

Policing Domestic Violence: Learning from the British Experience

Mark Button

Institute of Criminal Justice Studies
University of Portsmouth, Portsmouth, Hampshire, United Kingdom

Julak Lee

Department of Security Management
Kyonggi University, Suwon, Kyonggi-do, Korea

ABSTRACT

This paper will explore the problem of domestic violence in the UK. It will begin by defining the problem and then set out estimates of the extent of the problem, while also examining the problems that are involved in measurement. It will then examine the policing strategies that have been put in place to tackle this problem, such as intelligence gathering, effective investigations, and risk management techniques. The paper will also highlight the importance of multi-agency involvement when dealing with domestic violence and the wide range of orders that have been created in order to help deal with this problem.

Key words: Domestic Violence, Policing, Risk Management Technique, Multi-agency Working, Cross-government Strategy.

1. INTRODUCTION

Domestic violence is a problem all over the world [1]. It affects men and women and children; gay and straight, rich and poor. It is a problem that is more than the physical violence suffered by the victims as it is a problem which also has a significant drain on the economy. A study in the UK estimated the costs to the UK economy of domestic violence amounted to £23 billion per year in 2004, almost 2 percent of GDP [2]. It is not just for reasons of cost that domestic violence deserves the attention of policy-makers. There is the moral case to deal with it too. In the UK there is evidence that large numbers of people suffer some form of domestic violence. Much has been done to try and reduce the scale of the problem, but more needs to be done. This paper will examine some of the strategies which have been implemented in England and Wales. It will briefly examine some of the strengths and weaknesses in this approach. However, before we do this it is important to explore what is meant by domestic violence and examine some of the statistics which illustrate the size of the problem.

Domestic violence is a term used to cover a wide range of violent and related behaviours between intimate partners and family members. Many of these behaviours are criminal, but not all. There is no commonly accepted international definition. In the UK in 2013 a new cross-government definition was created which expanded coverage to 16 and 17 year olds and coercive behaviours. The Home Office defined domestic violence as:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to: psychological, physical, sexual, financial and emotional.

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. This definition includes so called 'honour' based violence, female

2. DEFINING DOMESTIC VIOLENCE

* Corresponding author, Email: julaklee@hanmail.net
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genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

This definition will be implemented by March 2013. This will be overseen by the Inter-Ministerial Group on Violence against Women and Girls [3].

Despite the definition of domestic violence in the UK there is no specific offence. Rather there are a wide range of criminal offences relating to assault, harassment etc. which cover many of the behaviours relating to domestic violence. As a consequence this poses problems in trying to gauge the size of the problem, which is the issue this paper will now turn to.

3. EXTENT OF DOMESTIC VIOLENCE

The absence of a single criminal offence is not the only problem in seeking to gauge the size of the problem. This creates a challenge in untangling domestic violence incidents from other crimes. There is also the problem in reporting, with many victims unwilling to report incidents to the authorities. There is also the attrition that results from the less effective structures and areas in the criminal justice system dealing with domestic violence. More generally the problems with recorded crime as indicators of the size of the problem are well known and these issues apply even more with domestic violence recorded incidents. Indeed in research conducted by HM Inspectorate of Constabulary at each stage of the investigation and prosecution process there was a 50 percent reduction in the number of cases [4]. Indeed the extent of attrition was further illustrated by the CSEW from 2006-7 (see figure 1). As such the much better measure of the extent of the problem is the crime survey for England and Wales (CSEW), which we will turn to shortly.

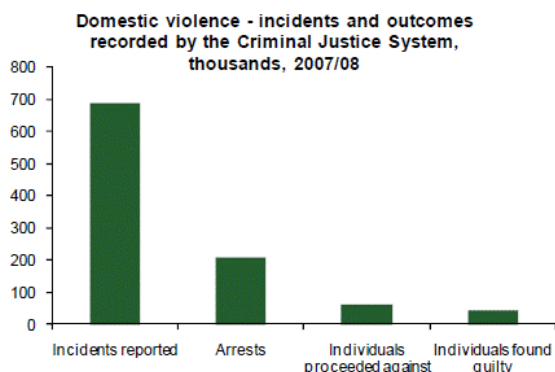


Fig. 1. Domestic violence attrition in England and Wales [5]

There is one part of the recorded domestic violence crime statistics which are very accurate and these relate to homicide. Since 1995 47 percent of the 3,429 women murdered and 12 percent of the 6,806 men murdered were done so by a partner or ex-partner. The trends in this most serious manifestation are set out below.

