

455 Cahn, N. (1992) ‘Innovative approaches to the prosecution of domestic violence crimes: An Overview’, in Buzawa and Buzawa (1992) *op. cit.* at 168; Hanna (1996) *op. cit.* at 1863

456 Cahn (1992) *ibid.* at 171

457 Cretney and Davis (1996) *op. cit.* at 174

458 McCarthy, T. (1994) ‘Rethinking theories of victimology: Men’s violence against women’, in, Cook, S. and Bessant, J. (Eds) (1994) *Women’s Encounters with Violence: Australian Experiences* (California: Sage Publications) at 140

459 For example see Robinson (2003) *op. cit.*; For examples in other countries, see, Cahn (1992) *op. cit.* at 169-171; Kurz (1992) *op. cit.* at 34-35

460 Robinson (2003) *op. cit.* at 49

461 *ibid* at 134

In the context of the criminal justice system, there has been a distinction made between victims' right to services and procedural rights to consultation and involvement in decisions relating to prosecution, bail, custody, sentencing, parole and rights to legal representation in court.⁴⁶² In 2001, the 'Personal Statement Scheme' was introduced to give victims of crime the opportunity to say how they have been affected by the crime that is taken into account by the police, CPS and courts in decisions relating to, for example, proceeding with the prosecution and sentencing.⁴⁶³ There are some suggestions that the scheme is currently being used by victims as a means of informing the court and the perpetrator that they do not support the prosecution, possibly as part of their personal safety plan. In one of the HMCPSI area inspections an initiative has been identified whereby victims indicate a desire to proceed provided the perpetrator does not receive a custodial sentence, or is ordered to pay compensation and in some such cases defendants have pleaded guilty as a result.⁴⁶⁴ However, the Northumberland study found that few police officers had knowledge of the Personal Statement scheme.⁴⁶⁵ It would be useful to evaluate the various uses and effectiveness of the scheme on domestic violence cases, including victims' and practitioners' perspectives, and the outcomes of prosecution and sentencing.

462 For one example see Shepard and Pence (1999) *op. cit.*

463 Ashworth, A. (1993) 'Victim impact statements and sentencing', *Criminal Law Review* 498-509; Also see Fenwick, H. (1997) 'Procedural 'rights' of victims of crime: Public or private ordering of the criminal justice process', 60(3) *Modern Law Review* 317-333

464 Brennan, C. (2000) 'The Personal Statement Scheme', July 7, *New Law Journal* 1021-1022

465 HMCPSI (2002) *The Inspectorate's Report on CPS Greater Manchester* (Report 5/2002) at 22

7. RESPONSES OF THE CRIMINAL AND CIVIL COURTS

This section reviews the research relating to the criminal and civil courts in the context of domestic violence.

7.1. Experiences in Criminal Court

There is a need for more research as to the proportion of domestic violence criminal prosecutions that result in trials and in guilty pleas, but a common tactic by the defence seems to be to advise clients to postpone their plea in the hope that the victim will withdraw support in the interim. As with victims of other crime domestic violence victims experiences can find delay in the criminal justice system and uncertainty about dates of trial to be a major source of frustration and stress.⁴⁶⁶ There is also evidence that delay causes evidence to be less accurate and detailed.⁴⁶⁷ The consequences of delay have been highlighted in research and as a result of several pilot studies some areas have implemented a fast-track system so that cases reach court more swiftly. The effectiveness of these initiatives depend on efficient systems of information exchange and accurate charging. Delay in the existing system can work in the favour of a domestic violence victim, by allowing ‘breathing space’ to make decisions, if the perpetrator is kept in custody over night and then released on bail conditions whilst awaiting a trial date. Bail conditions can play an important role in protecting victims if they are enforced and if changes are immediately communicated to the victim. Annex B of the CPS Policy gives examples of typical bail conditions including residence, curfew, and restrictions on communication with the victim.⁴⁶⁸ The CPS policy recognises the importance of minimising delay and of keeping the victim informed throughout proceedings.⁴⁶⁹ Future research needs to evaluate the impact of delay in domestic violence cases and examine the patterns of use and enforcement of bail conditions.

Little empirical research has been conducted in the UK on the trial process in domestic violence cases. Survivors of domestic violence can be accompanied to court by a specialist victim advocate, Victim Support volunteer or police officer and the Witness Service supports all witnesses in the Magistrates and Crown Courts. Court visits can be arranged before hand to familiarise the witness with the process. The Northumberland attrition study indicated that support for victims to enable them to go through the court process was crucial and the police were singled out as providing this.⁴⁷⁰

Once in court, survivors of domestic violence have similar experiences to other victims involved in criminal prosecutions in that they find their credibility undermined.⁴⁷¹ Barristers should comply with the Bar Council *Code of Conduct* which states that they must not make statements or ask questions to “vilify, insult or annoy” a witness.⁴⁷² However tactics by the defence include “coercive questioning and intimidation tactics”,⁴⁷³ minimising and denying the violence, exploiting dynamics and myths about

466 Hester et al (2003) *op. cit.* at 4

467 Barron (1990) *op. cit.* at 71; Adler (1987) *op. cit.* at 50; Also see, Choongh, S. (1997) *Review of Delay in the Criminal Justice System*, Research Series No 2/97 (London: Lord Chancellor’s Department)

468 Ellison (2001) *op. cit.* at 23-26

469 CPS(2001a) *op. cit.* Annex B

470 CPS (2001a) *op. cit.* at 14

471 Hester *et al* (2003) *op. cit.* at 4

472 Cretney and Davis (1997b) *op. cit.* at 151

473 Bar Council (2000) *Code of Conduct* (London: Bar Council)

domestic violence and capitalising on the victim's social isolation.⁴⁷⁴ Victims of domestic violence involved in a prosecution for rape face the same risk of secondary victimisation in court as all rape victims,⁴⁷⁵ but the relationship with the perpetrator makes it easier for the defence to argue consent.⁴⁷⁶ The close relationships defendants often appear to have with their legal representatives may add to a victim's sense of isolation and betrayal if key points are not raised or the defence allegations and inaccuracies are not challenged.⁴⁷⁷ Prosecutors have a responsibility to challenge and rebut unjust criticisms and "derogatory assertions",⁴⁷⁸ but research raises questions about how far this is translated into practice.⁴⁷⁹

The women victims of domestic violence interviewed in the Northumberland study tended to feel let down by the court process particularly at what they perceived as inadequate outcomes, including plea bargaining and lowering of sentences.⁴⁸⁰ However women may feel stronger as a result of having 'stood up to' their partners in court. Ptacek examined the impact of judicial responses on women victims of domestic violence in the US and emphasised the importance of women's sense of having been listened to and that their problem was recognised.⁴⁸¹ As with other agency responses, those of judges and the courts are likely to affect future interaction with the criminal justice system which is especially important in relation to domestic violence given the levels of repeat victimisation. In the UK, there has been very little research examining attitudes of judges and magistrates to domestic violence. Magistrates are particularly important given that the majority of cases will take place in their courts. A recent study analysed magistrates' attitudes to domestic violence and found that their reasoning in sentencing decisions reflected the themes of denying, minimising and justifying violence and victim blaming.⁴⁸² Strategies suggested by various commentators to improve the responses of judges and magistrates to domestic violence include training, screening at the appointment stage, education, the use of courtroom monitoring, performance appraisal, media attention and meaningful disciplinary actions.⁴⁸³ Jury decision-making processes are another important area of research in the field of domestic violence but there are legislative limitations on the evaluation of jury deliberations.⁴⁸⁴

7.2. Sentencing

The Sentencing Advisory Panel has made it clear that stranger and non-stranger rapes should be treated as equally serious but also suggests that provocation and stress during relationship breakdown might in some cases be a mitigating factor in sentencing.⁴⁸⁵ Such a suggestion contradicts the general trend within the criminal justice system towards holding perpetrators accountable and the need to recognise breach of trust

474 Ellison (2001) *op. cit.* at 87

475 Cretney and Davis (1997b) *op. cit.* at 151; Hartley, C. (2001) "'He said, she said": The defense attack of credibility in domestic violence felony trials', 7(5) *Violence Against Women* 510-544

476 For a study of prosecution and defence strategies in rape trials see Tempkin, J. (2000) 'Prosecuting and defending rape: Perspectives from the bar', 27(2) *Journal of Law and Society* 219-248

477 Yllo, K. (1999) 'The silence surrounding sexual violence: The issue of marital rape and the challenges it poses for the Duluth Model', in, Shepard and Pence (1999) *op. cit.*

478 Gregory and Lees (1999) *op. cit.* at 79

479 Bar Council (2000) *op. cit.*

480 Tempkin (2000) *op. cit.*

481 Hester *et al* (2003) *op. cit.* at 4

482 Ptacek, J. (1999) *Battered Women in the Courtroom: The Power of Judicial Responses* (Boston: Northeastern University Press)

483 Gilchrist, E. and Blissett, J. (2002) 'Magistrates' attitudes to domestic violence and sentencing options', 41(4) *The Howard Journal* 348-363

484 *ibid.* at 360; Schafran, L. (1995) 'There's no accounting for judges', 58(4) *Albany Law Review* 1063-1085

485 Contempt of Court Act 1981, s.8

in a relationship as an aggravating rather than a mitigating factor. In pleas to mitigation, defence solicitors can make use of the perpetrator's relationship with the victim or bring other information about the victim in an attempt to reduce the sentence, classically that the two are 'reconciled'. The Bar Council *Code of Conduct* limits the circumstances in which "derogatory" assertions about witnesses in pleas for mitigation can be made in mitigation but the victim relies on the prosecution to recognise false and derogatory statements and challenge them appropriately.⁴⁸⁶

Research in the mid 1990s illustrated that sentences in domestic violence cases do not reflect the seriousness of the offences⁴⁸⁷ and one study found that complainants felt strongly about this, especially when comparing sentences with other crimes.⁴⁸⁸ The same study found that conditional discharge was used more frequently in domestic violence than other cases of violence, whilst community sentences and imprisonment were used less and the latter sanctions were more likely if the couple were not living together.⁴⁸⁹ A significant proportion of domestic violence cases were concluded with a 'bind over', not just in cases where the victim withdrew or failed to attend court but also when a case could have been presented to the court and the witness had come to give evidence.⁴⁹⁰

Recently a number of unduly lenient sentences in domestic violence cases have been appealed and there is clearly a need for a comprehensive study to compare sentences in domestic violence and homicide cases with sentences in other comparable cases. Several studies in the mid 1990s found that when perpetrators of domestic violence are prosecuted, they are less likely to be convicted and receive lower sentences than those who commit stranger offences.⁴⁹¹ In the Northumberland study, of the 869 domestic violence incidents recorded by the police only 37 (4.3%) resulted in convictions for criminal offences, with sentences comprising mostly fines and only four custodial sentences.⁴⁹² There were twenty four 'bind overs' resulting from Breach of the Peace charges, five fines and one conditional discharge for being drunk and disorderly. There are indications from research that if domestic violence cases reach court then many result in guilty pleas,⁴⁹³ but this issue requires further examination, including analysis of the factors which influence the perpetrator's decision to plead guilty. Sentences can include requirements to attend a domestic violence perpetrator programme or some kind of alcohol or drug treatment program and breach may result in additional penalties, although use of these options is as yet not widespread. Research is needed to analyse the effectiveness and patterns of enforcement of various sentencing options, including custody, 'restraining orders' made under the Protection from Harassment Act 1997 and perpetrator programmes.

