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Abuse**

Domestic Violence: Making it Through the Criminal Justice System

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Background

The research was commissioned by the Northern Rock Foundation to examine attrition (or ‘drop out’) in domestic violence cases entering the Criminal Justice System across the Northumbria Police Force area. The research sought to identify points of attrition; their relationship to victims’ experiences; and the perspectives and practice of the police, prosecutors, the courts and non-criminal justice agencies. The work was carried out between September 2001 and March 2003, by Marianne Hester, Jalna Hanmer, Susan Coulson, Maria Morahan and Amina Razak at the International Centre for the Study of Violence and Abuse, University of Sunderland.

In recent years a number of changes aimed at reducing attrition and improving the protection of victims of domestic violence have been made in relation to the Criminal Justice System. These have tended to emphasise as goals pro-arrest by the police and increased prosecution and conviction. The Women's Unit of the Cabinet Office, for instance, has cited as a key goal ‘...reducing attrition in the prosecution process’ (Cabinet Office, 1999:11). The revised Home Office *Circular 19/2000*, aimed at the police, emphasises positive policing, including focus on arrest and enhanced evidence gathering. The Crown Prosecution Service has received new *Guidance on Prosecuting Cases of Domestic Violence* (CPS, 2001) emphasising the construction of cases, where possible, on evidence other than that of the victim, and limited use of section 23(3)b of the Criminal Justice Act 1988 which enables cases to be presented in court when the victim is unwilling or unable to appear to provide oral evidence. The *Protection from Harassment Act 1997* has criminalised the more psychological aspects of domestic violence and also links criminal and civil remedies. Criminal justice and other agencies have also been encouraged to increase partnership working, to provide support and safety for victims (Home Office, 2000).

Despite these changes, victims of domestic violence and agencies concerned with their support have continued to report and express concern regarding attrition in domestic violence cases entering the criminal justice system across the North East of England. The research came about as a result of these concerns, and was informed by an Advisory Group consisting of representatives from the Northumbria Police, the Crown Prosecution Service (CPS), Regional Domestic Violence Forum and Government Office North East.

The research

The research was carried out across the Northumbria Police Force area, focusing on an inner city area (Newcastle West), a coastal town area (South

Tyneside) and a rural area (North Northumberland). South Tyneside has by far the largest population of the three areas (154,000), West Newcastle has less than half this population (68,000) and North Northumberland has both the smallest and most thinly distributed population (58,000). Both South Tyneside and Newcastle West have a range of services available to victims of domestic violence, including access to refuge provision. For women experiencing domestic violence in North Northumberland services are fewer and less accessible due to the distances involved, and there is no refuge (although refuge outreach provision is available). Newcastle West has a sizeable minority ethnic population, and the research was able to explore use of the criminal justice system by members of the South Asian community.

In April 2001, Northumbria Police introduced a computer-based system for recording and linking domestic violence incidents across all police districts, as well as a routine approach to risk assessment. The existence of this force-wide approach created a unique opportunity to carry out direct comparisons across police districts.

The research began by building an initial picture of incidents, attrition and police practice across the three police districts and in relation to three time periods (April 2001, June 2001 and March 2002). The time periods were chosen to include the new database approach and introduction of the new CPS *Guidance on Prosecuting Cases of Domestic Violence*. A detailed database of police practice was established, consisting intimate partner domestic violence incidents reported to the police during the three separate months. This was complemented by interviews with 26 police officers and civilian staff.

The perspectives and experiences of those victimised were obtained via interviews with 74 victims of domestic violence. Fifty-one of these (50 women and 1 man) were contacted by the police, initially via a letter to ask if they would be willing to be interviewed. A further 23 women who experienced domestic violence were contacted through non-criminal justice agencies, again via a letter distributed by the agencies concerned.

To investigate attrition in relation to the prosecution process, detailed analysis of CPS case files was carried out for 12 cases from the 74-victim sample. Court observations of 25 cases took place in both Magistrates and Crown Court with the research team being given access to the case files and CPS barristers. Interviews were carried out with the CPS domestic violence co-ordinators across the three areas, and with defence solicitors.