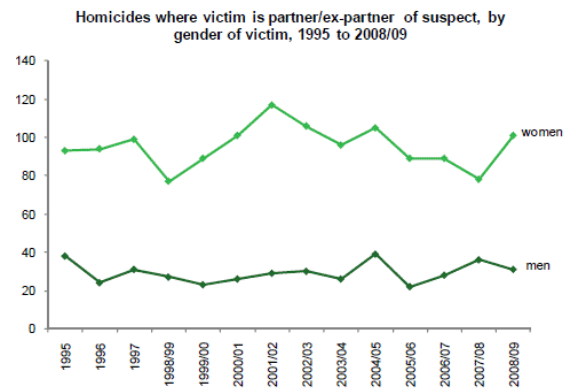


Fig. 2. Homicide by gender related to current and ex-partners in England and Wales [6]

There has also been an attempt to gauge the cost of domestic violence. In 2004 a paper was published which estimated the cost of domestic violence amounted to £23 billion to the UK economy [2]. This included the wider costs beyond the criminal justice system such as healthcare, employers costs (sick pay, poor performance etc.), housing, social services etc. This makes domestic violence one of the most costly crimes to society.

The CSEW is based upon interviews with the general population and from this data it is possible to extrapolate to a high level of statistical confidence the prevalence of a crime in the general population. Originally the CSEW utilised interviews only, which could prove problematic for victims to discuss domestic violence if the perpetrator is also in the same house. Therefore since 2004-5 an additional confidential self-completion questionnaire completed on the computer has been added. The CSEW covers non-sexual male and female victims of partner abuse, family abuse, sexual assault and stalking from a former or current member of the family.

The findings from the CSEW in 2011-12 found:

- 31% of women (5 million) and 18% of men (2.9 million) had experienced domestic abuse since the age of 16.
- 7% of women (1.2 million) and 5% (0.8 million) of men had experience domestic abuse in the last year.
- Since 2004-5 there has been a statistically significant reduction of 18% in domestic violence incidents (2.4 million to 2 million per year) [5].

It is positive that the most accurate measure of domestic violence shows a downward trend. There are, nevertheless, still millions of people suffering from it each year. Much has been done by the government and the criminal justice system to address this problem and some of these initiatives will be considered. Before we embark upon this, however, it would be useful to outline who the victims and perpetrators tend to be. The vast majority of victims tend to be women, the partner/former partner of the defendant and White British. For the offenders the profile is: male, aged 18 to 45 and White British. The most common incident is common assault. Data also suggests two thirds will be convicted and a third

will escape prosecution. It would now seem appropriate to examine the strategies which have been put in place to deal with this problem, largely in England and Wales (some are UK wide).

Snapshot of 3,100 domestic violence cases recorded by the CPS in December 2006

	Female	89%
Victim	Spouse/former spouse	19%
Characteristics	Partner/former partner of defendant	61%
	White British	90%
Defendant characteristics	Male	94%
	Aged 18-30	40%
	Aged 31-45	43%
Nature of abuse	White British	86%
	Common assault	50%
	Criminal damage	15%
Outcome	Actual Bodily Harm	9%
	Conviction	66%
	Dropped by CPS	30%
	Not guilty after trial	4%

Fig. 3. Profile of victims and perpetrators of domestic violence in England and Wales [6]

4. TACKLING DOMESTIC VIOLENCE IN ENGLAND AND WALES

Over the last 20 years governments have made tackling domestic violence a priority. As such they have passed new legislation, made resources available and encouraged the agents involved in tackling the problem to develop a more strategic response. Underpinning much of the work has been a multi-agency response [7]. This has recognised domestic violence can't be tackled successfully by the police and courts alone and there are many other statutory and voluntary agencies who have a role and who working together can have a much greater impact on the problem. There are also a wide range of tools open to partnerships. Some of the key policies and approaches used in tackling domestic violence will now be considered.