There are around forty perpetrator programmes in the United Kingdom run by the voluntary sector and probation services and in some projects, attendance is mandated by a court as part of a probation order.⁴⁹⁴ The model adopted most widely in Britain focuses on cognitive-behavioural work to achieve individual change alongside education about the power and control dynamics of domestic violence and encouraging

486 Rumney (2002) *op. cit.* at 1283

487 Bar Council (2000) *op. cit.*; Home Office (1996) *op. cit.*

488 Cretney and Davis (1997b) *op. cit.* at 153; Edwards, S. (1989) *op. cit.* at 228-232; Rumney (1999) *op. cit.*

489 Cretney and Davis (1997b) *ibid* at 153

490 *ibid* at 152-153

491 *ibid* at 170-171

492 Rumney (1999) *op. cit.*; Hoyle (1998) *op. cit.* at 192

493 Hester *et al* (2003) *op. cit.* at 3

494 See, for example, ACT Department of Justice and Community Safety (2002) *op. cit.*; Kelly (1999) *op. cit.*

men to take personal responsibility for their behaviour.⁴⁹⁵ The RESPECT Statement of Principles and Minimum Standards of Practice states that the primary aim of work with perpetrators is to increase the safety of women and children.⁴⁹⁶ On-going evaluation of the effectiveness of various programmes, particularly in the National Probation Directorate, will inform future work with perpetrators.⁴⁹⁷

Some of the issues around perpetrator programmes include inconsistent provision and use in sentencing and failure to exercise sanctions when conditions are breached. Several researchers have identified particular methodological problems with evaluating the effectiveness of perpetrator programmes.⁴⁹⁸ There is evidence of high drop out rates and though there are indications of a reduction of physical violence for those who complete treatment, the programmes are less impressive in regard to verbal and emotional abuse.⁴⁹⁹ One study concludes that these programmes are not a “panacea”, but can play a positive role in a co-ordinated community response.⁵⁰⁰ It has been suggested that research should not focus on *whether* treatment works, but on what treatment works best on which types of client and under what conditions.⁵⁰¹ This would enable a more diversified and targeted approach.⁵⁰² Some of the dangers of perpetrator programmes are that they may compete for resources with services for survivors, give victims and others (including those making decisions relating to child contact) false hope that the perpetrator will change.⁵⁰³ Fears have also been expressed that perpetrators may learn other non-physical means of abusing and controlling their partner.⁵⁰⁴ These are some of the many reasons why programmes should always be run alongside support services for victims,⁵⁰⁵ as is the case in the Duluth programme and similar UK initiatives. In an overview of US evaluations, Gondolf suggests that services for victims may actually determine programme outcomes for perpetrators.⁵⁰⁶

Generally, the interaction between criminal justice practitioners and victims after sentence is as limited as that during the prosecution process. For victims who have received support from, for example, specialist domestic violence officers, they may even lose a source of support. In some Domestic Violence Courts in

495 Eadie and Knight (2002) *op. cit.* at 168; Also see Mullender and Burton (2001) *op. cit.*

496 Eadie and Knight (2002) *ibid.* at 169; For example, see Burton, S., Regan, L. and Kelly, L. (1998) *Supporting Women and Challenging Men: Lessons from the Domestic Violence Intervention Project* (Bristol: Policy Press)

497 RESPECT (2000) *Statement of Principles and Minimum Standards of Practice* (London: The National Association for Domestic Violence Perpetrator Programmes and Associated support Services, RESPECT (obtainable from DVIP, PO Box 2838, London, W6 9ZE)

498 Eadie and Knight (2002) *op. cit.* at 176

499 Bowen *et al* (2002) *op. cit.*; Gondolf, E. (1997) ‘Batterer programs: What we know and what we need to know’, 12(1) *Journal of Interpersonal Violence* 83-98; Dobash, R.P., Dobash, R.E., Cavanaugh, K. and Lewis, R. (1999) ‘A research evaluation of British programmes for violent men’, *Journal of Social Policy* 205-233

500 Mills (1998) *op. cit.* at 184-185. Burton *et al* (1998) *op. cit.*; Dobash, R.E. and Dobash, R.P. (2000) ‘Evaluating criminal justice interventions for domestic violence’, 46(2) *Crime and Delinquency* 252-270 at 265-266

501 Dobash and Dobash (2000) *ibid.*

502 Hamberger, L. and Hastings, J. (1993) ‘Court-mandated treatment of men who assault their partner: Issues, controversies and outcomes’, in, Hilton (1993) *op. cit.* at 220

503 James *et al* (2002) *op. cit.*; Saunders, D. (1996) ‘Interventions for men who batter: Do we know what works?’, 2(3) *In Session: Psychotherapy in Practice* 81-93 at 93

504 Busch and Robertson (1993) *op. cit.* at 130; Busch, R. and Robertson, N. (1997) ‘The gap goes on: An analysis of issues under the Domestic Violence Act 1995’, 17 *New Zealand University Law Review* 337-378 at 363-367; Gondolf and Fisher (1988) *op. cit.*; Hanna, C. (1998) ‘The paradox of hope: The crime and punishment of domestic violence’, 39(5) *William and Mary Law Review* 1505-1584. at 1536; Jones and Schechter (1992) *op. cit.* at 108

505 Hamberger and Hastings (1993) *op. cit.* at 201; Dobash and Dobash (1992) *op. cit.* at 250

506 Busch and Robertson (1993) *op. cit.* at 129

the US and other countries, review hearings are incorporated into the system and are heard by the same judge.⁵⁰⁷ Regular judicial interaction with parties can increase therapeutic effectiveness by showing victims that they are valued, as well as holding the perpetrator accountable.⁵⁰⁸ On-going support and information about the perpetrators' progress when on a perpetrator program, in prison or on probation can help a victim make more informed safety plans and assess risk.⁵⁰⁹

'Restorative' justice approaches have been proposed by some commentators as an alternative to criminal sanctions for domestic violence.⁵¹⁰ A number of researchers and commentators have highlighted why methods such as mediation and other 'restorative' approaches are potentially dangerous in the context of domestic violence.⁵¹¹ Within the police service there are a huge range of responses labelled 'restorative' and no minimum standards or guidance applying nationally. No current initiative exists which diverts domestic violence cases from standard criminal justice sanctions to 'restorative' methods and in fact, current police policy is explicitly not to 'mediate' between parties in a domestic violence situation.⁵¹² Projects that state that they adopt a 'restorative' approach tend to do so, not as part of a criminal sentence or as an alternative to criminal prosecution, but as an additional option within a multi-agency response. For example, family group conferences are a potential means of empowering survivors to make decisions and formulate safety plans with the assistance of a wider support network but have systems that allow for the fact that it may not be safe to include perpetrators in such processes. The 'Safe Space Project' in Duluth brings the group that a victim defines as her support system together to establish her physical safety and to hold the perpetrator accountable.⁵¹³ However, initiatives that do not involve the perpetrator do not tend to fit current popular understanding of 'restorative justice' within the criminal justice system. One problem is that the term is used to describe a range of different initiatives within and outside the criminal justice system, some of which are clearly inappropriate in responding to domestic violence. It is fundamentally important, not only to ensure that all such responses are thoroughly evaluated but that victims are not endangered whilst perpetrators are involved in particular responses.

7.3. Links between the Criminal and Civil Court Systems

One recently identified area for future policy development has been to address the gaps between the different parts of the legal system, which may result in duplication of effort, wasted resources and ineffective or even contradictory responses to victims. For example, the effectiveness of the enforcement

507 Gondolf (1997) *op. cit.* at 88

508 For example, see Mills, L. (1996) 'On the other side of silence: Affective lawyering for intimate abuse', 81(6) *Cornell Law Review* 1225-1263 at 1235.

509 Fritzler, R. and Simon, L. (2000) 'Creating a domestic violence court: Combat in the trenches', *Court Review*, Spring, 28-39

510 Hart, B. (1988) 'Beyond the "duty to warn": A therapist's "duty to protect" battered women and children', in Yllo and Bograd (1988) *op. cit.* at 243-4; Davies and Lyon (1998) *op. cit.*

511 Hoyle (1998) *op. cit.* at 225; Hoyle and Sanders (2000) *op. cit.* at 32-33; Braithwaite, J. and Daly, K. (1994) 'Masculinities, violence and communitarian control', in Newburn, T. and Stanko, E. (Eds) (1994) *Just Boys Doing Business: Men, Masculinities and Crime* (London: Routledge). Sherman, L. (2000) 'Domestic violence and restorative justice: Answering key questions', 8(1) *Virginia Journal of Social Policy and the Law* 263-289

512 For example, see Astor, H. (1994) 'Swimming against the tide: Keeping violent men out of mediation', in Stubbs, J. (1994) *Women, Male Violence and the Law* (Sydney: Institute of Criminology); Fischer, K., Vidmar, N. and Ellis, R. (1993) 'The culture of battering and the role of mediation in domestic violence cases', 46 *SMU Law Review* 2117-2174; Hilton, N. (1991) 'Mediating wife assault: Battered women and the new family', 9 *Canadian Journal of Family Law* 29-53; Hudson, B. (1998) 'Restorative justice: The challenge of sexual and racial violence', 25(2) *Journal of Law and Society* 237-256; Lerman, L. (1984) 'Mediation of wife abuse cases: The adverse impact of informal dispute resolution on women', 7 *Harvard Women's Law Journal* 57-113; Paradine, K. and Wilkinson, J. (2000) 'Home Truths', 25th February *Police Review* 26-27; Stubbs, J. (1997) 'Shame, defiance and violence against women: A critical analysis of communitarian conferencing', in Cook and Bessant (1997) *op. cit.*

513 Home Office (2000) *op. cit.*

of civil court orders has been questioned⁵¹⁴ and it has been suggested that breach of such orders should be made a criminal offence to increase sentencing options and take the burden of enforcement from the victim. However, potential negative outcomes include: the possibility of raising the burden of proof in initial civil hearings; more perpetrators contesting applications for orders and breaches; less ‘choice’ for victims in enforcing orders; and the possibility that victims will be further encouraged to use the civil rather than the criminal system for protection.⁵¹⁵ Other initiatives that are currently under discussion are those to share information between the civil and criminal systems such as a national register of convicted domestic violence offenders, civil orders and child contact restrictions.

