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Executive Summary

A number of female survivors of Domestic violence were interviewed for this research. Each participant had previously made a charge against the perpetrator of the violence, and had subsequently withdrawn that charge. Each participant was asked a number of questions (identical for each individual), relating to factors that might have influenced this withdrawal.

A number of issues emerged which highlighted similar concerns for most or all of the participants, which played a significant factor in their withdrawing the statement. The most frequently mentioned related to issues of safety for the victim, and repercussions against family members.

Specifically, the most significant factors which prevented the victim from prosecuting were:

- Fear of retaliation from perpetrator once the charge has been made
- Fear of actual violence from perpetrator (and / or perpetrator's acquaintances) at court
- Fear of facing perpetrator in witness stand
- Fear of perpetrator (and / or perpetrator's acquaintances) post trial
- Lack of confidence in the criminal justice system to appropriately punish or rehabilitate perpetrator for offence, resulting in a "what's the point" attitude
- Lack of confidence in the criminal justice system to appropriately punish perpetrator if Bail conditions (e.g. Restraining orders) are breached
- Fear of repercussions to children and family members if charge is pursued
- Lack of confidence in protection from perpetrator from Police
- Lack of confidence in suitability and security of "safe" accommodation and facilities available to victims if they leave perpetrator

A number of recommendations are listed in this report which are aimed at all agencies and individuals involved in the support and protection of the victims, and in particular in the sentencing, restraining and supervision of perpetrators.

The recommendations strongly urge the judiciary to consider the factors involved with domestic violence cases, and to support the practical recommendations which include the availability of Witness Video Links, safe waiting areas in courts, and more appropriate sentencing.

The recommendations strongly urge the judiciary to consider the factors involved with domestic violence cases...

...different organisations in Devon... have come together to target apparent weaknesses in the way in which Domestic Violence incidents are dealt with by the criminal justice system

Overview

Multi-agency Domestic Violence Strategy Group

There are a number of individuals from a variety of different organisations in Devon who have come together to target apparent weaknesses in the way in which Domestic Violence incidents are dealt with by the criminal justice system. The organisations represented in this group include the Police, Probation and Courts¹. This group instigated this current research project in order to investigate the factors involved in the withdrawal of charges against the perpetrators of domestic violence.

Aims of Multi-agency Domestic Violence Strategy Group

The main aims of this group are listed below. The current research focuses upon Aim no. 3.

1. Increase the number of domestic violence cases progressing through the criminal justice system to prosecution
2. Introduce systems to measure domestic violence incidents and their path through the criminal justice agencies
3. Understand from recent victims the barriers they perceive to 'rejecting' the criminal justice route
4. Organise more effectively interagency working to support victims through the criminal justice process
5. Train police staff to collect more evidence and submit better files to CPS / Courts

Current Research

The aim of the current research was to interview a number of survivors of Domestic Violence, who had made a charge against the perpetrator, and had subsequently withdrawn this charge, in order to gain a better understanding of the factors involved which may have had an influence on this withdrawal. The researchers did not expect to uncover any new information, however, it was their aim to firstly formalise what is already known to professionals who work in this field, and to publicise these findings so that other individuals could be informed, and secondly, to establish how widespread these factors are amongst victims.

Acknowledgements

The researchers would like to extend their thanks to everyone involved in the Multi-agency Strategy Group who participated in the setting up of this project.

Special thanks are extended to the women who gave up their time to meet with us, and who discussed issues that were very sensitive to them with willingness and candour.

¹For the full list of members see Appendix A

Methodology

Participants

Eight women were interviewed for this research who met the criteria of having made and subsequently withdrew a statement against the perpetrator of domestic violence.

4 of these women were interviewed in the Exeter Women's Refuge. These individuals were selected as suitable by staff at the Refuge.

4 women were interviewed at a local community centre in Exeter, in a private room. These women were selected as suitable by the Domestic Violence Officers (from Devon & Cornwall Constabulary).

Each participant was assured that their anonymity would be maintained at every stage of the process, and that they would not be made identifiable in the final report.

Researchers

All aspects of this research were undertaken by Dr Avril Mewse, Lecturer from Exeter University, and Rebecca Mandeville-Norden, Research Officer from Devon & Cornwall Probation. This included the interviewing, the analysis of the interview data, and the writing of this report².

Analysis

The interviews were semi-structured, which means that despite having pre-set questions read to each participant, the researchers did not constrain them from discussing any other issues which they thought would be relevant, nor did the researchers prevent the participants from elaborating on any issue in any way³.

These interviews were recorded onto cassette, and later transcribed, and then analysed by the researchers using a procedure known as Content Analysis. This involves examining the data for reoccurring themes and ideas, and presenting these findings along with any relevant quotes.

All cassettes used in this research have since been "wiped" in order to preserve the participants' anonymity.

Structure of this report

The following pages look at the responses to each question asked in the interviews in some detail. There will be an examination of the general themes that emerged most prevalently from the interviews. Quotes will be used where appropriate to highlight any general topics or ideas. Following on from this will be the Conclusions section, in which these themes will be summarised concisely, and linked with other findings in this report.

The final section will list recommendations, which the researchers feel would go a long way to address a number of the issues and barriers to pursuing with prosecution, that are highlighted in this report.

²A copy of the information sheet given to the Participants can be found in Appendix C

³A copy of the interview questions can be found in Appendix B

Results

Demographics

- 8 survivors were interviewed.
- All were female, aged between 25 and 49 years of age (Mean age: 33.6 years).
- All participants had children. 5 had children living with them. One participant's children were adopted. The remaining 2 participants' children were grown up and living separately.
- All perpetrators in this study were male.
- 4 of the participants were living in the Exeter Women's Refuge.
- 1 participant was still living at home, with the perpetrator.
- 2 Participants were living alone in flats.
- 1 participant was living in temporary Bed & Breakfast accommodation.
- 7 of the 8 participants are English. 1 is Scottish. All participants are White.
- All participants were in receipt of benefits and all were unemployed.

"...I've got my mum. She lives near D though, but she's not very supportive either, she just thinks I'm silly. She just thinks I'm stupid, and doesn't want to know..."

Family support

- **Where are your family?**

In the majority of cases, there were no family members living near to the participant.

5 / 8 - Not here	1 / 8 - Here, but not speaking to participant
1 / 8 - Here, but not supportive	1 / 8 - Information not known

- **Are your family or any member of your family supportive?**

In just over a half of all cases, there was no family support whatsoever.

A few of the participants stated that a lack of support from family members resulted from an inability to understand why she would return to a violent relationship:

"...He can be a bit unsympathetic sometimes, like yesterday it was all my fault, because I've been going back to him, but he doesn't really understand. P persecutes me, and basically I go back just to get some piece and quiet..."

"...I've got my mum. She lives near D though, but she's not very supportive either, she just thinks I'm silly. She just thinks I'm stupid, and doesn't want to know..."

5 / 8 – Family not supportive	1 / 8 – Both parents very supportive
1 / 8 – Ex-partner somewhat supportive	1 / 8 – Information not known

- **Are you able to discuss the domestic violence with your family?**

The majority of participants were not able to discuss the violence with their families.

6 / 8 – No	2 / 8 – Yes, to some extent
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Contributory factors

Perpetrator:

Just over a half of all participants stated that **alcohol** had contributed to the violence (5 / 8)

"...He just flips. It's only when he's been drinking. He's as good as gold, you can't fault him when he's not been drinking, but if he's had a drink, he is a nightmare..."

Three quarters of the participants stated that drugs had contributed to the violence (6 / 8). See below for a breakdown of the drug type:

Drug Type	Frequency mentioned
Heroin	2
Cocaine	1
Amphetamine	1
Cannabis (only)	1
Cannabis plus others (unspecified)	1

"...He was on amphetamines, and that does make him really, really violent..."