4.1 Multi-agency Partnership

Central to the British approach to countering domestic violence has been multi-agency partnership working. This is engrained across most crime problems in the UK and particularly in focusing upon crime prevention. Indeed partnership for crime prevention is mandated at the local level for the key statutory agencies as set out by the Crime and Disorder Act 1998 and subsequent legislation. This means key statutory bodies such as the police, local authority, healthcare amongst others have a duty to work together to prevent crime [8]. Many of the partnerships have made domestic violence one of their priorities. For example in Portsmouth the Safer Partnership Plan 2011-15 notes:

Domestic abuse is devastating – physically, emotionally and financially. Domestic abuse accounts for over 27% of all violent crime in Portsmouth with younger people and children most at risk. We are working across the city, across all agencies and services to raise awareness of domestic abuse and the impact on children as well as continuing to reduce repeat victimisation by supporting survivors and their children.

It then goes on to set out how it will:

- Prevent and reduce the harm caused by domestic abuse by
- Implementing the findings of the Domestic Abuse Commissioning Review in order to improve services in the city
- Further reducing rates of repeat victimisation by delivering a coordinated community response
- Increasing the early identification of domestic abuse and offering support before things get worse
- Working with Children's Social Care to support children and young people affected by abuse
- Continuing to provide specialist support to those assessed at highest risk of murder or serious harm
- Supporting the development of new voluntary sector services [9]

In safer partnerships all over England and Wales many will be pursuing similar objectives with similar multi-agency approaches.

Central to domestic violence there are a variety of bodies who all have an interest and role in tackling domestic violence. The police are vital for this, but there are also key departments in local authorities such as social services, housing and education. There is also the importance of the statutory health authorities for their role in treatment for drug addiction, mental health problems etc., not to mention support for those injured. There is also a major role for the probation service and the non-statutory sector with Victim Support, as well as domestic and anti-sexual violence groups. The system that has emerged in England and Wales brings these relevant parties together around the table to develop strategies to deal with the problem of domestic violence, as the Portsmouth example above. The structures and their effectiveness do vary. However, the members of example from Cambridgeshire Domestic Abuse and Sexual Violence Partnership below is typical of structure and membership of most.

- Cambridgeshire County Council (CYPS, Adult Services, Public Health Safer Communities Partnership Team and Member representation)
- Cambridgeshire Constabulary
- Cambridgeshire Local Safeguarding Children's Board
- Chairs of the four thematic task and finish groups

- Cambridgeshire and Peterborough Foundation Trust
- Cambridgeshire Fire and Rescue Service
- Cambridgeshire Sexual Assault Referral Centre
- NHS Cambridgeshire
- Cambridgeshire / Peterborough Community Services
- Refuge
- Cambridge Women's Aid
- Cambridgeshire and Peterborough Probation Trust
- Cambridgeshire Domestic Abuse and Sexual Violence P/ship Manager
- Cambridgeshire Domestic Abuse and Sexual Violence P/ship Officer
- Cambridge Rape Crisis
- Addenbrooke's Hospital
- Hinchingsbrooke Hospital
- District Councils [10]

The multi-agency approach has also been rooted in another range of key policing strategies that have been proven in other areas of policing. The foundations for this include intelligence and crime analysis built upon the National Intelligence Model. As such it is important for relevant intelligence to be collected and appropriately analysed. There are many cases of serious domestic violence which have occurred where there was intelligence to suggest there was a high risk. Richards et al. [11] note a number of such cases, but one illustrates this very well.

In one case a woman was severely beaten by the suspect. She was forced to strip and then threatened she would be shot unless she placed an aerosol can in her vagina. The victim then had drink poured in her eyes followed by the theft of her jewellery. He then made her drive him home, but luckily she saw police and drove to them. A search of the police intelligence database revealed 11 entries relating to the male and victim which suggested high risk of domestic violence, including from the previous day where the victim had been threatened she would be killed and assaulted. There were also entries on the Police National Computer (PNC) with convictions for a variety of violent and drugs related offences and warnings too [11]. The challenge of course is deciding when to intervene. This is where risk management techniques become very important. Another challenge relating to intelligence is sharing and working with other agencies. Many other bodies have information which is useful which could help to reduce the risk of an incident.