In some parts of Australia, Canada and the United States, there are integrated ‘domestic violence courts’, that combine civil and criminal remedies by, for example, enabling criminal courts to issue civil orders.⁵¹⁶ In the Dade County Domestic Violence Court in Florida, for example, specially trained judges hear cases and factor elements into the proceedings like post-sentencing case reviews to provide on-going monitoring.⁵¹⁷ Benefits of such initiatives include increased consistency of sentences and the US National Institute of Justice ‘Judicial Oversight Demonstration Initiative’ aims to measure the impact of similar approaches in terms of reduced offending and increased victim safety.⁵¹⁸ Unfortunately effective evaluation of integrated responses to domestic violence in other countries which include specialist courts are under developed although there are early indications of positive impacts.⁵¹⁹

In the UK unified jurisdictions have not yet been established, but the term ‘domestic violence court’ has been applied to various magistrates and crown courts in which attempts are made to timetable domestic violence cases on particular days.⁵²⁰ Such approaches facilitate the victims’ access to specialist services, including advocates and ensure that cases are heard by specially trained magistrates who are aware of issues such as risk factors and the need for particular bail conditions such as restrictions on child contact. The Northumberland study suggests that reference to contact between children and alleged offenders leads to more lenient outcomes in criminal courts in terms of bail conditions and sentences and indicates a need for a closer relationship between civil and criminal procedures.⁵²¹

In the UK an unimplemented provision in the Family Law Act 1996, allows third parties, such as the police or another agency, to apply for a civil court order on a victim’s behalf.⁵²² Similar powers have been used in Australia and parts of the United States.⁵²³ This takes the onus off a victim to apply for an order sparing the trauma and delay and transferring the financial cost of legal proceedings. Some Australian women have suggested that their partners were more likely to adhere to an order when taken out by an outside

514 Morley, R. and Mullender, A. (1994) Preventing Domestic Violence to Women, Police Research Group, Crime Prevention Unit Series, Paper No. 48 (London: Home Office)

515 Barron (2002) *op. cit.*

516 Burton, M. (2003) ‘Criminalising civil orders for protection from domestic violence’, *Criminal Law Review* 301-313

517 for example see, Schollenberg and Gibbons (1992) *op. cit.* at 199-200; Buzawa and Buzawa (2003) *op. cit.* at Chapters 14 and 15. Mills (1996) *op. cit.* at 1235.

518 Mills (1996) *ibid.* at 1235.

519 National Institute of Justice (1999) *Judicial Oversight Demonstration Initiative* (accessed at <http://www.ojp.usdoj.gov/nij/vawprog> on 26th June 2003)

520 See, for example Buzawa and Buzawa (2003) *op. cit.* at Chapter 15; Hague *et al* (2001) *op. cit.* at 37-40

521 Walsh, C. (2001) ‘The trend towards specialisation: West Yorkshire innovations in drugs and domestic violence courts’, 40(1) *The Howard Journal* 26-38

522 Hester *et al* (2003) *op. cit.* at 4

523 Family Law Act 1996 s.60

agency.⁵²⁴ Whilst the potential of disempowering victims by giving legal actors more power has been recognised in Australia, agencies representing survivors suggest that in practice the benefits have outweighed the risks.⁵²⁵

524 For example, see Humphreys, C. and Kaye, M. (1997) 'Third-party applications for protection orders: Opportunities, ambiguities and traps', 19(4) *Journal of Social Welfare and Family Law* 403-421.

525 *ibid* at 407-8.

8. FUTURE RESEARCH

This literature review has identified a number of important gaps in current knowledge, which it is crucial for further research to address. We need to examine not just the effectiveness of existing policies but the institutional barriers to their implementation. Other research questions need to focus on the impact of various initiatives on perpetrators, victims and on the wider public. Research studies need to distinguish the effect on the victim from the effect on the perpetrator of, for example, support, outreach and advocacy services, arrest, prosecution, different criminal sentences (including custodial, community and perpetrator programmes) and civil court orders. Research also needs to examine the impact of multi-agency responses in the criminal justice system, including those that provide specialist victim advocates, outreach, support groups, and service user consultation mechanisms. Whilst we need to know the extent to which practitioners are implementing domestic violence policy, we also need to know how victims evaluate their responses and ultimately, the impact which they have on the prevalence of domestic violence. For example, there should be a study of the effectiveness of different police models of response to domestic violence, with different combinations of investigation and co-ordinating responses, as well as the impact of prosecution policies with a view to establishing shared minimum standards for the police and prosecution response.

The linchpin for effective monitoring and evaluation will be systems that allow cases of domestic violence to be ‘tracked’ between agencies to assess the effectiveness of responses to domestic violence. We need to know more about the intervening factors in cases in which a perpetrator both continues and escalates violence and where that behaviour ceases, particularly examining the effectiveness of early intervention in limiting the damaging effects of domestic violence. Rather than asking why victims do not report violence or withdraw their support for prosecution it may be more sensible to learn more about the decision-making processes of those who continue to support criminal justice interventions despite these obstacles. We need to understand the reasons for satisfaction and perceptions of effectiveness to ensure that agency and criminal justice responses are utilised. Linked with this is the need to understand the decision-making processes and influences of criminal justice practitioners, including police officers, prosecutors, judges and magistrates. There are many challenges to policy makers and researchers in commissioning and undertaking research which is both longitudinal and examines the decision-making processes and cultural influences on victims and practitioners and partnerships. It is also crucial that we develop effective comparative research strategies and learn from the experiences of other jurisdictions, both in Europe and throughout the rest of the world including developing countries.⁵²⁶

This review has identified throughout specific issues that need to be addressed as part of a strategic domestic violence research agenda. There are three core principles that could be used to guide measurement of the effectiveness or ‘success’ of all domestic violence interventions. The first is the increased safety of adult and child victims, including a reduction in repeat victimisation and domestic homicides. The second is the reduction and prevention of domestic violence by holding perpetrators accountable and educating future offenders. The third is the increased satisfaction of victims and children (emphasising the importance of survivor consultation). One edited collection that compared patterns of domestic violence in different societies concluded that both ‘sanctions’ for perpetrators and ‘sanctuary’ for

526 *ibid* at 407-8.

victims were crucial.⁵²⁷ Measures which address all three of these principles are crucial in evaluations of any domestic violence intervention. The investment in any such research would be more than justified if it existed alongside a clear commitment, in all sectors, to mainstream any lessons learnt.

527 For examples of European initiatives in policing domestic violence see, Dearing, A. and Forg, E. (1999) *Police Combating Violence Against Women: Documentation of the Conference of Experts* (Vienna: Intersentia Law Publishers); For a comprehensive description of initiatives in Canada see Hague, Kelly and Mullender (2001) *op. cit.*; For an overview of global responses to domestic violence, including initiatives in developing countries see Erez, E. and Laster, K. (2000) *Domestic Violence: Global Responses* (Bichester: AB Academic Publishers)

528 Counts, D., Brown, J. and Campbell, J. (Eds) (1992) *Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives* (Boulder: Westview Press)

BIBLIOGRAPHY

- ACPO, Home Office and Foreign & Commonwealth Office (2002) *Dealing with Cases of Forced Marriage: Guidelines for Police* (London: Home Office)
- ACT Department of Justice and Community Safety (2002) *ACT Family Violence Intervention Program Briefing* (Canberra: ACT Department of Justice and Community Safety)
- Adler, Z. (1987) *Rape on Trial* (London: Routledge)
- Advisory Board on Family Law: Children Act Sub-Committee (1999) *A Consultation Paper on Contact Between Children and Violent Parents: The Question of Parental Contact in Cases Where There is Domestic Violence* (London: Lord Chancellor's Department)
- Anderson Clark, K., Biddle, A. and Martin, S. (2002) 'A cost-benefit analysis of the Violence Against Women Act of 1994', 8(4) *Violence Against Women* 417-428
- Archer, J. (2000) 'Sex differences in aggression between heterosexual partners: A meta-analytic review', 126 *Psychological Bulletin* 651-680
- Aris, R., Harrison, C. and Humphreys, C. (2002) *Safety and Contact: An Analysis of the role of Child Contact Centres in the Context of Domestic Violence and Child Welfare Concerns* (London: Lord Chancellor's Department)
- Ashworth, A. (1993) 'Victim impact statements and sentencing', *Criminal Law Review* 498-509
- Astor, H. (1994) 'Swimming against the tide: Keeping violent men out of mediation', in *Stubbs (1994)*
- Audit Commission (2002) *Community Safety Partnerships* (London: Audit Commission)
- Australian Capital Territory Director of Public Prosecutions (2001) *Annual Report 2000-2001* (Australian Territory Government)
- Baker, P. (1997) "'And I went back": Battered women's negotiation of choice', 26(1) *Journal of Contemporary Ethnography* 55-74
- Bar Council (2000) *Code of Conduct* (London: Bar Council)
- Barnett, O. and LaViolette, A. (1993) *It Could Happen to Anyone: Why Battered Women Stay* (California: Sage)
- Barron, J. (2002) *Five Years On: A Review of Legal Protection from Domestic Violence* (Bristol: Women's Aid Federation England)
- Barron, J. (1990) "'Not Worth the Paper...?" *The Effectiveness of Legal Protection for Women and Children Experiencing Domestic Violence* (Bristol: Women's Aid Federation England)
- Barron, J. and Harwin, N. (1994) 'The myth of the battered husband', *Spring Rights of Women Bulletin* 5-7