2 of the participants mentioned that the perpetrator had a history of psychiatric treatment. 2 claimed that there were mental health issues, but did not cite evidence of medical diagnosis or treatment.

"...We went to a hospital in A. He was classified as a sociopath..."

"...P's got mental health issues. He's been sectioned a few times, but they said that he's not mentally ill, he's just very clever. He does know what he's doing. I do think he's got mental health issues..."

Nonetheless, despite evidence that one or more of these factors had clearly contributed to the violence, it should be noted that in many cases the violence occurred regardless of whether he was drinking or using drugs:

"...It was all the time really, whether he took drugs or not..."

Victim:

None of the participants implied that had they used alcohol or drugs that it had in any way contributed to the violence. One participant revealed that she had a problem with alcohol, and two women admitted to using drugs. For one individual this was cannabis, and for the other it was heroin.

The following quote illustrates how domestic violence had a significant repercussion on one participant:

"...Yes, played a big part, because he got me addicted to heroin as well. So now I'm battling to come off of heroin..."

There did not appear to be any severe mental health difficulties with the participants. Two mentioned problems with anxiety and depression as a result of the abuse:

"... I'm on antidepressants. With everything that has been going on with P, I've needed some help there..."

"...He just flips. It's only when he's been drinking. He's as good as gold, you can't fault him when he's not been drinking, but if he's had a drink, he is a nightmare..."

"...He threatened violence if I didn't withdraw my statement, which is the reason why I withdrew my statement, for fear of my safety and my son's safety..."

Has a Domestic Violence arrest and / or charge been made before?

All of the participants had, at some time, brought charges against the perpetrator. Here, some of the participants discussed various reasons why those charges had been dropped.

A number of the participants stated that it was fear of retaliation to them or their family which prevented them from going ahead with the charge:

"...I charged him and dropped it because I know what he is capable of. He has set fire to his own house when he was with his ex. It was a case of either I get my face slashed or my mum's house is set on fire. So, you take him back, don't you..."

"...I was too scared to press charges coz he used to threaten to kill my mum and dad..."

"...He threatened violence if I didn't withdraw my statement, which is the reason why I withdrew my statement, for fear of my safety and my son's safety..."

Relationship of victim to perpetrator

What is your relationship to the perpetrator?

Most of the participants were not married to the perpetrator (6/8). In fact, one participant stated that getting married to him might have made the violence worse:

"...I wouldn't marry him. I wouldn't even get engaged to him, and that annoyed him more than anything else. I wanted to get out of the situation, but I couldn't get out the situation, so I thought well, if I get married to him, that's more control that he's got over me..."

One of the two women who were married described how the perpetrator had used threats and violence to make her marry him:

"...He was my husband. But then he threatened to kill my mother if I didn't marry him. We went with two witnesses out of their heads I didn't know, and then he was locked up in a cell for 2 days, straight after the wedding..."

Are you still in a relationship with the perpetrator?

Only 2 of the 8 women interviewed were still in a relationship with the perpetrator. One of these two women described how Probation appeared to be having a positive effect upon him:

"...Yes, we are still in a relationship, and since the court case he's on probation, and I have actually found that we probably only see each other for a maximum of 4 times a week, because he's now actually walking away from situations when it's getting heavy, which is good..."

One of the two married women described the reason why she would not try to get a divorce:

"...still married. I've been too scared now in case he finds out my address..."

How long have you been together with your partner / perpetrator?

The length of the relationships ranged from 8 months to 120 months. The mean / average length of the relationships was 45.5 months.

Any break-ups? Getting back together?

All but one of the participants had broken up with the perpetrator at some point in their relationship, and had later returned to him. This appeared to be a frequently occurring pattern throughout the duration of the relationship for all of these 7 women.

A number of the women described examples of how this would occur, and the reasons behind returning to him. In most cases it appeared that the women felt that they had no choice other than to return to the perpetrator once he found them:

"...If it got too bad, I would wait for my chance, and I would just go and stay with my mates, then he would go and confront my mates, and they would be too scared, and they would be like 'yeah, she was here'. So everybody that I went to, he stopped me from going to them, coz they were too scared to help. So in the end you couldn't go anywhere..."

"... I've been running away from P since we first went out with each other, and it was about 3 or 4 months after we first went with each other... he was violent almost immediately."

"...everybody that I went to, he stopped me from going to them, coz they were too scared to help. So in the end you couldn't go anywhere..."

"...Well, I left him quite a few times. I've been in about 10 refuges. I kept going back, because it was like he had a hold over me, I still feel like I can't survive on my own sometimes. It was mental torture, making me feel I had no self worth..."

I always went back. He was very, very controlling, and he always found me, wherever I went. And he would bring me back home again, and it would be alright for a few weeks, and it would start again..."

One woman described how the perpetrator's "hold" over her was so great that she returned to him freely:

"...Well, I left him quite a few times. I've been in about 10 refuges. I kept going back, because it was like he had a hold over me, I still feel like I can't survive on my own sometimes. It was mental torture, making me feel I had no self worth..."

One participant described the "safe" accommodation that she and her children had been put into as being so bad that she had no other choice but to return to the perpetrator:

"...They did put me in a B&B if you could call it that. It was disgusting. That was last summer, and you couldn't stay there... the bunk beds were broken so they couldn't sleep on the top bunk. There was all blood in the beds where they hadn't changed the bedding. You just couldn't stay there. It was disgusting. So we ended up going back home, and I was back to square one..."

The one participant who had not experienced break-ups with the perpetrator had simply stayed with him until she could take no more:

"... I stayed with him until I had enough..."

Length of gap between making the statement and then withdrawing it?

The length of the gap ranged between 24 hours to 2 months for these 8 participants. Most however appeared to withdraw their statement within the first few weeks.

One woman who had withdrawn in the past, yet was currently in the process of pursuing the most recent charge described why this time she felt that she would go through with it:

"...I'd just had enough. Both my kids, they were due to go for adoption. And I was given one last chance to fight to get my kids back to protect them, and I thought this is what I've got to do to protect me, to protect them, to stop him having kids in his care..."

Can you tell me a bit about the frequency of domestic violence incidents?

The frequency of the incidents did vary somewhat, however, more often than not the violence did appear to be very frequent.

6 / 8 – Daily or weekly	1 / 8 – Not specified
1 / 8 – Every few months	

One clear finding was that not only did the frequency of the incidents increase over time, but so did the intensity and severity of the violence:

"...I think that it was getting more serious. I actually felt that he was going to end up killing me... it's almost like to see how far they can go. It seemed to be getting more and more serious and more frequent, to the point where you are almost on tender hooks, coz you can see it coming..."

"...3 or 4 times a week. Every weekend. Every morning... It came to the stage where I got petrol thrown over me, and he'd stand there with matches... he'd make me stay up for a week, I wouldn't be allowed to go to my bed I would have to stay up..."

"...They were very regular. I'd say twice or three times a week in the beginning, and that just escalated..."

Court process

Under what circumstances would you have given evidence?

A number of factors were mentioned which might have enabled the participants to give evidence in court. For example, two of the participants stated that if they had not had to face the perpetrator then they might have given evidence:

"...Not standing in front of that person. Having a screen or something to separate you. Because watching him stand there... there's no way you're going to say anything against them. They're giving you the eye, and you know what it means. Nobody else might know but you do. You know that look... 'if you say this, you're going to have it when this is all over'..."

"...Just basically not having to face him..."

