

I just don't feel safe

Criminal and civil justice agency responses to women experiencing domestic violence

Briefing paper, September 2014

The response of agencies within the criminal and civil justice systems to women and children experiencing domestic violence are significant in enabling them to both feel and be safe; but they frequently fail to make this difference.

Background

This briefing paper draws on the findings of a three year longitudinal study which followed 100 women and their children as they rebuilt their lives after domestic violence (Kelly, Sharp and Klein, 2014). It provides an overview of criminal and civil justice responses to women in crisis situations and post-separation. It concludes with recommendations for improved practice.

Key messages

- Women overwhelmingly reported negative police responses to their reports of domestic violence both in crisis and post-separation situations.
- A minority of perpetrators was arrested; even fewer were prosecuted and both criminal sanctions and civil remedies were rarely a deterrent.
- Almost 90 per cent of women in the sample experienced post-separation abuse and continued to rely on criminal and civil justice mechanisms; however this need was not always taken seriously.
- Perpetrators sought to sabotage women's attempts to seek support and extricate themselves from the relationship, including through criminal and civil justice agencies.

Police responses to domestic violence

Legal and policy changes over the past four decades have sought to build protection for women and children through criminal and civil measures designed to hold perpetrators to account for their behaviour. Unfortunately, however, it was common for both women and children in the study to feel let down by criminal and civil justice agency responses to their reports of domestic violence.

When living with perpetrators

During crisis situations when women were still living with the perpetrator, 80 per cent reported calling the police. Of this group, a quarter found the police helpful because: they arrived quickly, took her seriously, made her feel safe and provided details of support organisations. The majority, therefore, reported negative responses. These included: the police being manipulated by the perpetrator into thinking that nothing happened and leaving the home without seeing or speaking to the woman; taking the side of, or accepting the story of, the perpetrator; encouraging women to forgive the abuser and displaying archaic attitudes about domestic violence; attending but not taking any further action; either pressurising women into making statements when they did not want to or discouraging them from pressing charges; arresting women when the perpetrator made a counter claim; failing to keep women informed of case progress where an arrest was made.

When separated

For many women, intimate partner violence continues post-separation sometimes changing form and occasionally becoming more dangerous. Indeed separation is consistently found to be a risk factor for homicide. Women reported continuing to need support from the police after leaving; challenging the view held by many professionals that separation in and of itself will protect women and their children from further abuse. In the second round interviews, just over a fifth of women (22 per cent) reported calling the police. This decreased to a tenth of women in the third round interviews but rose to almost a third (30%) in the fourth and final interview.

Detailed data collected in the third round interviews revealed that nearly 90 per cent of the women had experienced some form of post-separation abuse. For three-quarters this was physical, sexual or verbal abuse. Over half had been stalked and two thirds reported harassment and abuse through the perpetrator manipulating other agencies. It is significant here that, at the same time as women were reaching out to criminal and civil justice agencies for support: over a quarter (28%) also had to deal with their ex-partner making false accusations against them which were then the subject of formal police investigations.

Over half (56%) reported that the perpetrator abused them via their children. This included being subject to family court proceedings related to child contact and residency. For a proportion of women this experience was repeated meaning that they were on a frightening merry go round of being under regular scrutiny by the authorities. In addition a third of women talked about the perpetrator disrupting divorce proceedings. This represented refusal to accept women's attempts to end the relationship and was also disruptive.

As a consequence, women had to undertake a huge amount of safety work with respect to themselves and their children. Almost one on five (18 per cent) talked about criminal and civil legal measures as a mechanism for protection. These included restraining orders, non-molestation orders and injunctions. Keeping records of abusive texts, voicemails and messages as evidence of breaches and harassment which they then reported to the police was also a strategy used by some. However, yet again, only a few women reported a positive police response to post-separation abuse. Only six women talked there being a positive response to reporting a breach of the non-molestation order/injunction/restraining order to the police. The remainder was told by the police that there was nothing that they could do about on-going abuse; despite these measures being in place.

Feeling and being safe

The fact that safety changed overtime and some women were still facing post-separation abuse three years down the line shows the necessity of access to support based on need. These data suggest that the focus over the last ten years on short term risk reduction has led to an under- recognition of ongoing and longer term support and safety needs. It is hard to imagine how women and children can feel safe when the response of criminal and civil justice agencies is so unreliable and there is still no systematic way of holding men who use violence to account. Women's interviews highlighted differences between being and feeling safe - with 'being' linked to less violence occurring and 'feeling' to the fact that it has not stopped altogether and may happen again in the future. Thus, whilst reducing the risk of violence is a mantra for many agencies, it does not necessarily translate into women and children feeling safer, nor does it prevent violence and unsafety being a theme that threads through their lives long after separation.

Improving practice

Understanding of domestic violence, pre- and post-separation, in statutory agencies, including the police is poor. This means that too often they hinder, rather than support, the progress of women and children rebuilding their lives. Basic training which focuses on coercive control, rather than incidents of physical assault could help address this, alerting professionals to the reality that leaving does not necessarily end abuse.

Kelly, L., Sharp, N. and Klein, R. (2014) Finding the Costs of Freedom: How women rebuild their lives after domestic violence can be found at: <http://www.cwasu.org> and <http://www.solacewomensaid.org>