- Bennett, L., Goodman, L. and Dutton, M. (1999) 'Systemic obstacles to the criminal prosecution of a battering partner', 14(7) *Journal of interpersonal Violence* 761
- Bennett, L., Goodman, L. and Dutton, M. (2000) 'Risk assessment among batterers arrested for domestic assault: The salience of psychological abuse', 6(11) *Violence Against Women* 1190-1203
- Bennett, L. and Piet, M. (1999) 'Standards for batterer intervention programs: In whose interest?', 5(1) *Violence Against Women* 6-24
- Bergen, R. (1995) 'Surviving wife rape: How women define and cope with the violence' 1(2) *Violence Against Women* 117-138
- Bewley, S., Bacchus, L. Haworth, A. and Mezey, G. (2000) *An Exploration of the Prevalence, Nature and Effects of Domestic Violence in Pregnancy* (ESRC Violence Research Programme Findings)
- Bossy, J. and Coleman, S. (2000) *Womenspeak: Parliamentary Domestic Violence Internet Consultation: Report of the Main Findings* (Bristol: Women's Aid Federation England)
- Bowen, E., Brown, L. and Gilchrist, E. (2002) 'Evaluating probation based offender programmes for domestic violence perpetrators: A pro-feminist approach', 41(3) *The Howard Journal* 221-236
- Bowman, C.G. (1992) 'The arrest experiments: A feminist critique', 83 *Journal of Criminal Law and Criminology* 201-208
- Braithwaite, J. and Daly, K. (1994) 'Masculinities, violence and communitarian control', in *Newburn and Stanko (1994)*
- Brandon, M. and Lewis, A. (1996) 'Significant harm and children's experiences of domestic violence', 1 *Child and Family Social Work* 33-42
- Brennan, C. (2000) 'The Personal Statement Scheme', July 7, *New Law Journal* 1021-1022
- Brophy, J. and Smart, S. (1985) *Women In Law: Explorations in Law, Family and Sexuality* (London: Routledge and Kegan Paul)
- Brown, J. (1997) 'Working toward freedom from violence: The process of change in battered women', 3(1) *Violence Against Women* 5-26
- Browne, A. (1987) *When Battered Women Kill* (New York: Free Press)
- Browne, A., Williams, K. and Dutton, D. (1999) 'Homicide between intimate partners: A Twenty Year Review', in Dwayne Smith and Zahn (1999)
- Brownlee, I. (1990) 'Compellability and contempt in domestic violence cases', *Journal of Social Welfare Law* 107-115
- Bryan, T. and Payne, W. (2003) 'Developing MAPPA: Multi-Agency Public Protection Arrangements', 51 *Criminal Justice Matters* 20-21

- Burke, J., Carson Gielen, A., McDonnell, K., O'Campo, P. and Maman, S. (2001) 'The process of ending abuse in intimate relationship: A qualitative exploration of the transtheoretical model', 7(10) *Violence Against Women* 1144-1163
- Burton, F. (2003) *Family law* (London: Cavendish);
- Burton, M. (2003) 'Criminalising civil orders for protection from domestic violence', *Criminal Law Review* 301- 313
- Burton, M. (2000) 'Prosecution decisions in cases of domestic violence involving children', 22(2) *Journal of Social Welfare and Family Law* 175-191
- Burton, S., Regan, L. and Kelly, L. (1998) *Supporting Women and Challenging Men: Lessons from the Domestic Violence Intervention Project* (Bristol: Policy Press)
- Busch, R. and Robertson, N. (1997) 'The gap goes on: An analysis of issues under the Domestic Violence Act 1995', 17 *New Zealand University Law Review* 337-378
- Busch, R. and Robertson, N. (1993) 'What's love got to do with it? An analysis of an intervention approach to domestic violence', 1 *Waikato Law Review* 109-140
- Buzawa, E. and Buzawa, C. (2003) *Domestic Violence: The Criminal Justice Response* (London: Sage)
- Buzawa, E. and Buzawa, C. (1996) *Do Arrests and Restraining Orders Work?* (Thousand Oaks, CA: Sage)
- Buzawa, E. and Buzawa, C. (1992) *Domestic Violence: The Changing Criminal Justice Response* (Westport Connecticut: Auburn House)
- Buzawa, E., Hotaling, G., Klein, A. and Byrne, J. (1999) *Response to Domestic Violence in Proactive Court Setting: Final Report* (Washington, DC: National Institute of Justice)
- Cahn, N. (1992) 'Innovative approaches to the prosecution of domestic violence crimes: An Overview', in Buzawa and Buzawa (1992)
- Cahn, N. (1991) 'Civil images of battered women: The impact of domestic violence on child custody decisions', 44(5) *Vanderbilt Law Review* 1041-97
- Calder, M. and Hackett, S. (Eds) (2003) *Assessment in Child Care: Using and Developing Frameworks for Practice* (Dorset: Russell House)
- Campbell, J. and Soeken, K. (1999) 'Forced sex and intimate partner violence: Effects on women's risk and women's health', 5(9) *Violence Against Women* 1017-1035
- Canadian Centre for Justice Statistics (2002) *Family Violence in Canada: A Statistical Profile 2002* (Toronto: Canadian Centre for Justice Statistics)
- Carcach, C. and James, M. (1998) *Homicide between intimate partners in Australia, Australian Institute of Criminology: Trends and Issues in Crime and Criminal Justice*. Paper No. 90 (Canberra: Australian Institute of Criminology)

- Cavanagh, K., Emerson, R., Dobash, R., Dobash, R. and Lewis, R. (2002) *Homicide in Britain: Risk Factors, Situational Contexts and Lethal Intentions (Interviews with Women)*, Research Bulletin No. 3 (Department of Applied Social Science, University of Manchester)
- Centrex (2002) *National Domestic Violence Modular Training Programme* (Harrogate: Centrex)
- Chaudhuri, M. and Daly, K. (1992) 'Do restraining orders help? Battered women's experience with male violence and legal process', in Buzawa and Buzawa (1992)
- Chestnut, S. (2001) 'The practice of dual arrests in domestic violence situations: Does it accomplish anything?' 70 *Mississippi Law Journal* 971-981
- Children Act Sub Committee of the Lord Chancellor's Advisory Board on Family law (2002) *Guidelines for Good Practice on Parental Contact in Cases where there is Domestic Violence* (London: Lord Chancellor's Department)
- Choongh, S. (1997) *Review of Delay in the Criminal Justice System*, Research Series No 2/97 (London: Lord Chancellor's Department)
- Choudry, S. (1996) *Pakistani Women's Experience of Domestic Violence in Great Britain*. Research Findings No. 43 (London: Home Office)
- Cook, S. and Bessant, J. (1997) *Women's Encounters with Violence: Australian Experiences* (California: Sage Publications)
- Corsilles, A. (1994) 'No-drop policies in the prosecution of domestic violence cases: Guarantee to action or dangerous solution', 63(3) *Fordham Law Review* 853-881
- Counts, D., Brown, J. and Campbell, J. (1992) *Sanctions and Sanctuary: Cultural Perspectives on the Beating of Wives* (Boulder: Westview Press)
- Cretney, A. and Davis, G. (1997a) 'The significance of compellability in the prosecution of domestic assault', 37(1) *British Journal of Criminology* 75-89
- Cretney, A. and Davis, G. (1997b) 'Prosecuting domestic assault: Victims failing courts or courts failing victims?' 32(2) *Howard Journal* 146-157
- Cretney, A. and Davis, C. (1996) 'Prosecution "domestic" assault', *Criminal Law Review* 162-174
- Crisp, D. and Stanko, E. (2001) 'Monitoring Costs and Evaluating Needs', in Taylor-Browne (2001)
- Crown Prosecution Service (2003) *Pre-trial Witness Interviews by Prosecutors: A Consultation Paper* (York: CPS)
- Crown Prosecution Service (2001). *Revised CPS Policy on Prosecuting Cases of Domestic Violence*. (London: HMSO)
- Crown Prosecution Service (2001) *Guidance on Prosecuting Cases of Domestic Violence* (London: HMSO)

- Crown Prosecution Service (1994) *The Code for Crown Prosecutors* (London: HMSO)
- Currell, S. and Gill, A. (1998) *Silenced 'n Caught: Unlocking the Barriers to Reporting Domestic Violence in an Asian Community* (London: Home Office)
- Dasgupta, S. (1999) 'Just like men? A critical view of violence by women', in Shepard and Pence (1999)
- Davidson, L., King, V., Garcia, J. and Marchant, S. (2000) 'What role can the health services play?', in, Taylor-Browne (2001)
- Davies, J. and Lyon, E. (1998) *Safety Planning with Battered Women: Complex Lives/ Difficult Choices* (London: Sage)
- Dearing, A. and Forg, E. (1999) *Police Combating Violence Against Women: Documentation of the Conference of Experts* (Vienna: Intersentia Law Publishers)
- DeKeseredy, W. (2000) 'Current controversies on defining nonlethal violence against women in intimate heterosexual relationships: empirical implications', 6(7) *Violence Against Women* 728-746
- DeLeon-Granados, W. and Wells, W. (2003) 'The reliability and validity of measures of domestic violence resources as used in intimate partner homicide research', 9(2) *Violence Against Women* 148-162
- Department of Health (2002) *Learning from Past Experiences – A Review of Serious Case Reviews* (London: HMSO)
- Department of Health (2002) *Women's Mental Health: Into the Mainstream: Strategic Development of Mental Health Care for Women* (London: Department of Health)
- Dobash, R.E. and Dobash, R.P. (2000) 'Evaluating criminal justice interventions for domestic violence', 46(2) *Crime and Delinquency* 252-270
- Dobash, R.E. and Dobash, R.P. (1992) *Women, Violence and Social Change* (London: Routledge)
- Dobash, R.E. and Dobash, R.P. (1979) *Violence Against Wives: A Case Against the Patriarchy* (London: Open Books)
- Dobash R.E., Dobash, R.P, Wilson, M. and Daly, M. (1992) 'The myth of sexual symmetry in marital violence', 39(1) *Social Problems* 71-91
- Dobash, R.P., Dobash, R.E., Cavanaugh, K. and Lewis, R. (1999) 'A research evaluation of British programmes for violent men', *Journal of Social Policy* 205-233
- Dobash, R.P., Dobash, R.E., Cavanaugh, K. and Lewis, R. (1998) 'Separate and intersecting realities: A comparison of men's and women's accounts of violence against women', 4(4) *Violence Against Women* 382-414
- Douglas, K. & Dutton, D. (2001) 'Assessing the link between stalking and domestic violence' 6 *Aggression and Violent Behaviour* 519-546