Other participants expressed concern for their own and their family's safety after the case is heard:

"...If they could have guaranteed that he wouldn't have come back, then there wouldn't have been a problem. Where I live, I've got all his family around me, and all his friends are around me, and if he doesn't come, then I've got one of the other of them. The kids go out and play and they get picked on by the other kids, saying 'you've put my uncle S. in prison', coz he's been remanded a couple of times, but it's just not good for the kids in the long run, and certainly not for me...not wanting to take them to school or play school in case you bump into somebody..."

"...I withdrew because I know what he's capable of, when I moved down here, they put surveillance on my mother's house, my sister's house and my brother's..."

One participant stated that she would have liked the police to have taken a more active role in prosecuting, and that the process of prosecution should have been quicker:

"...I think that because everybody knows what's going on, the Police know what's going on, but at the end of the day, the Police can't do anything about it until that woman makes that jump, and my attitude is that the Police should just go round and if there's evidence take them... the next day: court. You shouldn't have to wait 3 months or 6 months, it should be a case where the bobby has full control, lift them, lock them up, then take them to court the next day..."

One participant described her concerns over what might happen during the court process:

"...It was hard. I was wary about going to court because I knew that he would blow up..."

What was the communication with the Crown Prosecution Service like?

The researchers were given the impression that most of the participants had a limited understanding of the work of the CPS.

Most claimed not to have had any communication with the CPS.

5 / 8 – No communication	2 / 8 – Did not know
1 / 8 – Yes, but CPS were unsympathetic	

"...They weren't that helpful. They don't seem to understand that it is frightening to stand up in the dock, with somebody looking at you..."

"...It was hard. I was wary about going to court because I knew that he would blow up..."

If you could have given evidence out of court, would that have changed the situation? (e.g. using a Video Link)

3 / 8 – Yes

2 / 8 – No

1 / 8 – Unsure

1 / 8 – Not willing to go to court under any circumstances

One women described how a video link would help her and other women in a similar situation:

"...It would, because at the end of the day, you're not facing him. I couldn't face him because I know at the end of the day he's still got me over a barrel. It would help because a lot of women still have feelings about that man, but it's not feelings of love, it's feelings of guilt, and as soon as you get that guilt trip, that's it. You're back into his hands..."

"...That would be better. I don't want to see him, because that would give me flash-backs, and I'm trying to get rid of the flash-backs. I know I've got to be there to talk about what happened that night, but I would rather not see his face..."

One women described the wider implications of using a video link. Namely that you would avoid the perpetrator in all areas of the court which may pose risks, and not just in the witness stand:

"...It saves you having to go into that situation, coz you've still got to walk that street, you've still got to get off that bus..."

One women stated that a video link would not be necessary as she wanted him to see her in court:

"...court made it real to him. When it was made out, the injuries and what lead up to it, you could see him like 'oh, no...'. so being in the same room made it a reality to him. It was already a reality to me..."

Did you have contact with the perpetrator even though there were bail conditions on him (phone, text, email, anything)?

"...he comes back when he feels like it. It doesn't matter what bail conditions he's got, he'll come back if he wants to..."

All 8 of the participants had had contact with the perpetrator.

One women described how the perpetrator would make contact with her regardless of what conditions were placed upon him, and how she had to be moved hundreds of miles to escape him:

"...At the end of the day he's not the kind of person where an order would stop him. He's got other ex's who have been through the same, so this is an on-going thing for him. He was done for kidnapping, but he still sees his kids...he likes to keep track of his women, and that's why I was shifted down here because he's got people in Ireland, Hull, Newcastle, Inverness... there's a lot of places that I can't go because he's still got contacts... I feel a lot safer down here, coz at the end of the day he doesn't know anybody. I've also changed my last name..."

"...he comes back when he feels like it. It doesn't matter what bail conditions he's got, he'll come back if he wants to..."

"...The thing with S. is, that he is one of these where he will get out on bail and he's not allowed to come anywhere near me, my address, and I think, yeah, if he don't come near me then it's fine, but he'll turn up anyway, he just doesn't care. He just wares you down..."

Another participant described the frequency of this contact:

"...I never had contact with him, but even though he had bail conditions he was still coming round to my house. I phoned the Police. He did this nearly every day..."

One woman described how the police appeared to be powerless at stopping the perpetrator returning to her home:

"...he kept coming back and coming back, in the end he came into my house, and said 'this is my home, and I'm staying here', and I thought 'hang on a minute', so a couple days went past, and I thought, 'what am I going to do...?' and he started getting nasty, and before he even had the chance to give me a slap or anything like that I just rung the Police and said 'look, he's breaking his bail conditions, he's at my house, come and get him' and they remanded him. He still got out 2 days later and was back again..."

Did the solicitor for the defence contact you at all?

5 / 8 – No

2 / 8 – N/A

1 / 8 - Yes

In the majority of cases either no contact was made, or there was no defence solicitor to make any contact. However, the one participant who had been contacted described the pressure that she felt from the perpetrator's solicitor, and how this had influenced her returning to him:

"...Yes, he asked me to speak to him and meet him, giving me messages from him, and love letters. Made me break down and get back to him..."

"...I never had contact with him, but even though he had bail conditions he was still coming round to my house. I phoned the Police. He did this nearly every day..."

Support from Professionals

What agency, organisation, professional or key person was most supportive or helpful to you when you started going through the court process?

1 / 8 – DVO & Women’s Aid most helpful 4 / 8 – DVO most helpful
 1 / 8 – Outreach & DVO most helpful 1 / 8 – Social Worker most helpful
 1 / 8 – No one helpful

6 out of the 8 participants stated that their Domestic Violence Officer was the most helpful or supportive. Many participants expressed satisfaction with the manner in which the DVO worked with them:

“...It’s been Wendy. She’s been really good. She’s helped me realise that he’s never going to change, he’s getting worse and worse and children were gone, and he’s still being violent...”

“...Support from Leslie has been absolutely brilliant, she always rings me up to make sure I’m OK...”

One woman described the affirmative action taken by Social Workers which resulted in her and her son being re-located to a refuge hundreds of miles away from the perpetrator. Here she describes how the decision had to be taken out of her hands:

“...this time it was their choice; they said ‘you either stay with him or we’re taking your son off you... we’ll Shanghai you out of here’. And that’s what they did; they shanghaied me out of S. My son was on holiday with his dad in H. and he didn’t know what was going on, so when he came off the plane he had to be escorted by the Police, so they had to get the airport secured. But if it wasn’t for them having the meeting and putting him on the risk register, I would have still been in the same situation. They had to come in and say ‘this is what we’re doing, we’re not listening to you anymore’, they took control, because they knew for a fact that I don’t have the control to say ‘I’ll move myself’...”

*“...Women’s Aid:
the staff here
have been really
good...”*

In addition to the DVOs, Women’s Aid were mentioned by one participant as being helpful:

“...Women’s Aid: the staff here have been really good...”

One participant discussed her concern with the lack of available support and protection if she had pursued with a charge:

“...At the moment, there isn’t what I would call a safe house. Even if you go into a women’s refuge you’re not safe. P attacked me when I was staying in a women’s refuge, and because he attacked me in the vicinity of the refuge, the refuge threw me out, because they said that he was a danger to the other residents. They threw me out, right into the thick of it really. I would have liked them to be more helpful. I don’t think women should be thrown out because their boyfriends pose a threat. This is why you go into a women’s refuge, because your boyfriend is threatening you...”

“...I had nowhere to go, and the council put me into bed and breakfast where I am now, but the council have also told me that if he comes around pestering, and is a threat to other residents, then I’ll be thrown out again. And they won’t give me anywhere this time. I’ve been at the B&B for 5 weeks now, and he’s been causing loads of trouble. Leslie Valentine (DVO) has been on to the council and told them that it isn’t me fault, I’m doing all I can. I’ve just taken out an injunction, to stop him coming anywhere near me and E. He’s been breaking into the house. He’s been pushing me back into my room and locking the door. Been violent, and drinking, and high on drugs, it’s been pretty frightening the last week...”