For example in February 2006 Paul O'Neil was jailed for life after holding the face of his three month old son against a gas fire and fracturing his skull. He had become jealous of the attention the mother was giving him, who was also trapped in an abusive relationship. A review following this case showed that information was held by the health and social services indicating drinking problems, violence who posed a risk to women and children. Unfortunately this

information had not been shared or analysed effectively across agencies [10].

When incidents do occur it is vital they are investigated effectively and do not become part of the attrition problem. It is also vital that lessons are learnt from cases which do occur. There are also a variety of legal tools associated with prosecution and lesser civil sanctions which can be used to deal with domestic violence which are utilised by this counter domestic violence infra-structure from both the criminal and civil arenas. Some of the most significant will now be explored.

4.2 Domestic Violence Crime and Victims Act 2004

The Domestic Violence Crime and Victims Act 2004 is the landmark overhaul of the laws on domestic violence in England and Wales. This legislation has done much to enhance the fight against domestic violence by providing new powers for the courts and police, as well enhancing the rights and support for victims. Specifically, it expands the provision of the trials without juries, brings in new rules for cases involving death of a child or a vulnerable adult, and permits bailiffs to use force to enter private properties. Richards et al. [11] have identified some of the key elements of this legislation which have enhanced the ability of agencies to tackle the problem.

4.2.1 Powers

- Making common assault an arrestable offence
- Making the breach of a molestation order an arrestable offence, punishable by up to 5 years in prison
- Giving courts powers to impose restraining orders at sentencing (previously only available to those convicted of causing fear of violence or harassment)
- Giving courts powers to impose restraining orders on those acquitted to protect from harassment

4.2.2 Enhancing the civil and criminal law

- Giving cohabiting couples and same sex partners same access to molestation orders
- Creating new offence of causing or allowing the death of a child or vulnerable adult

4.2.3 Enhancing prevention

- Creation of system of review of domestic violence homicides to entrench isomorphic learning to better prevent same incidents occurring

4.2.4 Enhancing victims' rights

- Creating code of practice for victims which is binding so they all receive support, protection and the information they need

- Creating Parliamentary Ombudsman and Commissioner for victims
- Giving same rights to mentally disordered victims
- Allowing the Criminal Injuries Compensation Authority to recover money paid to victims from the perpetrator
- Creating surcharge payable by offenders on conviction, for the victim fund

4.3 Criminal Law

There is the normal range of criminal offences from threatening behaviour, assault, rape, attempted murder, and manslaughter through to murder which are available to deal with domestic violence. There is also the Protection from Harassment Act 1997 which created criminal offences related to harassment which puts the victim in 'fear of violence'. Restraining orders can also be attached to anyone convicted of any offence (amended by 2004 Act). There are also breaches of civil orders to be discussed below, which can become a criminal offence too.

4.4 Civil Law

Civil remedies have been commonly used to deal with domestic violence. Occupation Orders and Non-Molestation Orders rationalised under the 1994 Family Law Act and enhanced further under Domestic Violence Crime and Victims Act 2004 are the most salient. Non-Molestation Orders prohibit particular behaviours or general molestation. The 2004 Act made a breach of these orders a criminal offence. Occupation Orders cover the occupation of the home (and surrounding area) and can exclude the perpetrator from them.

Legislation has also been enacted to deal with staking, which has been utilised for domestic violence. The Protection from Harassment Act 1997, mentioned above, prohibits the pursuit of behaviour which amounts to harassment. There is both a criminal and civil element. The latter created a tort of harassment, which enables the victim to pursue a restraining order, pursue damages and secure an arrest warrant for the offender. Breach of the order can be treated as a criminal offence or Contempt of Court with a maximum penalty of 5 years.

Another initiative created under the Crime and Security Act 2010 is the Domestic Violence Protection Orders and Notices (DVPO/DVPN), which have been dubbed 'go-orders'. When a person has been violent or threatened violence to a person a senior police officer can issue a DVPN which prohibits molestation and can require the person to leave where they live, if it is deemed necessary to protect the victim from fear of or further violence. The DVPN triggers an application for a DVPO which must be heard at a Magistrates Court and must be heard within 48 hours. The DVPO can last 14 to 28 days. This scheme was initiated under the last Labour government and the current coalition government sought to review this, so the legislation has been

piloted in three force areas. The review of the scheme has not yet been published.