- Doy, E. and Maitland, L. (1996) *Norwich Challenging Abuse of Women and Children: Views From the Sharp End* (Women Policy Research Unit, University of East Anglia)
- Dugan, L., Nagin, D. and Rosenfeld, R. (2003) 'Exposure reduction or retaliation? The effects of domestic violence resources on intimate-partner homicide', 37(1) *Law and Society* 169-198
- Dugan, L., Nagin, D.S. and Rosenfeld, R. (1999) 'Explaining the decline in intimate partner homicide: The effects of changing domesticity, women's status, and domestic violence resources', 3 *Homicide Studies* 187-214
- Durham, G. (1998) 'The domestic violence dilemma: How our ineffective and varied responses reflect our conflicted views of the problem', 71(3) *Southern California Law Review* 641-65
- Dutton, M. and Goodman, L. (1994) 'Post Traumatic Stress Disorder among battered women: Analysis of legal implications', 12 *Behavioural Sciences and the Law* 215-234
- Dwayne Smith, M. and Zahn, M. (1999) *Homicide: A Sourcebook of Social Research* (California: Sage Publications)
- Eadie, T. and Knight, C. (2002) 'Domestic violence programmes: Reflections on the shift from independent to statutory provision', 41(2) *The Howard Journal* 167-181
- Edelson, J. (1999a) 'Children's witnessing of adult domestic violence', 14(8) *Journal of Interpersonal Violence* 839-870
- Edleson, J. (1999b) 'The overlap between child maltreatment and woman battering', 5(2) *Violence Against Women* 134-154
- Edleson, J. and Eisikovits, Z. (1996) *Future Interventions with Battered Women and Their Families* (California: Sage Publications)
- Edleson, J., Mbilinyi, L., Beeman, S. and Hagemester, A. (2003) 'How children are involved in adult domestic violence: Results from a four-city telephone survey' 18(1) *Journal of Interpersonal Violence* 18-32
- Edwards, S. (2001a) 'New directions in prosecution', in, Taylor-Browne (2001)
- Edwards, S. (2001b) 'Domestic violence and harassment: An assessment of the civil remedies', in, Taylor-Browne (2001)
- Edwards, S. (1996) *Sex and Gender in the Legal Process* (London: Blackstones)
- Edwards, S. (1989) *Policing 'Domestic' Violence: Women, the Law and the State* (London: Sage Publications)
- Ellison, L. (2002) 'Prosecuting domestic violence without victim participation', 65(6) *Modern Law Review* 834-858
- Ellison, L. (2001) *The Adversarial Process and the Vulnerable Witness* (Oxford: Oxford University Press)

- Erez, E. (2002) 'Immigration, culture conflict and domestic violence/ woman battering', in Freilich et al (2002)
- Erez, E. and Laster, K. (2000) *Domestic Violence: Global Responses* (Bichester: AB Academic Publishers)
- Estrich, S. (1987) *Real Rape: How the Legal System Victimizes Women Who Say No* (Boston: Harvard University Press)
- Farrell, G. and Pease, K. (1993) *Once Bitten, Twice Bitten: Repeat Victimization and its Implications for Crime Prevention, Police Research Group, Crime Prevention Unit Series Paper 46* (London: Home Office)
- Felson, R., Messner, S., Hoskin, A. and Deane, G. (2002) 'Reasons for Reporting and not reporting domestic violence to the police', 40(3) *Criminology* 617-648
- Fenwick, H. (1997) 'Procedural 'rights' of victims of crime: Public or private ordering of the criminal justice process', 60(3) *Modern Law Review* 317-333
- Ferraro, K. (1989) 'Policing woman battering', 36(1) *Social Problems* 61-74
- Ferraro, K. and Boychuck, T. (1992) 'The courts response to interpersonal violence: A comparison of intimate and non intimate assault', in Buzawa and Buzawa (1992)
- Ferraro, K. and Johnson, J. (1983) 'How women experience battering: The process of victimisation', 30 *Social Problems* 325-339
- Fiebert, M. (1997) 'Annotated bibliography: References examining assaults by women on their spouses/partners', 1 *Sexuality and Culture* 273-286
- Finkelhor, D. and Yllo, K. (1985) *License to Rape: Sexual Abuse of Wives* (New York: Free Press)
- Finley Mangum, P. (1999) 'Reconceptualising Battered Woman Syndrome evidence; Prosecution use of expert testimony on battering', 19 *British Columbia Third World Journal* 593
- Fischer, K. and Rose, M. (1995) 'When "enough is enough": Battered women's decision-making around court orders of protection', 41(4) *Crime and Delinquency* 414-29
- Fischer, K., Vidmar, N. and Ellis, R. (1993) 'The culture of battering and the role of mediation in domestic violence cases', 46 *SMU Law Review* 2117-74
- Fleury, R., Sullivan, C., Bybee, D. (2000) 'When ending the violence does not end the violence: Women's experiences of violence by former partners', 6(12) *Violence Against Women* 1363-1383
- Ford, D. (1991) 'Prosecution as a victim power resource: A note on empowering women in violent conjugal relationships', 25(2) *Law and Society Review* 313-334
- Ford, D. and Regoli, M. (1993) 'Criminal prosecution of wife assaulters: Process, problems and effects', in Hilton (1993)
- Freeman, M. (1984) *State, Law and the Family* (Cambridge: Cambridge University Press)

- Freeman, M. (1984) 'Legal ideologies, patriarchal precedents and domestic violence', in Freeman (1984)
- Freilich, J., Newman, G., Shobam, S. and Addad, M. (2002) *Migration, Culture, Conflict and Crime* (Dartmouth: Ashgate)
- Fritzler, R. and Simon, L. (2000) 'Creating a domestic violence court: Combat in the trenches', *Spring Court Review* 28-39
- Gadd, D., Farrall, S., Dallimore, D., and Limbard, N. (2002) *Domestic Abuse against Men in Scotland, Crime and Criminal Justice Research Findings No 61* (Edinburgh: Scottish Executive, Central Research Unit)
- Garner, J., Fagan, J. and Maxwell, C. (1995) 'Published findings from the spouse assault replication program: A critical review', 11(1) *Journal of Qualitative Criminology* 3-28
- Gelles, R. and Loseke, D. (1993) *Current Controversies on Family Violence* (California: Sage)
- Gilchrist, E. and Blissett, J. (2002) 'Magistrates' attitudes to domestic violence and sentencing options', 41(4) *The Howard Journal* 348-363
- Glass, D. (1995) *All My Fault: Why Women Don't leave Abusive Men* (London: Virago)
- Gondolf, E. (1997) 'Batterer programs: What we know and what we need to know', 12(1) *Journal of Interpersonal Violence* 83-98
- Gondolf, E. and Beeman, A. (2003) 'Women's accounts of domestic violence versus tactics-based outcome categories', 9(3) *Violence Against Women* 278-301
- Gondolf, E. and Fisher, E. (1988) *Battered Women as Survivors: An Alternative to Treating Learned Helplessness* (Massachusetts: Lexington Books)
- Gondolf, E., McWilliams, J., Hart, B. and Sterling, J. (1994) 'Court response to petitions for civil protection orders', 9 *Journal of Interpersonal Violence* 503-517
- Gondolf, E. and White, R. (2000) 'Consumer' recommendations for batterer programs', 6(2) *Violence Against Women* 198-217
- Goodman, L., Dutton, M., Bennett, L. (2000) 'Predicting repeat abuse among arrested batterers: Use of the Danger Assessment Scale in the Criminal Justice System', 15(1) *Journal of interpersonal Violence* 63-74
- Goodman, L. Dutton, M., Weinfurt, K. and Cook, S. (2003) 'The Intimate Partner Violence Strategies Index: Development and application', 9(2) *Violence Against Women* 163-186
- Goodkind, J., Gillum, T., Bybee, D. and Sullivan, C. (2003) 'The impact of family and friends' reactions on the well-being of women with abusive partners', 9(3) *Violence Against Women* 347-373
- Grace, S. (1995) *Policing Domestic Violence in the 1990s*, Home Office Research Study 139 (London: Home Office)
- Green, J. (2001). 'The success of the police in combating domestic violence has been difficult to measure', November *Police Review* 20-21

- Gregory, J. and Lees, S. (1999) *Policing Sexual Assault* (London: Routledge)
- Hagemann-White, C. (2001) 'European Research on prevalence of violence against women', 7(7) *Violence Against Women* 732-759
- Hague, G. (2001) 'Multi agency initiatives', in, Taylor-Browne (2001)
- Hague, G., Kelly, L. and Mullender, A. (2001) *Challenging Violence Against Women: The Canadian Experience* (Bristol: Policy Press)
- Hague, G., Malos, E. and Dear, W. (1996) *Inter-agency Approaches to Domestic Violence* (Bristol: University of Bristol, School for Policy Studies)
- Hague, G., Mullender, A., Aris, R. and Dear, W. (2001) *Abused Women's Perspectives: Responsiveness and Accountability of Domestic Violence and Inter-agency Initiatives. End of Award Report to the ESRC Award No: L133251017* (Bristol: University of Bristol, School for Policy Studies)
- Hague, G., Mullender, A. and Aris, R. (2002) *Professionals by Experience: A Guide to Service User Participation and Consultation for Domestic Violence Services* (Bristol: Women's Aid Federation England)
- Hamberger, L. and Hastings, J. (1993) 'Court-mandated treatment of men who assault their partner: Issues, controversies and outcomes', in Hilton (1993)
- Hamberger, L., Lohr, J., Bonge, D. and Tolin, D. (1997) 'An empirical classification of motivations for domestic violence', 3(4) *Violence Against Women* 401-423
- Hanmer, J., Griffiths, S. and Jerwood, D. (1999) *Arresting Evidence: Domestic Violence and Repeat Victimisation*. Police Research Series Paper 104 (London: Home Office)
- Hanmer, J. and Griffiths, S. (2001) 'Effective policing', in, Taylor-Browne (2001)
- Hanmer, J. and Griffiths, S. (1998) *Domestic Violence and Repeat Victimisation* Police Research Group Briefing Note 1/98 (London: Home Office)
- Hanmer, J. and Itzin, C. (Eds) (2000) *Home Truths about Domestic Violence: Feminist Influences in Policy and Practice: A Reader* (London: Routledge)
- Hanna, C. (1998) 'The paradox of hope: The crime and punishment of domestic violence', 39(5) *William and Mary Law Review* 1505-1584
- Hanna, C. (1996) 'No right to choose: Mandated victim participation in domestic violence prosecutions', 109 *Harvard Law Review* 1850-1910
- Harmes, R. (1999) 'Marital rape: A selected bibliography', 5(9) *Violence Against Women* 1082-1083
- Harris, J. (2000) *The Evaluation of the Use and Effectiveness of the Protection from Harassment Act 1997*, Home Office Research Study No. 203 (London: Home Office)
- Hart, B. (1988) 'Beyond the "duty to warn": A therapist's "duty to protect" battered women and children', in *Yllo and Bograd (1988)*