How did they help/support you?

Most of the participants appeared to have received either practical or emotional support from one or more of the various agencies.

For example, one woman described how her male DVO had promised to protect her during the court process, from both the perpetrator and his acquaintances:

"...My Domestic Violence Officer has promised me that he will come to court with me, and he won't leave my sight until he's made sure I'm on my way out of Cornwall again. He said he'd get there before I get there and make sure that none of his friends are waiting outside for me..."

Another participant mentioned the support that she had received from her DVO:

"...She's just there at the end of the phone. And if she doesn't hear from me, she'll give me a quick ring..."

What else might they have done to be more helpful?

One participant felt that support agencies should place a greater emphasis upon the protection of women, rather than focusing primarily on the protection of the children involved:

"...I can understand that it's the children that they are watching out for, but it's always the children. It shouldn't be. They should be watching out for the woman and the child, instead of saying 'we're taking your son off of you.' Coz at the end of the day, if I had agreed that they could take my son off of me, I could have been dead the next day, so they've got to look at it from the mum's point of view as well as the child's, and they don't do that.

I don't think that's right because it's the mum and the child that's getting it. Here, you've got some mothers who don't have their children with them, because of the man. The social workers have gone and lifted the kids but the mum is still getting the beating. At the end of the day, that's not solving anything. They should be saying 'we're looking after your safety and your child', not just 'your child', because at the end of the day if they take your child away, what have you got? You've got nothing. You'll carry on with your beatings, and he'll go on to the next woman with the child, and do the same again... if they take your child away from you, where else are you going to go? You'll stay with the man because you've got nothing else..."

Some of the participants stated that support agencies could be more helpful if they offered a greater amount of information to the victims. For example, the first of the two quotes below is taken from a woman who did not know what would happen at a refuge, and the second quote is from a woman who did not know that they were available to her:

"...Might have helped if they had explained things to me. I didn't have a clue what was going to happen when I got there. That was another thing that scared me..."

"...The Police could have let me know there were refuges, then I might not have lost my children. The social services could have been more useful and put me in a mother and baby unit, which I didn't know existed. They were supportive the last time, but it was a bit late then..."

Despite many participants describing the support, one person mentioned the inevitable limitations with such agencies:

"... there is only so much that they can do. They can only be there for you, and listen to you. They can help you as much as they can, but they can't say 'here's a house, go and

"...She's just there at the end of the phone. And if she doesn't hear from me, she'll give me a quick ring..."

He's broken in 8 times this week. I've had the Police out 8 times this week. He's been violent. He's been drinking, and he's got in. He knows he's not supposed to be there, but he comes in because he knows the Police won't do anything..."

move into it...' or 'I'll put him in prison and throw away the key...'. They can't. They do what they can..."

One women expressed significant dissatisfaction with the Police (not DVOs):

"...It's the Police and the prosecution service... like this week, P's been breaking into my home, which is a B&B, he's not allowed to visit there, or come in, but he has done. He's come through the back door, or he's climbed up the side of the building into my window, and I've had the Police out every time. It's been a 999 call, and they have done nothing. All they say is they have to get an injunction before they do anything. They haven't arrested him, they haven't given me a harassment order or anything. I think a lot of it is the paper work. I don't think they can be bothered. He's broken in 8 times this week. I've had the Police out 8 times this week. He's been violent. He's been drinking, and he's got in. he knows he's not supposed to be there, but he comes in because he knows the Police won't do anything. The council are telling me that if he comes into the B&B that I'll be thrown out with my son. It's really made me angry that the Police won't arrest him..."

Consequences of proceeding

Did you have any concerns about the perpetrator?

The majority of participants did not have any concerns for the perpetrator, as a consequence of proceeding with a charge. In fact, only one women cited a specific concern about the perpetrator:

"...if he is locked up in there, he's suicidal. They put him in 'blues'..."

One participant stated that rather than feel worry for the perpetrator, they were more likely to feel guilt or even regret:

"...I wasn't so worried. I think guilt gets to you more than anything else, it's a case of 'maybe I shouldn't have done that... I know that he's got a problem, I could have helped him out by sticking with him, or going to the doctors with him, I could have stuck it out... he might have just calmed down...' because you always want to think better of that person, because they do have a good side to them, but it just takes stupid little things to trigger it off. So you know he's a good person, you know it's not his fault, so it's basically pure guilt on your behalf, but it's the way he makes you feel, and that brings on the guilt..."

The majority of women however, appeared to only have concerns about their own safety, and that of their families. A few of the participants expressed concern about the fact that they were being watched by the perpetrator's acquaintances whilst he was in custody:

"...he would get somebody to watch me so he knows what I'm doing, where I'm going, and when he comes out – you know he's going to come out! When he came out in N., he knew everything that I was doing, and it's like 'I haven't been doing anything, I've been working...' but because there was so much gossip going back to him, and he believes what he wants to believe, you get the hiding for that, so you know that it doesn't matter where you move in that area, he's still got somebody watching you. You know when he's coming out, and he'll make an appearance because he always makes an appearance..."

One women felt that there was no need to worry about the perpetrator, as it was highly unlikely that he would receive a sentence that might justify concern:

"... I think the system really stinks. They walk in, and walk out with nothing. He was charged with ABH, it was dropped to Common Assault, there was talks about plea bargain... how can you plea bargain a common assault? For Breach of bail he got a slapped wrist. 'Don't contact your wife again...' it's all so frustrating. You're the victim here. You lose you home, your children, absolutely everything. They seem to be running around doing everything for them. I don't have any worries about him. He deserves everything he gets. If he's man enough to raise his hands, then he's got to be man enough to take the consequence..."

"...The Police actually pursued that charge, but because I went back to him the judge said that they weren't going to imprison him, and fined him £300. If the court had looked at what I went through, the reasons why I went back to P – because I felt sorry for him when he was beaten up – he begged me to take him back, said he wouldn't do it again, and he did..."

"You're the victim here. You lose you home, your children, absolutely everything. They seem to be running around doing everything for them..."

What did you think his sentence would be if you pursued the case?

“He attacked his first wife with a claw hammer, and was jailed for 6 weeks, which I think was a disgusting sentence...”

The general consensus was that the perpetrator would either be let off, be given a Community sentence, or a very short prison sentence:

“...He'll get nothing. It's his first offence. He's going to walk out Scot-free. I should have pursued it time and time before. He'll do it again, and then next time he'll hopefully get a stronger sentence...”

“...It would be a case of 3 months, and that's not a lot. What can you do in 3 months? Not a lot. If it was 18 months you could get a new life together, you could move...”

“...I just thought he'd get told off and that would be it. Nothing would come of it. And he'd be walking the streets with more anger...”

Past experience appeared to influence what sentence the participant believed the perpetrator would get. In fact, the following quotes illustrate how this would directly influence whether the participants would pursue charges in the future:

“...He's been in and out of prison for violence on other people but not on me and he was always getting 3 months or 18 months, and when he attacked a prison warden he only got 200 hours community service, so how would you turn round and say 'lets go to court, he's only going to get 200 hours community service!' and that's on a prison warden!”

“...Yeah, he would have been let out again. Which is normally what happens. Every time I've taken him to court before, he's always been let out. He attacked his first wife with a claw hammer, and was jailed for 6 weeks, which I think was a disgusting sentence. Which is why a lot of times I don't bother because 6 weeks is nothing...”

“...It does put you off, because you know for a fact that they are not going to get a lot...”

One participant described how she has been told by her DVO what the likely sentence would be, which indicates that many victims will be given an accurate estimate of the sentence type and length:

“...Wendy reckons it'll be Probation. Maybe a fine, or compensation. It'll be next to nothing really...”