4.5 Cross-government Strategy

The last Labour government was very active in developing a cross-government strategy to tackle domestic violence, particularly against women and girls. In 2009 the *Together we can end violence against women and girls* was launched which included, inter alia: extra funding to support victims of sexual and domestic abuse, increased investment in family intervention projects, an online directory of services and piloting of DVPOs. The current coalition government has sought to continue and expand upon this agenda with the launch of *Call to end violence against women and girls: action plan*, followed by, *Call to end violence against women and girls: Taking action the next chapter*. Together these have identified 100 actions to improve the fight against domestic violence. Some of the most important elements of this strategy include, inter alia:

- £40 million of ring fenced funding for specialist domestic violence and sexual violence and rape crisis support centres
- Increasing the victims surcharge to enhance services for victims
- £150,000 to fund domestic homicide reviews
- Launch of teenage violence campaign

Perhaps one of the most eye-catching of initiatives was the pilot of the Domestic Violence Disclosure Scheme, the so called 'Clare's Law'. Under this scheme a partner can approach the police to seek disclosure of their past violent offending behaviour of their prospective partner. From this they can then make an informed decision on whether to continue with the relationship.

5. CHALLENGES

There are many positives to the fight against domestic violence in England and Wales. However it is important to note some of the weaknesses and areas in need of further improvement. For example one in four local authorities have no specialised services for domestic violence. Even worse is provision for ethnic minority women, where only 1 in 10 local authorities offer such provision. Non-statutory provision, which is essential for encouraging women to report incidents, as many are reluctant to report to statutory agencies is under severe pressure in the current economic climate. A survey recently published suggested of rape crisis centres found a quarter face closure and two fifths fear closure [5]. There are also significant variations between police forces on levels of reporting and recording. For instance in 2007-8 Greater Manchester Police recorded 25.2 incidents of domestic violence per 1000 population, compared to 5.1 in neighbouring Cheshire police. While

arrest rates varied from 53.3 percent in West Yorkshire to 9.2 percent in Nottinghamshire [5].

There has been concern in the decline in use of non-molestation and occupation orders. The former have experienced a modest decline since 1998, while the latter has experienced a much more marked decline, as figure 4 below illustrates.



Fig. 4. Occupation Orders by year in England and Wales [5]

Some have suggested the decline is the result of greater use of the criminal courts as a result of breaches. However, a more detailed assessment suggested it was too early to tell and more assessment was required [12].

6. CONCLUSION

The experience from Britain provides a wide range of different strategies which can have an impact on domestic violence. Some of the key issues include securing accurate measurement of the scale of the problem, creating broad partnerships which encompass a wide range of agencies who have a stake in countering domestic violence, giving them appropriate resources to do their job, giving them appropriate legal tools to help them (particularly civil tools with tough punishment for breach) and ultimately having a national strategy and commitment to tackling the problem. As noted in this paper some of the positive aspects of the British system are under pressure because of the tough financial climate in the public sector. It remains to be seen, therefore, to what extent the good progress in tackling this problem will continue.

Recently in Korea, domestic violence has gained much attention and been regarded more seriously compared to the past; and subsequently, scholars and practitioners are striving to resolve the issue. Much knowledge and insight can be obtained by examining the precedents for the relevant policy implementation in Britain and valuable lessons are expected to be drawn to develop suitable interventions for domestic violence in Korea.

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Mark Button

He is a professor at the University of Portsmouth specialising in security counter fraud, and policing. In 2005, he obtained his PhD from London School of Economics and Political Science, UK. He is currently Director of the Centre for Counter Fraud Studies within the Institute of Criminal Justice Studies,



Julak Lee

He is an associate professor of the department of security management at the Kyonggi University. He obtained Master's degree from the Michigan State University, US, majoring in Criminal Justice, and earned PhD in Criminal Justice from the University of Portsmouth, UK.