- Hartley, C. (2001) "'He said, she said': The defense attack of credibility in domestic violence felony trials', 7(5) *Violence Against Women* 510-544
- Harwin, N. and Barron, J. (2000) 'Domestic violence and social policy', in, Hanmer and Itzin (2000)
- Herman, J. (1992) *Trauma and Recovery* (New York: Basic Books)
- Hester, M., Hanmer, J., Coulson, S., Morahan, M. and Razak, A. (2003) *Domestic Violence: Making it Through the Criminal Justice System* (University of Suntherland, Northern Rock Foundation and International Centre for the Study of Violence and Abuse)
- Hester, M., Kelly, L. and Radford, J. (Eds) (1996) *Women, Violence and Male Power* (Buckingham: Open University Press);
- Hester, M., Pearson, C. and Harwin, N. (1998) *Making an Impact: Children and Domestic Violence: A Reader* (London: Banardos/Department of Health)
- Hicks, A. (1999) *Isolated Incidents: Domestic Violence in Rural Areas* (Warwickshire Rural Community Council)
- Hilton, N. (1993) *Legal Responses to Wife Assault: Current Trends and Evaluations* (Newbury Park: Sage)
- Hilton, N. (1991) 'Mediating wife assault: Battered women and the new family', 9 *Canadian Journal of Family Law* 29-53
- Hirschel, D. and Hutchinson, I. (2003) 'The voices of domestic violence victims: Predictors of victim preference for arrest and the relationship between preference for arrest and re-victimisation', 49(2) *Crime and Delinquency* 313-336
- HMCPSI (2003) *The Inspectorate's Report on CPS Suffolk* (Report 3/2003)
- HMCPSI (2002) *The Inspectorate's Report on CPS Avon and Somerset* (Report 3/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Bedfordshire* (Report 1/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Cumbria* (Report 7/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Derbyshire* (Report 2/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Devon and Cornwall* (Report 9/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Dyfed-Powys* (Report 3/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Greater Manchester* (Report 5/2002)
- HMCPSI (2002) *The Inspectorate's Report on Hertfordshire* (Report 8/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Leicestershire* (Report 6/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS North Wales* (Report 4/2002)
- HMCPSI (2002) *The Inspectorate's Report on CPS Sussex* (Report 10/2002)

- HMCPSP (2002) *The Inspectorate's Report on CPS Thames Valley* (Report 2/2002)
- HMCPSP (2002) *The Inspectorate's Report on CPS Wiltshire* (Report 2/2002)
- HMCPSP (1998) *The Inspectorate's Report on Cases Involving Domestic Violence* (Thematic Report 2/1998)
- Hobart, M. (2000a) *Honouring their Lives, Learning from their Deaths: Findings and Recommendations from the Washington State Domestic Violence Fatality Review* (Washington: Washington Coalition Against Domestic Violence)
- Hobart, M. (2000b) *Homicide at Home: Washington State's Domestic Violence Fatality Review Project*, (Washington: Washington Coalition Against Domestic Violence)
- Hoff, L. (1990) *Battered Women as Survivors* (London: Routledge)
- Holtzworth-Munroe, A., Bates, L., Smutzler, N. and Sandin, E. (1997) 'A brief review of the research on husband violence: Part II: The psychological effects of husband violence on battered women and their children', 2(2) *Aggression and Violence Behaviour* 179-213
- Home Office (2003) *The MAPPA Guidance* (London: National Probation Directorate)
- Home Office (2002) 'Victims of Domestic Violence Get More Help with Immigration Change' (accessed at <http://www.ind.homeoffice.gov.uk> on 26th June 2003)
- Home Office (2001) *Criminal Statistics England and Wales 2001* (London: HMSO)
- Home Office (2000a) Home Office Circular 19/2000, *Domestic Violence*, revision of Home Office Circular 60/90 (London: Home Office)
- Home Office (2000b) *Multi-agency Guidance for Addressing Domestic Violence* (London: Home Office)
- Home Office (2000c) *Reducing Domestic Violence ... What Works? Policing and Reducing Crime Briefing Notes* (London: Home Office)
- Home Office (1998) *Living Without Fear: An Integrated Approach to Tackling Violence Against Women* (London: Home Office)
- Home Office (1996) *Victim's Charter: A Statement of the Rights of Victims of Crime* (London: HMSO)
- Home Office (1995) *Inter-Agency Circular: Inter-Agency Co-ordination to Tackle Domestic Violence* (London: Home Office)
- Home Office (1990) Home Office Circular 1990/60 *Domestic Violence* (London: Home Office)
- Horton, A., Simionidis, K. and Simionidis, L. (1987) 'Legal remedies for spousal assault: Victim characteristics, expectations and satisfaction', 3(2) *Journal of Family Violence* 265-279
- Hoyle, C. (1998) *Negotiating Domestic Violence: Police, Criminal Justice and Victims* (Oxford: Clarendon Press)

- Hoyle, C. and Sanders, A. (2000) 'Police response to domestic violence: From victim choice to victim empowerment', 40 *British Journal of Criminology* 14-36
- Hudson, B. (1998) 'Restorative Justice: The challenge of sexual and racial violence, 25(2) *Journal of Law and Society* 237-56
- Humphreys, C. and Thiara, T. (2002) *Routes to Safety: Protection Issues Facing Abused Women and Children and the Role of Outreach Services* (Bristol: Women's Aid Federation England)
- Humphreys, C. and Kaye, M. (1997) 'Third-party applications for protection orders: Opportunities, ambiguities and traps', 19(4) *Journal of Social Welfare and Family Law* 403-421
- Humphreys, C., Mullender, A., Hague, G., Abrahams, H. and Hester, M. (2001) 'Domestic violence and child abuse: Developing sensitive policies and guidance', 10 *Child Abuse Review* 183-197
- Humphreys, C., Hester, M., Hague, G., Mullender, A., Abrahams, H. and Lowe, P. (2000) *From Good Intentions to Good Practice: Mapping Services Working with Families where there is Domestic Violence* (Bristol: Policy Press);
- Jaffe, P., Wolfe, D., Telford, A. and Austin, G. (1986) 'The impact of police charges in incidents of wife abuse', 1(1) *Journal of Family Violence* 37-49
- James, K., Seddon, B. and Brown, J. (2002) 'Using it' or 'losing it': Men's constructions of their violence towards female partners', *Australian Domestic and Family Violence Clearinghouse Research Paper* (accessed at <http://www.austdvclearinghouse.unsw.edu.au>)
- James-Hanman, D. (1995) *The Needs and Experiences of Black and Minority Ethnic Women's Experiencing Domestic Violence* (London: Islington Women's Equality Unit)
- James-Hanman, D. (1990) *Domestic Violence and the Asian Community* (London Borough of Hounslow, Equal Opportunities Unit)
- James-Hanman, D. (2000) 'Enhancing multi agency work', in, Hanmer, J. and Itzin, C. (Eds) (2000) *Home Truths about Domestic Violence: Feminist Influences in Policy and Practice: A Reader* (London: Routledge)
- Jasinski, J. and Williams, L. (1998) *Partner Violence: A Comprehensive Review of Twenty Years of Research* (California: Sage)
- Jenkins, P. and Davidson, B. (2001) *Stopping Domestic Violence: How a Community Can Prevent Spousal Abuse* (New York: Kluwer Academic/Plenum)
- Johnson, H. and Hotton, T. (2003) 'Losing control: Homicide risk in estranged and intact intimate relationships' 7(1) *Homicide Studies* 58-84.
- Jones, A. and Schechter, S. (1992) *When Love Goes Wrong: What To Do When You Can't Get Anything Right* (London, Victor Gollancz)
- Joseph Rowntree Foundation (1996) *Domestic Violence and Child Contact Arrangements*, Social Policy Research 100 (York: Joseph Rowntree Foundation)

- Jukes, A. (1999) *Men Who Batter Women* (Boston: Routledge Kegan Paul)
- Kelleher, P. and O'Connor, M. (1999) *Safety and Sanctions* (Dublin: Dublin Women's Aid)
- Kelly, L. (2002a) *A Research Review on the Reporting, Investigation and Prosecution of Rape Cases* (London: HMCPSP)
- Kelly, L. (2002b) 'Limited progress? Reflections on recent developments in domestic violence legislation in Europe' (paper prepared for ESF Seminar, Leiden, Netherlands)
- Kelly, L. (1999) *Domestic Violence Matters: An Evaluation of a Development Project*. Home Research Study 193 (London: Home Office)
- Kelly, L. (1996) 'Tensions and possibilities: Enhancing informal responses to domestic violence', in Edleson and Eisikovits (1996)
- Kelly, L. (1989) *Surviving Sexual Violence* (Cambridge: Polity Press)
- Kelly, L. and Humhreys, C. (2001) 'Supporting women and children in their communities: Outreach and advocacy approaches to domestic violence', in, Taylor-Browne (2001)
- Kennedy Dugan, M. and Hock, R. (2000) *It's My Life Now: Starting Over After an Abusive Relationship or Domestic Violence* (New York: Routledge)
- Kershaw, C., Budd, T., Kinshott, G., Mattinson, J., Mayhew, P. and Myhill, A. (2000) *The 2000 British Crime Survey England and Wales*, Home Office Statistical Bulletin 18/00 (London: Home Office)
- Kewley, A. (2000) 'Double jeopardy: Race and Domestic Violence', in *Murphy 2000*
- Kewley, A. (1996) 'Pragmatism before principle: The limitations of civil law remedies for the victims of domestic violence', 18(1) *Journal of Social Welfare and Family Law* 1-10
- Kielinger, V. and Stanko, B. (2002) 'What can we learn from people's use of the police?' 48 *Criminal Justice Matters* 4-5
- Kimmel, M. (2002) "'Gender symmetry" in domestic violence', 8(11) *Violence Against Women* 1332-1363
- Kirkwood, C. (1993) *Leaving Abusive Partners* (London: Sage)
- Klein, A. (1996) 'Reabuse in a population of court-restrained male batterers', in, Buzawa and Buzawa (1996)
- Koverola, C. & Heger, A. (2003) 'Responding to children exposed to domestic violence: Research informing policy and practice', 18 (4) *Journal of Interpersonal Violence* 331-337
- Kurz, D. (1996) 'Separation, divorce and woman abuse', 2(1) *Violence Against Women* 63-81
- Kurz, D. (1993) 'Physical assaults by husbands: A major social problem', in Gelles and Loseke (1993)
- Kurz, D. (1992) 'Battering and the Criminal Justice System: A feminist view', in, Buzawa and Buzawa (1992)