One participant described how prison would be the most beneficial punishment for the perpetrator, with regards to possible repercussions against her:

“...After going though all this and if he gets a fine or community service, or nothing, he's going to be pissed off with me, whereas if he was sent to prison, he'll probably be angry to start off with but he's got his time in there to calm down, before he gets out...”

A few women were sceptical about whether a prison sentence would have any positive influence upon the perpetrator. In fact, some of the participants stated that they believed that a prison sentence would only make things worse for them in the long run:

“... (prison) doesn't do him any good whatsoever. He just sits and thinks and it goes round in his head and makes it 100 times worse. It might not come out for 6 months, and then 'when I was in prison, you were out with so-and-so and so-and-so...' and it's all what different people have told him, and it all gets twisted around and it's just a nightmare. So the longer he's in there, the worse it is when he comes out...”

“...When I gave my evidence, I did say to the magistrates that I felt that prison wasn't the answer, and that he needed other help in managing his anger. He was in prison for 16 months before, nothing to do with me, but he came out such an angry person, and that's made him worse towards me because he seemed to take everything out on me...”

"... It worries me because he sits and thinks and it winds him up and it doesn't chill him out, and he doesn't think, it just goes round and round in his head and it makes him 100 times worse. So when he come comes out..."

Did he lead you to believe that anything specific might happen to him?

Only one of the participants was made to feel as though something detrimental might happen to the perpetrator if he received a custodial sentence:

"...He always said that he would commit suicide..."

When asked if that would have stopped her from going through with the prosecution, she replied:

"...Yes, definitely. I don't want to see him dead. I want someone to help him really, he does need help..."

Safety issues

Did you have any concerns about appearing in court? (e.g. personal safety issues)

“...You should have separate doors where you can’t see each other. I felt intimidated, not so much that he would beat me up in there because of the security, but the emotional (element) was worse than the violence sometimes. It was just so horrible...”

All 8 participants expressed concerns for their own personal safety by appearing in court. Many of the women described their fears of being physically attacked in or around the court by the perpetrator:

“...What I was told was ‘don’t worry, there’s heaps of Police there, it’s a court house’, that didn’t even give me self satisfaction, because I knew at the end of the day he was going to be there. He’s not hand cuffed. He is still on the loose. He can get you outside the courthouse, he can get you inside, because at the end of the day, he might get 3 months, might get 200 hours community service, what’s he losing? He’s not losing anything. But he’s going to get you...”

Some of the participants also described their fear of being attacked physically or verbally by the perpetrator’s associates whilst at court:

“...I’ll be brought in and out of court. I’m not going in on my own because of his associates...”

“...I got told that his brother and some of his mates were waiting for me when I got to court, which worried me...”

“...He used to be there with his friends and be very intimidating...”

One of the participants described how she felt about having to face the perpetrator, and how she would like separate facilities for each party whilst in court to help prevent the emotional / psychological turmoil of having to see him:

“...You should have separate doors where you can’t see each other. I felt intimidated, not so much that he would beat me up in there because of the security, but the emotional (element) was worse than the violence sometimes. It was just so horrible...”

One participant described the process of having to be quickly and discreetly removed from the court by unconventional methods just to avoid the perpetrator:

“...I had to go to court and I had to go into a big room, because P. was waiting outside, and he was ready to whisk me off to S., and I didn’t want to go to S. I didn’t have much of a choice coz he said I was going and that was that. So I told my solicitor. They put me in a little room, contacted the Domestic Violence Unit, and Lesley (Valentine). I jumped out of the window of the court and into the Police station so I would avoid P., waiting outside the door, and then I went to the women’s refuge...”

If you had appeared in court did you have any concerns about what might happened to you after the court case?

7 of the 8 participants all clearly stated that they would probably be assaulted by the perpetrator after the court case, particularly if the perpetrator had received a custodial sentence: The following quote is taken from a participant who described what had happened in the past when the perpetrator had been released from custody:

“...He is one of these people who is very, very nice. He would come home and make a meal then he’d snap, then he would turn aggressive: ‘you put me there, you did this, you did that’, that’s what he would do. He’d say in court ‘don’t worry, if I get locked up, I get locked up’, he’d be very nice, but as soon as he got home, you’d get battered...”

Similarly, other participants expressed similar concerns for their own safety:

"...Depending on what happened, yeah, he'd probably be pissed off and hunt me down..."

"...Yes, he'll get revenge, I know he will..."

Did you have any concerns about the safety of your children?

3 of the 5 participants had children who lived with them (i.e. not adopted or in care). Of these 5, 3 expressed concern about the safety of their children. One of the participants described some of the abuse inflicted upon her child by the perpetrator:

"...he made him empty out of his room, and made him sleep like a prisoner... I tried to protect him one day, and he took an axe to me, and he swung him like a doll... (he) smashed up his play station and stole all his toys, he wasn't allowed to play with this, and he wasn't allowed to do that, and he wasn't allowed to come down and get breakfast like normal children, he had to stay up in his room until 12, 1 or 2, or when he says to him 'you can come down and get something to eat'...."

One participant described how the children had become involved in the violence directed towards her:

"... The children were knocked to the floor. The baby was two weeks old in my arms, I was being punched in the head. All I could do was cradle her in. I fell to the floor when I was 7 months pregnant with the third baby. So the kids have been completely caught in the midst of it all..."

One of the women described the threats that the perpetrator had made about what he would do to her child. In addition, she described the emotional and psychological damage that her child was experiencing as a result of being around the perpetrator:

"...Yes, I do fear for his safety. When P's not in his right mind, he threatens to take E and kill them both. Which I believe he will do if he had the chance. He's never been violent towards him. He's been horrible and nasty towards him but he hasn't actually hit him. He's woke him up in the middle of the night, and thrown me out of my bed, and E's been thrown out of his bed too, so we've both ended up on the settee in the front room, and then he comes back in and wakes us up on the settee and say 'why aren't you in the bedroom'.... Last week he came down to the house, and came in to see E. He was drunk, he had a scalpel blade on him, and was stabbing one of E's toy dogs in front of E, and then E starts doing it..."

Two of the participants stated that they were not concerned about the safety of their children. However, it appears that they were focusing upon the physical safety of the children, rather than considering the emotional or psychological impact that witnessing the violence might have upon them. For example, the following quote is taken from a participant who was not concerned for the children's physical safety. However, it is clear that the children had certainly witnessed the violence directed towards her:

"...He would never hurt the kids. I'm not saying he hasn't pushed me in front of them. a couple of times he's done it when they've been home. They haven't been in the room, but they've been up, or come in from outside..."

"... The children were knocked to the floor. The baby was two weeks old in my arms, I was being punched in the head. All I could do was cradle her in. I fell to the floor when I was 7 months pregnant with the third baby. So the kids have been completely caught in the midst of it all..."

Other issues

What was the one most significant factor that made you withdraw your statement?

There were many reoccurring answers to this question, the most frequently cited being fear of the perpetrator. Many of the participants expressed fear for themselves and for their family:

"...I was scared that he was going to kill me and my family..."

A few participants had hoped that the perpetrator would change. A few women had withdrawn their charges because they felt that they were manipulated into believing that the perpetrator would not be violent towards them again:

"...I've always believed that marriage is for life, for years I've just tried to keep the family together. He kept saying 'yeah, I'll change, I'll change' and I just kept thinking, yeah, maybe he will. It was 'I can change him, I can sort this...'. I just kept trying and trying for the sake of the kids. But then realised it was the wrong thing to do..."

"...Other times he manipulated me into thinking he was sorry, and wouldn't do it again, and would change..."