- Lambert, L and Firestone, J. (2000) 'Economic context and multiple abuse techniques', 6(1) *Violence against Women* 49-67
- Laming (2003) *The Victoria Climbié Inquiry Report* (London: HMSO)
- Lempert, L. (1996) 'Women's strategies for survival: Developing agency in abusive relationships', 11(3) *Journal of Family Violence* 269-289
- Lerman, L. (1992) 'The decontextualisation of domestic violence', 83(1) *Journal of Criminal Law and Criminology* 217-235
- Lerman, L. (1984) 'Mediation of wife abuse cases: The adverse impact of informal dispute resolution on women', 7 *Harvard Women's Law Journal* 57-113
- Leventhal, B. and Lundy, S. (1999) *Same Sex Domestic Violence: Strategies for Change* (California: Sage)
- Levison, D. and Harwin, N. (2001) 'Accommodation Provision', in, Taylor-Browne (2001)
- Lloyd, S., Farrell, G. and Pease, K. (1994) *Preventing Repeated Domestic Violence: A Demonstration Project on Merseyside*, Police Research Group, Crime Prevention Unit Series, Paper 49 (London: Home Office)
- Lockton, D. and Ward, R. (1997) *Domestic Violence* (London: Cavendish)
- Lord Chancellors Department (2003) *Domestic Violence: A Guide to Civil Remedies and Criminal Sanctions* (London: Lord Chancellor's Department)
- MacAskill, S. and Eadie, D. (1995) *An Evaluation of The Scottish Office Domestic Violence Media Campaign* (Edinburgh: Scottish Office, Central Research Unit)
- Macpherson, S. (2002) *Domestic Violence: Findings from the 2000 Scottish Crime Survey* (Edinburgh: Scottish Executive Central Research Unit)
- Mahoney, M. (1991) 'Legal images of battered women: Redefining the issue of separation', 90 *Michigan Law Review* 1-94
- Mahoney, P. and Williams, L. (1998) 'Sexual assault in marriage: Prevalence, consequences, and treatment of wife rape', in Jasinski and Williams (1998)
- Mama, A. (1989) *The Hidden Struggle: Statutory and Voluntary Sector Responses to Violence Against Black Women in the Home* (London: London Race and Housing Research Unit)
- Martin, M. (1997) 'Double your trouble: Dual arrest in family violence', 12(2) *Journal of Family Violence* 139-157
- McCann, K. (1985) 'Battered women and the law: Limits of the legislation', in Brophy and Smart (1985)
- McCarthy, T. (1994) 'Rethinking theories of victimology: Men's violence against women', in Cook and Bessant (1994)
- McFarlane, J., Campbell, J., Wilt, S., Sachs, C., Ulrick, Y. and Xu, X. (1999) 'Stalking and intimate partner femicide' 3 *Homicide Studies* 300-316

- McGee, S. (1997) 'Children's experiences of domestic violence,' 2 *Child and Family Social Work* 13-23
- McManon, M., Neville-Sorvilles, J. and Schubert, L. (1999) 'Undoing harm to children: The Duluth family visitation center', in Shepard and Pence (1999)
- McWilliams, M. and Spence, L. (1996) *Taking Domestic Violence Seriously: Issues for the Civil and Criminal Justice Systems* (Belfast: HMSO)
- Meir, J. (1993) 'Notes from the underground: Integrating psychological and legal perspectives on domestic violence in theory and practice', 21(4) *Hofstra Law Review* 1295-1366
- Merritt-Gray, M. and Wuest, J. (1995) 'Counteracting abuse and breaking free: The process of leaving revealed through women's voices', 16 *Health Care for Women International* 399-412
- Metropolitan Police Service (2002) *Understanding and Responding to Hate Crime Factsheet: Domestic Violence* (London: Metropolitan Police Service)
- Metropolitan Police Service (2000) *Investigation of Racist, Domestic Violence and Homophobic Incidents: A Guide to Minimum Standards* (London: Metropolitan Police Service)
- Miller, S. (2001) 'The paradox of women arrest for domestic violence', 7(12) *Violence Against Women* 1339-1376
- Miller, S. (1989) 'Unintended side effects of pro-arrest policies and their race and class implications for battered women: A cautionary note', 3 *Criminal Justice Policy Review* 299-317
- Mills, L. (1998) *The Heart of Intimate Abuse: New Interventions in Child Welfare, Criminal Justice and Health Care Settings* (New York: Springer Publishing)
- Mills (1996) 'On the other side of silence: Affective lawyering for intimate abuse', 81(6) *Cornell Law Review* 1225-1263
- Mirrlees-Black, C. (1999) *Domestic Violence: Findings from a New British Crime Survey Self-completion Questionnaire*, Home Office Research Study 191 (London: Home Office)
- Mooney, J. (1993) *The Hidden Figure: Domestic Violence in North London* (Centre for Criminology, Middlesex University and Islington Council)
- Morley, R. (1993) 'Recent responses to 'domestic violence' against women: A feminist critique', in Page and Baldock (1993)
- Morley, R. and Mullender, A. (1994) *Preventing Domestic Violence to Women*, Police Research Group, Crime Prevention Unit Series, Paper No. 48 (London: Home Office)
- Morris, S., Anderson, S. and Murray, L. (2002) *Stalking and Harassment in Scotland* (Edinburgh: Scottish Executive Social Research)
- Mullender, A. (2000) 'Meeting the Needs of Children', in, Taylor-Browne (2001)
- Mullender, A. and Burton, S. (2001) 'Dealing with perpetrators', in, Taylor-Browne (2001)

- Mullender, A. and Debbonaire, T. (2000) *Child Protection and Domestic Violence: Practitioner's Guide* (Birmingham: Venture Press)
- Mullender, A. and Hague, G. (2001) 'Women Survivors' Views', in Taylor-Browne (2001)
- Mullender, A. and Humphreys, C. (1998) *Domestic Violence and Child Abuse: Policy and Practice Issues for Local Authorities and Other Agencies* (London: Local Government Association)
- Mullender, A. and Morley, R. (1994) *Children Living with Domestic Violence: Putting men's Abuse of Women on the Child Care Agenda* (London: Whiting and Birch)
- Mullender, A., Hague, G. Imam, U., Kelly, L., Malos, E. and Regan, L. (2002) *Children's Perspectives on Domestic Violence* (London: Sage)
- Murphy, J. (2000) *Ethnic Minorities, Their Families and the Law* (Oxford: Hart Publishing)
- Myhill, A. and Allen, J. (2002) *Rape and Sexual Assault of Women: The Extent and Nature of the Problem: Findings from the British Crime Survey*. Home Office Research Study 237 (London: Home Office Research, Development and Statistics Directorate)
- Nazroo, J. (1995) 'Uncovering gender differences in the use of marital violence: The effect of methodology', 29(3) *Sociology* 475-494
- National Institute of Justice (1999) *Judicial Oversight Demonstration Initiative* (accessed at <http://www.ojp.usdoj.gov/nij/vawprog> on 26th June 2003)
- NCH Action for Children (1994) *The Hidden Victims: Children and Domestic Abuse* (London: NCH Action For Children)
- Newburn, T. and Stanko, E. (1994) *Just Boys Doing Business: Men, Masculinities and Crime* (London: Routledge)
- Newham Area Child Protection Committee (2002) *Report of Chapter 8 Review of Death of Ainlee Labonte*
- Nieme-Kiesilainen, J. (2001) 'The deterrent effect of arrest in domestic violence: Differentiating between victim and perpetrator response', 12(2) *Hastings Women's Law Journal* 283-305
- NSPCC (2003) *Making the Links: Child Abuse, Animal Abuse and Domestic Violence* (London: NSPCC)
- Office of the Deputy Prime Minister (2002) *Supporting People Summary No. 3: Handy Guide: Addressing Domestic Violence in the Support People Programme* (London: HMSO) (accessed at www.housing.odpm.gov.uk on 24th June 2003)
- Page, R. and Baldock, J. (1993) *Social Policy Review 6* (Social Policy Association, University of Kent)
- Pagelow, M. (1981) *Woman Battering: Victims and Their Experiences* (London: Sage)
- Pahl, J. (1985) *Private Violence and Public Policy* (London: Routledge)
- Painter, K. (1991) *Wife Rape, Marriage and the Law: Survey Report: Key Findings and Recommendations* (Manchester: Faculty and Economic and Social Studies, University of Manchester)

- Paradine, K. and Wilkinson, J. (2000) 'Home Truths', 25th February *Police Review* 26-27
- Paternoster, R., Brame, R., Bachman, R. and Sherman, L. (1997) 'Do fair procedures matter? The effect of procedural justice on spouse assault', 31(1) *Law and Society Review* 163-204
- Pence, E. (1999) 'Some thoughts on philosophy', in Shepard and Pence (1999)
- Pence, E. and McDonnell, C. (1999) 'Developing policies and protocols', in Shepard and Pence (1999)
- Pisspa, M. (2002) 'Complexity of patterns of violence against women in heterosexual partnerships', 8(7) *Violence Against Women* 873-900
- Plotnikoff, J. and Woolfson, R. (1998) *Policing Domestic Violence: Effective Organisational Structures*, Police Research Series Paper 100, (London: Home Office)
- Ptacek, J. (1999) *Battered Women in the Courtroom: The Power of Judicial Responses* (Boston, Northeastern University Press)
- Quinn, K. (2003) 'Justice for vulnerable and intimidated witnesses in adversarial proceedings?' 66 *Modern Law Review* 139-155
- Radford, J. (2003) 'Professionalising responses to domestic violence in the UK: Definitional difficulties', 2(1) *Community Safety Journal*, 32-39
- Radford, J., Hester, M. and Kelly, L. (1996) *Women, Violence and Male Power* (Buckingham: Open University Press)
- Radford, L., Sayer, S. and Aid for Mothers Involved in Contact Action (AMICA) (1999) *Unreasonable Fears? Child Contact in the Context of Domestic Violence: A Survey of Mothers Perceptions of Harm* (Bristol: Women's Aid Federation England)
- Rai, D. and Thiara, R. (1999) *Strengthening Diversity: Good Practice in Delivering Domestic Violence Services to Black Women and Children* (Bristol: Women's Aid Federation England)
- RESPECT (2000) *Statement of Principles and Minimum Standards of Practice* (London: The National Association for Domestic Violence Perpetrator Programmes and Associated support Services, RESPECT (obtainable from DVIP, PO Box 2838, London, W6 9ZE)
- Richardson, J., Coid, J. and Detruckevitch, A. (2002) 'Identifying domestic violence: cross sectional study in primary care', 324 *British Medical Journal* 274-277
- Ristock, J (2002) *No More Secrets: Violence in Lesbian Relationships* (London: Routledge)
- Robinson, A. (2003) *The Cardiff Women's Safety Unit: A Multi-Agency Approach to Domestic Violence* (Cardiff: Cardiff University, School of Social Sciences)
- Rogers, A. (1998) 'Prosecutorial use of expert testimony in domestic violence cases: From recantation to refusal to testify', 8 *Columbian Journal of Gender and Law* 67