"...The fact was that all the way down the line I had convinced myself that he would never hit me deliberately, but he did love me, but he couldn't help the way he was with his fury and anger, so that's the reason why I didn't do anything about that..."

One woman described the emotional state that she was in, which resulted in her feeling utterly dependant upon the perpetrator even though he was abusing her:

"...he brainwashed me. I wasn't really thinking. I didn't have a mind of my own. I felt lost without him, and didn't know how to think, coz I wasn't allowed to speak most of the time. Even when he was beating me up, if I cried it would make him more violent. I wasn't allowed to show any emotion, which is why I find it hard now..."

One participant explained that the main reason that she would not pursue with the case is because she believed that he would not receive a custodial sentence, and she would therefore still be at risk from him:

"...If he went to jail, I'd go ahead. Knowing that he wasn't able to come out after, because then he'd be in jail. He'd have time to think, and cool down. He definitely wouldn't go to jail though. He hasn't before. They don't even arrest him now when he does something so there is no chance he'd go to jail. And this is why a lot of other women won't report. I've got friends who get hit around by their men, but they won't do anything about because they know nothing's going to be done..."

What was the one most significant factor that might have helped you to proceed with the prosecution?

3 of the 8 participants had proceeded with the prosecution because they had simply reached "breaking point". In such instances, it appears that the violence had escalated to the point that the participants felt that they were in genuine fear of their lives:

"...every week for about 6 weeks I took beating after beating after beating and it was ... where he works, so it was like open to customers and everything, pulling knives on me, and it just got to the point where I thought, this is it. He was saying 'I've stabbed someone before, so I could do it to you...'. And the last incident where I had him arrested I thought that's it. I've got to pursue it because he is going to kill me. It was a macho thing: 'I've done it once, I can do it again, it wouldn't bother me, I got away with it...' the week before he had smashed me in the face and there was blood all over the place."

"...I've always believed that marriage is for life, for years I've just tried to keep the family together. He kept saying 'yeah, I'll change, I'll change' and I just kept thinking, yeah, maybe he will. It was 'I can change him, I can sort this...'. I just kept trying and trying for the sake of the kids. But then realised it was the wrong thing to do..."

I had 2 black eyes, my nose was swollen. He made me go and see all 3 children like it. The following day I was in a right state, and had to lie to everyone, and say I got jumped by 2 girls. That was when I realised that that was it. Enough was enough. So the following week he assaulted me again and I had him arrested..."

"...Because I couldn't see it ending, I couldn't see that he was going to help himself, he wasn't willing to take the responsibility of his action. It was like, if he didn't talk about it, it didn't happen. In the end he had no respect for me or my property, and property that I had worked hard to get, and he though 'well, I'll smash that...' ..."

"...there have been quite a few charges. I did go ahead with one. That was in E.. One night he took a stick to me, I was 7 months pregnant with E. at the time, it was an iron bar actually, whacked me at the back of the legs, but I managed to escape. I was very badly bruised, my legs were out here... I spent a night in hospital... I went on to a women's refuge in E..."

One participant stated that she would have been more willing to have pursued with the case if her safety had been assured:

"...It would be guaranteed safety, but you're not going to get that no matter what. You could move to the moon, and there's no guarantee that you'll be safe. If they could move me anywhere... I don't think he's want to travel all the way to E, or B, or W, just to give me grief. In that respect I would be a lot safer..."

2 women stated that they might have pursued had they not had to face the perpetrator in court:

"...It would be not standing up in front of him in court, and also not seeing him on the streets after. It's actually facing them...that's the worst..."

Did you want to hand the responsibility for prosecution over to the Police to take care of?

A number of the participants agreed that the police should prosecute the perpetrator, rather than leaving it to the victim:

"...Yes. Coz then it won't come back on me. It's still your fault for ringing the Police in the first place, but then... it's like he says... he knows he does wrong after he's done, he knows that he shouldn't have done it, but he also knows that I've got that choice as to whether I drop the charges, so he knows that if he keeps on and on and on enough, he'll do it. Because you just want the easy life. It's easier to do it like that than it is to keep having him go on and on and on at you all the time. So if it's taken away from you, then he's not going to be able to give you that grief. If he knows that it's up to the Police and not just me then the chances are he's not going to do it, because if it's up to the Police, then they're not going to say, 'oh, alright mate, we'll just let it go...'. If you haven't got the choice, then chances are that he's not going to do it... in the end they're going to get so fed up with keep on arresting him for the same thing, and he's going to get longer and longer sentences, and in the end he's going to be in prison more than he's out, and he's not going to like that. Whereas, when I've got a choice, it's 'oh J, I can't hack it in prison, I'm sorry... please help me...'. You just feel so horrible for putting them there in the first place..."

"...I think if the Police were allowed to charge people themselves. That would make life a lot easier. If the Police came in and said 'right, we are charging you with...' that's what I think the Police should be allowed to do. I reckon that if they've got their facts and they know the family, and 80% of the Police know what's going on. I mean, a neighbour used to stand and watch, and they were told 'when you see anything, phone', they didn't

"...It would be not standing up in front of him in court, and also not seeing him on the streets after. It's actually facing them...that's the worst..."

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because they knew what he was like so they were in the same boat as me practically. So the Police should be allowed to come in and say 'we're lifting you now, we're charging you, we're taking you to the cells, you're in court in the morning..."

A few of the participants described how the action taken by the police had improved over the past few years:

"...This time they were really good. They took photos straight way of the injury on my face, whereas before that would have never happened. So a year on they were quicker and a lot more responsive..."

"...It's totally different now. Before it was like 'oh, not again...' and I was told that I was going to be done for breach of the peace in my own home...! That's how it was, because you must be to blame..."

Conclusions

A number of key factors emerged from this research that were of relevance to nearly all of the women interviewed. Central to these were the issues surrounding the high levels of intimidation, pressure and threats faced by the victims when they attempted to seek redress through the courts. In many cases the participants reported feelings of isolation and loneliness and said that they experienced both shame and a loss in confidence that made it difficult to ask for help from friends and family. In a number of cases it was clear that when families were involved, an inability to understand the victims situation resulted in further alienation and even less support. This reinforces the well-researched view that a victim is less likely to pursue a charge made against her partner if she has no external support or encouragement.

It was very clear that in the majority of cases where the perpetrator used alcohol or drugs on a regular basis both the frequency and level of violence used increased significantly. Not all assaults were committed during periods of intoxication with many perpetrators capable of using violence as a matter of course.

All of the women in the study had made a charge against their perpetrator at some point in the past, and all had dropped these charges due to a combination of factors. Most of the women were genuinely fearful of the repercussions that might ensue. These involved physical attacks directed towards them, their children and / or their family. In addition, the participants did not feel that they had been offered adequate protection from the police to prevent them or others being harmed. Furthermore, many said that they faced a very real risk of retaliation from the perpetrator, and many had experienced harassment or intimidation from the perpetrator's family and friends.

The majority of women had managed to leave their partner at various stages of their relationship, and yet had always returned to him. The reasons for returning were identical to those they gave when asked why they had dropped the charges they had made against him. In most cases the perpetrator would actively seek out the victim, and, using a combination of threats and actual violence, would force her to return home with him. In many instances the perpetrator would also intimidate anyone who helped or supported the victim at this time, and prevent her from having further contact with them. This reinforces previous research showing that victims of domestic violence have little to no support from external sources. In some cases actual violence was not needed to force the victim to return home. Often the psychological damage that results from abuse leaves the victim feeling helpless and unable to survive on their own. This finding supports further research which shows that domestic violence often leaves the victim feeling depressed, with extremely low self-esteem and little or no feelings of self-worth. Very worryingly, one victim who did manage to leave an abusive partner felt unable to remain in the emergency council accommodation provided as it proved to be too unhygienic and unsuitable for her and her young children. Sadly, the accommodation was in such a poor state that she felt she had no alternative but to return home.

When asked, many of the participants stated that had their experience of court been different then they might have given evidence against the perpetrator and not dropped the charges. Firstly, a number of victims stated that they feared having to face their abuser in the witness stand. One women described how intimidating simply being looked at could be. A number of victims agreed that if they could have given evidence out of court then that might have changed the situation. Indeed, one claimed that using a Video Link would not only make it easier to give evidence, but would also prevent the possibility that an attack might occur in or around the court. This highlighted a major concern expressed by many of the victims that they were vulnerable and exposed to risk, whilst in the waiting areas of the court. As such, it is clear that threats or actual physical abuse is by no means limited to the home

A number of key factors emerged from this research that were of relevance to nearly all of the women interviewed. Central to these were the issues surrounding the high levels of intimidation, pressure and threats faced by the victims when they attempted to seek redress through the courts.

environment. A further concern was the length of time that it takes to bring the perpetrator to court, as the longer it takes, the more opportunities it provides for the abuser to intimidate or threaten their victim.

All of the participants said that they had been contacted by the perpetrator whilst they were out on bail, regardless of any bail conditions that might have been set. This gave ample opportunity to use threats or violence to pressurise her from going through with the prosecution. The general consensus amongst the victims was that the police were unable / unwilling to prevent this from happening. One woman described how the perpetrator returned to her home whilst on bail for a second time after breaching his original bail conditions, within two days of being remanded by the police.

Almost all of the participants stated that the Devon & Cornwall Constabulary Domestic Violence Officers had provided the most support and help during the process. This ranged from emotional support to actual physical protection whilst appearing in court. A number of other agencies were mentioned as offering real help and guidance, these being Women's Aid and Outreach.

The majority of victims claimed that had they proceeded then they believed that they would have been the victim of violent reprisals. Indeed, many stated that the physical violence might ensue immediately after the court case if the offender received a community sentence. Many women also felt that if the perpetrator received a short custodial sentence then this might increase the severity of the reprisal. Indeed, most of the victims believed that it would not be worth proceeding with a charge because the sentence that the perpetrator would be likely to receive would be so insignificant, that it would not be any value as a deterrent, nor would it be proportionate to the offences committed towards her.

A number of victims expressed the view that the police should be able to take a greater role in the prosecution of perpetrators. If this were to occur they believed the perpetrator would have no control over whether the prosecution goes ahead or not, as they would have no influence over the police.

In conclusion, this research has shown that victims of domestic violence often do not proceed with prosecuting their abuser because of fear. This can take the form of fear for themselves, fear for their families and fear from the perpetrator's family and friends. In fact, the victims stated that fear colours their experience of the entire process from making their first statement to the police to appearing in open court. This research has shown that on occasions, some perpetrators can threaten or assault the victim at any stage of the process with little or no consequence. Indeed all of the women interviewed for this study reported that their abuser often breached bail conditions that prohibited contact and threatened them right up to the moment that they appeared in court or dropped the charges. A final and perhaps most worrying belief held by the victims was that regardless of sentence, their abuser would exact a violent revenge at some time in the future. This belief was often based on personal experience of where even custody did little except delay the inevitable.

This research has demonstrated that in the rare occasions when a prosecution does take place, it is likely to occur when the abuse becomes so severe that the victim is in genuine fear for their own life (or the life of a family member). In cases such as these, it is possible that this will be the first time that the perpetrator has been formally tried, and is therefore highly unlikely to be given a sentence that is commensurate with the damage that has been caused.

*...fear colours
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Recommendations

The aim of this research was to highlight the factors that may be significant in preventing a victim of domestic violence prosecuting the perpetrator of that violence. A number of distinct fears and concerns have been highlighted, many of which may come as a surprise to some readers, particularly to those who do not have any involvement with survivors of domestic violence. Furthermore, interested individuals who may or may not have been aware of some or all of these issues may be surprised by how prevalent they are amongst victims. Some readers may also be surprised by the survivors' inability to change or influence this in almost any way.

It is hoped that those individuals who can influence the processes in which prosecutions occur will consider the finding of this report and the recommendations very closely, and will endeavour to implement any changes or improvements wherever possible.

The recommendations are bullet-pointed and listed in categories below for clarity.

Greater information for victims

- Better information to be provided to survivors about services available to them (e.g. Safe Housing, Refuge availability, Victim Support services etc)
- Better information about the Court process (such as clarifying the role of the Crown Prosecution Service, explaining the functions of the defence solicitor etc), as well as better informing survivors of what they should and should not expect.
- Better information about Survivors' legal rights (as a citizen, rather than as a "domestic partner" – which are often viewed differently by survivors)

Protection

- Better protection for victim at the point of charge and before and after trial. For example:
 - Police protection against the immediate return of perpetrator once charge has been made
 - Police protection against the immediate return of the perpetrator after the court case, or immediately after perpetrator is released from custody
 - Immediate provision of alternative accommodation once charge has been made for survivors and survivor's children if necessary to prevent contact with the perpetrator
 - Immediate installation of security devices etc in survivors home
 - Immediate installation of security devices in survivors' families homes, if necessary
 - Increased Police surveillance of survivors home during critical first few days of all significant stages (e.g. after charge has been made, post trial or after release from custody)
- Better protection for victim during the court case
 - Video link should be made available at the victims' discretion (except in rare / exceptional cases where judge / magistrate feels it absolutely necessary to put victim on the stand, and can justify this decision)
 - Separate waiting areas for victim and perpetrator / accused
 - Separate waiting areas for victim and perpetrator's acquaintances
 - Separate entrance and exit points, with increased security available
 - Escorts available to accompany victim to court
 - Escorts available to accompany victim to place of safety post trial

It is hoped that those individuals who can influence the processes in which prosecutions occur will consider the finding of this report and the recommendations very closely, and will endeavour to implement any changes or improvements wherever possible.

Support Agencies / Individuals

- Increased number of Domestic Violence Officers, as victims view these as hugely supportive and necessary to facilitate the prosecution process
- Resources are provided to enable regular contact with victim by Domestic Violence Officer or other support agencies, during court process and / or period in which abuse is likely to occur

Recommendations to Judiciary

...This research has highlighted that most victims do not prosecute (if at all) until they are in genuine fear of their lives

- Judges / magistrates to understand that the fear of retribution extends to family and children, not just victim, thereby increasing the likelihood of the victim withdrawing a statement, and returning to the partner
- Judges / magistrates to acknowledge the grave nature of the evidence submitted and to understand that by the time most women enter the legal process many are in grave fear of their life and of possible retribution against other family members
- Judges / magistrates must not assume that the first time they meet the victim and the perpetrator that it is for the prosecution of the first Domestic Violence offence. This research has highlighted that most victims do not prosecute (if at all) until they are in genuine fear of their lives
- Judges / magistrates to increase the number of community sentences which offer a focused rehabilitative element (such as Probation-run Anger Management or Domestic Violence programmes)
- Judges / magistrates to consider the possibility that lenient sentences which are not commensurate with the offence may reinforce this behaviour (psychological theory supports this)
- Judges / magistrates to consider / acknowledge and act accordingly, that the majority of perpetrators will make contact with the victim post-sentence, irrespective of the conditions of that order
- Judges / magistrates to treat the breaking of restraining orders more seriously, in light of the factors involved with exposure to threats and the subsequent withdrawal of charges
- Judges / magistrates to consider that in many instances a short prison sentence may make the reprisals significantly worse. Custodial sentences must be sufficient in length for the victim to start a new life, and to find safe accommodation so that she is not in danger of reprisals on his release
- Judges / magistrates to stop treating domestic violence as a different form of violence to other attacks / assaults made on strangers
- Judges / magistrates to acknowledge that survivors of domestic violence are not willing victims
- Judges / magistrates to understand that in many instances, survivors of domestic violence return to the perpetrator because of fear