- Rowsell, C. (2003) 'Domestic violence and children: Making a difference in a meaningful way for women and children', in, Calder and Hackett (2003)
- Rumney, P. (2002) 'Rape sentencing', August 16, *New Law Journal* 1282-1283
- Rumney, P. (1999) 'When rape isn't rape: Court of Appeal sentencing practice in cases of marital and relationship rape', 19(2) *Oxford Journal of Legal Studies* 243-269
- Saunders, D. (1996) 'Interventions for men who batter: Do we know what works?', 2(3) *In Session: Psychotherapy in Practice* 81-93
- Saunders, D. (2002) 'Are physical assaults by wives and girlfriends a major social problem?: A review of the literature', 8(12) *Violence Against Women* 1424-1448
- Saunders, H. (2002) *Making Contact Worse? Report of a National Survey of Domestic Violence Refugees into the Enforcement of Contact Orders* (Bristol: Women's Aid Federation England)
- Schafran, L. (1995) 'There's no accounting for judges', 58(4) *Albany Law Review* 1063-1085
- Schollenberg, E. and Gibbons, B. (1992) 'Domestic violence protection orders: A comparative review', 10 *Canadian Journal of Family Law* 191-238
- Schroeder, J. (1991) 'Using Battered Woman Syndrome evidence in the prosecution of a batterer', 140 *Iowa Law Review* 553-582
- Scottish Executive (2000) *Domestic Abuse and Homelessness* (Scottish Executive Homelessness Taskforce)
- Scottish Office (1997) *Hitting Home: A Report on the Police Response to Domestic Violence* (Edinburgh: HMIC)
- Scottish Women's Aid (1998) *Young People Say* (Edinburgh: Scottish Women's Aid)
- Sheehan, D.C. (2000) *Domestic Violence by Police Officers* (Washington D.C.: Behavioural Science Unit, FBI)
- Shepard, M. and Pence, E. (1999) *Co-ordinating Community Responses to Domestic Violence: Lessons from Duluth and Beyond* (California: Sage)
- Shepard, M., Falk, D. and Elliott, B. (2002) 'Enhancing co-ordinated community responses to reduce recidivism in cases of domestic violence', 17(5) *Journal of Interpersonal Violence* 551-569
- Sherman, L. (2000) 'Domestic violence and restorative justice: Answering key questions', 8(1) *Virginia Journal of Social Policy and the Law* 263-289
- Sherman (1993) *Policing Domestic Violence: Experiments and Dilemmas* (New York: Free Press) at 278
- Sherman L. and Berk, R. (1984) 'The specific deterrent effects of arrest for domestic assault', 49 *American Sociological Review* 261-272

- Sidebotham, P. (2003) 'Red skies, risk factors and early indicators', 12 *Child Abuse Review* 41-45
- Simmons *et al* (2002) *Crime in England and Wales 2001/2002*, Home Office Statistical Bulletin (London: Home Office)
- Sissons, P. and Pigeon, M. (2001) *Report of the Domestic Violence Safety and Accountability Audit Carried out with Suffolk Constabulary: Summary Version* (Home Office Crime Reduction Programme Reducing Violence Against Women Initiative in Suffolk)
- Sims Blackwell, B. and Vaughn, M. (2003) 'Police civil liability for inappropriate response to domestic assault victims', 31 *Journal of Criminal Justice* 129-146
- Smith, L. (1989) *Domestic Violence: An Overview of the Literature*. Home Office Research Study, No.107 (London: Home Office)
- Smith, R. (2002) 'The wrong end of the telescope: child protection or child safety?' 24 (3) *Journal of Social Welfare and Family Law* 247-261
- Sonkin, D. (1987) *Domestic Violence on Trial: Psychological and Legal Dimensions of Family Violence* (New York: Springer)
- Sonkin, D. and Fazio, W. (1987) 'Domestic violence expert testimony in the prosecution of male batterers', in Sonkin (1987)
- Soothill, K., Francis, B., Ackerley, E. and Collett, S. (1999) *Homicide in Britain: A Comparative study of Rates in Scotland and England and Wales* (Edinburgh: Scottish Executive Central Research Unit)
- Soothill, K., Francis, B., Ackerley, E., and Fligelstone, R. (2002) *Murder and Serious Sexual Assault: What Criminal Histories can Reveal about Future Serious Offending*, Police Research Series Paper 144 (London: Home Office)
- Southall Black Sisters (1995) *Domestic Violence or Deportation Campaign Leaflet* (London: Southall Black Sisters)
- Stanko, E. (2002) *Violence* (Aldershot: Ashgate)
- Stanko, E (1998) *Counting the Costs: Estimating the Impact of Domestic Violence in the London Borough of Hackney* (Bristol: Crime Concern)
- Stanko, E. (2001) *The Day to Count: A Snapshot of the Impact of Domestic Violence in the UK* (accessed from website http://www.domesticviolencedata.org/5_research/count/count.htm. on 24th April 2003)
- Stermec, L., Del Bove, G. and Addison, M. (2001) 'Violence, injury, and presentation patterns in spousal sexual assaults', 7(11) *Violence Against Women* 1218-1233
- Straus, M. (1993) 'Physical assaults by wives: A major social problem', in *Gelles and Loseke (1993)*
- Stubbs, J. (1997) 'Shame, defiance and violence against women: A critical analysis of communitarian conferencing', in Cook and Bessant (1997)

- Stubbs, J. (1994) *Women, Male Violence and the Law* (Sydney: Institute of Criminology)
- Sullivan, C. and Bybee, D. (1999) 'Reducing violence using community based advocacy for women with abusive partners', 67(1) *Journal of Consulting and Clinical Psychology* 43-53
- Sullivan, C. and Keefe, M. (1999) 'Evaluations of advocacy efforts to end intimate male violence against women', *Violence Against Women Online Resources* (accessed at <http://www.vaw.umn.edu/documents> on 20th May 2003)
- Taylor-Browne, J. (2001) *What Works in Reducing Domestic Violence? A Comprehensive Guide for Professionals* (London: Whiting Birch)
- Tempkin, J. (2000) 'Prosecuting and defending rape: Perspectives from the bar', 27(2) *Journal of Law and Society* 219-248
- The Confidential Inquires into Maternal Deaths in the United Kingdom (2001) *Why Mothers Die 1997-1999* (London: The National Institute for Clinical Excellence)
- Thompson, M., Saltzman, L. and Johnson, H. (2001) 'Risk factors for physical injury among women assaulted by current or former spouses', 7(8) *Violence Against Women* 886-899
- Tolman, R.M. and Weisz, A. (1995) 'Co-ordinated community intervention for domestic violence: The effects of arrest and prosecution on recidivism of woman abuse perpetrators', 41(4) *Crime and Delinquency* 481-95
- Tools for Practitioners, Suffolk (2002) *Safety Plan for Women Experiencing Domestic Abuse: A Practical Resource for You to Use* (Suffolk: Tools for Practitioners)
- Turner, N. (2000) 'Animal abuse and the link to domestic violence', *The Police Chief*, June: 28-29
- Unity Sale, A. (2001) 'Nowhere to go', 19-25th July *Community Care* 22-23
- Urbach, C. and Rights of Women (2000) *Domestic Violence Injunction Handbook* (London: Rights of Women)
- US Department of Justice Bureau of Justice Statistics (2002) *Homicide Trends in the United States: Intimate Homicide* (accessed at <http://www.ojp.usdoj.gov/bjs/homicide/intimates> on 24th April 2003)
- Walby, S. (2003) *Cost of domestic violence: Interim Findings* (accessed at http://www.womenandequalityunit.gov.uk/domestic_violence/interim_findings.htm on 12th June 2003)
- Walby, S. and Myhill, A. (2001a) 'New survey methodologies in researching violence against women', 41 *British Journal of Criminology* 502-522
- Walby, S. and Myhill, A. (2001b) 'Assessing and managing risk', in, Taylor-Browne (2001)
- Walker, L. (1984) *The Battered Woman Syndrome* (New York: Springer)
- Walsh, C. (2001) 'The trend towards specialisation: West Yorkshire innovations in drugs and domestic violence courts', 40(1) *The Howard Journal* 26-38

- Wanless, M. (1996) 'Mandatory arrest: A step toward eradicating domestic violence, but is it enough?', 2 *University of Illinois Law Review* 533-586
- Websdale, N. (1999) *Understanding Domestic Homicide* (Boston: Northern University Press)
- Websdale, N. (1998) *Rural Woman Battering and the Justice System: An Ethnography* (California: Sage)
- Weisz, A., Tolman, R. and Saunders, D. (2000) 'Assessing the risk of severe domestic violence: the importance of survivors' predictions', 15(1) *Journal of Interpersonal Violence* 75-90
- West, C. (1998a) 'Leaving a second closet: Outing partner violence in same-sex couples', in Jasinski and Williams (1998)
- Whetstone, T. (2001) 'Measuring the impact of a domestic violence co-ordinated response team', 24(3) *Policing: An International Journal of Police Strategies and Management* 371-398
- Williams, L. (2003) 'Understanding child abuse and violence against women: A life course perspective,' 18(4) *Journal of Interpersonal Violence* 441-451
- Williamson, E. (2000) *Domestic Violence and Health: The Response of the Medical Profession* (Bristol: the Policy Press)
- Wilson, M., Johnson, M. and Daly, M. (1995) 'Lethal and non-lethal violence against wives', 37 *Canadian Journal of Criminology* 331-361
- Women's Aid Federation England (1998) '*Sequence of Events Leading up to the Murder of Georgina McCarthy*' (Unpublished paper on file with author)
- World Health Organisation (2002) *World Report on Violence and Health: Summary* (Geneva: World Health Organisation)
- Wuest, J. and Merritt-Gray, M. (1999) 'Not going back: Sustaining the separation in the process of leaving abusive relationships', 5(2) *Violence Against Women* 110-133
- Yllo, K. (1999) 'The silence surrounding sexual violence: The issue of marital rape and the challenges it poses for the Duluth model', in Shepard and Pence (1999)
- Yllo, K. and Bograd, M. (1988) *Feminist Perspectives on Wife Abuse* (California: Sage)
- Zorza, J. and Woods, L. (1994) *Mandatory Arrest: Problems and Possibilities* (New York: National Center on Women and Family Law)

Legislation

Adoption and Children Act 2002

Contempt of Court Act 1981

Crime and Disorder Act 1998

Criminal Justice Act 1988

Criminal Justice and Public Order Act 1994

European Convention on Human Rights 1950

Human Rights Act 1998

Family Law Act 1996

Magistrates Court Act 1980

Police and Criminal Evidence Act 1984

Protection from Harassment Act 1997

Youth Justice and Criminal Evidence Act

Case Law

A v UK [1998] FLR 959

Master of the Rolls in Re O (A Minor) (Contact: Imposition of Conditions) [1996] 2 FLR 124

Osman v UK [1999] FLR 193

R v R [1992] 94 Criminal Appeal Reports 216.

Re H (Contact principles) [1994] 2 FLR 969

Re L, V, M and H (Contact: Domestic Violence) [2000] 2 FLR 334