Refuge / Safe accommodation

- An increased number of Safe Houses
- A better plan of action for women in refuges in case of perpetrator identifying location and becoming a threat to the refuge and to the women and children who live there
- A higher standard of alternative safe accommodation available at all stages of the process
- Accommodation available and suitable for the victim and for her children (if applicable)

Police involvement

- Consideration to be given to restraining perpetrator in custody following charge (prior to trial) given strong evidence that he is likely to return to victim once on bail, and therefore potentially use threat and violence to get victim to drop charges
- Greater powers to enable the police to pursue with the prosecution (independent of the survivor)
- Increase speed of process from charge to sentence, giving less opportunity for perpetrator to extend his influence on victim, potentially resulting in the withdrawal of the charges
- Increased Police surveillance / monitoring or alarm facilities to survivor and survivors' family at all stages of the process

Long term recommendations

- Consideration should be given to providing victims and their children continuing protection from the perpetrator, to enable them to remain living in their home towns. The current research showed that victims were often forced to re-locate away from friends / family (support networks), whereas the perpetrator could remain. This equates to victimising the victim
- Consideration should be given to the effects of re-locating on the children's ability to adjust to a new environment, new schools, friends and so forth

Consideration should be given to providing victims and their children continuing protection from the perpetrator, to enable them to remain living in their home towns.

Appendix A

Multi-agency Domestic Violence Strategy Group Members

Research Group

Rachel Martin, Devon County Council

Dr Avril Mewes, Lecturer, Exeter University

Rebecca Mandeville-Norden, Research Officer, Devon & Cornwall Probation

Lesley Valentine, Domestic Violence Officer, Devon & Cornwall Constabulary

Wendy Wallen, Domestic Violence Officer, Devon & Cornwall Constabulary

Pam Freeman, Exeter University Researcher

Chris Pearson, Manager, Exeter Women's Aid

The wider **information sharing group**, who have not had direct involvement with the current research include:

Roy Tomlinson, Policy Officer, Devon County Council

Jo Tennant, Devon and Cornwall Constabulary

Jim Nye, Devon and Cornwall Constabulary

Chris Bennett, Head Crown Court Unit, Crown Prosecution Service

Hannah Murdock, Research Assistant, Devon & Cornwall Probation Area

Mary Smeaton, West Country Ambulance Service and NHS Direct

Zoe Joslin, Legal Advisor, Magistrates Court

Sharon Clayborough, Victim Support;

Lynette Dickens, Victim Support;

Appendix B

Domestic Violence Research - Why victims withdraw from the Criminal Justice System

I want to start by just getting some background details before moving into the main part of the interview which will cover two broad areas concerned with what made you withdraw your statement and whether there was anything that might have helped you to proceed.

Demographics

Age

Accommodation (e.g. Refuge/ home)

Children: Number Ages

Ethnicity

Economic Situation (e.g. receiving benefits)

Employment status: Full-time / part-time/not employed

Family support:

Where are your family?

Are your family or any member of your family supportive?

Are you able to discuss the domestic violence with your family?

Contributory factors:

Perpetrator:

Alcohol / drug use

Anger management and/or mental health issues.

Victim:

Alcohol / drug use

Anger management and/or mental health issues

Has a Domestic Violence arrest and/or charge been made before?

If yes, what happened?

Relationship of victim to perpetrator

What is your relationship to the perpetrator?

Are you still in a relationship with the perpetrator?

How long have you been together with your partner/perpetrator?

Any break-ups?

Getting back together?

Length of gap between making the statement and then withdrawing it:

Hours

days

weeks

Can you tell me a bit about the frequency of domestic violence incidents?

Now that we have covered the background information I want to move on to the main part of the interview which will cover two broad areas concerned with what made you withdraw your statement and whether there was anything that might have helped you to proceed.

Court process:

Under what circumstances would you have given evidence?

What was the communication with the Crown Prosecution Service like?

If you could have given evidence out of court, would that have changed the situation? (video link)

Did you have contact with the perpetrator even though there were bail conditions on him (phone, text, email, anything)?

If yes, what type of contact and how often?

Did the solicitor for the defence contact you at all?

If so what was said?

How did this affect you?

Support from professionals

What Agency, organisation, professional or key person was most supportive or helpful to you when you started going through the court process ? (e.g., Women's aid, Victim support, Domestic Violence Officers etc.)

How did they help/support you?

What else might they have done to be more helpful?

Consequences of proceeding:

Did you have any concerns for the perpetrator?

What did you think his sentence would be if you pursued the case?

If you had pursued with the case, was the sentence that he might have received relevant (or did you just want an acknowledgement from him about what had happened)?

Did he lead you to believe that anything specific might happen to him?

Appendix C

Research Project: Why do Domestic Violence survivors withdraw from the crown prosecution process?

I would like to invite you to take part in this research study. This information sheet will give you some information about the research to help you decide whether you would like to take part. Please read the following information and if you would like more information or have any questions please ask. Please take your time to decide if you would like to take part. Thank you for your time.

What is the purpose of this study?

This study is investigating why Domestic Violence survivors withdraw from the crown prosecution process. The aims of the study are to better understand survivor's reasons for withdrawal so that in the future better support can be given to survivors to bring their cases to court and for appropriate action to follow.

Why have I been chosen?

You have been chosen for this study because you are a survivor of Domestic Violence and you withdrew from the crown prosecution process. Therefore, you are able to help with this research through providing information about your reasons for withdrawal. Any information that you can provide will help to improve our understanding of the issues and the future delivery of services to women experiencing Domestic Violence.

Who is organising this study?

The Devon Domestic Violence Strategy Group (includes Domestic Violence Police Officers, Probation services, University of Exeter).

What will happen to me if I decide to take part?

You will be asked to take part in an interview that will last for approximately 45 minutes. The interview schedule is attached so that you can have a look at the type of questions we would like to ask you. The interview will be conducted in a private room at an agreed location. The interview will be audio-taped to ensure we don't miss any important information. The interview will then be transcribed and all identifying information will be removed. Following transcription tapes will be destroyed. You will be remunerated to cover expenses.

What are the disadvantages of taking part?

You do not have to take part in this study – it is up to you to decide if you want to take part. If you decide to take part and then change your mind just tell the researcher you want to stop. Any information you have given will be destroyed. You do not have to give a reason for stopping or withdrawing.

What are the possible benefits of taking part in this study?

The information we get from this project may help us to improve how we help female Domestic Violence survivors in the future. Also, some people appreciate the opportunity of discussing events in their lives.

What if I want to talk to someone after taking part?

Some people may find that the interview raises issues that they want to talk about further. The researcher will provide you with information about who you can contact.

Confidentiality – who will know I am taking part?

The only people who will know you are taking part are those involved directly with this project (Devon Domestic Violence Strategy Group).

Confidentiality – what will happen to the information I give?

All information collected about you in the course of the study will be kept confidential and will only be identified by a number. All interview material will be kept in a locked office. The interview tapes will be typed out and any names or places will be removed so that no one will be able to tell it is you. At the end of the study the tapes will be blanked.

If you would like any further information please ask the researcher before starting the interview.

If you are comfortable with the information that you have received about this research we will now start the interview. To protect anonymity we do not require your signature on a consent form for this research rather we assume that your agreeing to take part in the interview constitutes informed consent.

Thank you for taking the time to read this information sheet.

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Why victims of domestic violence withdraw charges made against the perpetrator

A qualitative study

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