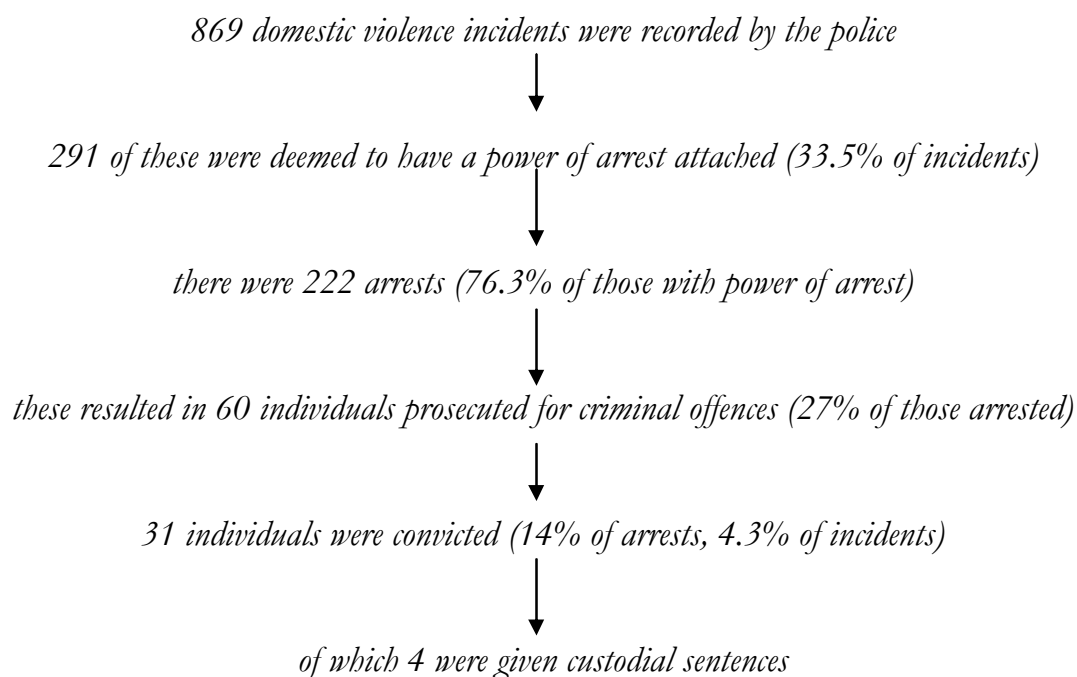
The views of non-criminal justice agencies with regard to attrition were ascertained via interviews with staff from 30 agencies across the three areas,

including refuges, health, social services, housing and other community support services. A set of six vignettes based on victims' case histories were devised to elicit detailed information about practice approaches and to enable comparable data to be obtained. These were used as a basis for discussion in the interviews with non-criminal justice agencies and with most of the police officers interviewed.

Immediately prior to and during the research, staff from the International Centre for the Study of Violence and Abuse were also engaged in the mapping of service provision and local needs in relation to domestic violence in South Tyneside and Newcastle West.¹ This work provided further background information to the present study regarding agency practice and perspectives of those victimised in these localities.

Attrition

The overall pattern of attrition across the three police districts and the three months chosen for the research was as follows:



¹ Hester, M., Westmarland, N. & Hughes, J. (2001) *Domestic Violence in South Tyneside: Incidence, Provision and Good Practice*, University of Sunderland & Gateshead Health Authority. Hester, M., Wigglesworth, D. & Gangoli, G. (2003) *Developing Domestic Violence Service Provision in Newcastle - Assessing Local Need*, University of Sunderland & Newcastle New Deal for Communities.

Points of attrition

Interviews with those victimised, with criminal justice staff and with non-criminal justice agencies indicated that attrition might occur in one of three main arenas:

- with regard to victims themselves,
- in relation to police practice and
- once cases entered the prosecution process involving the Crown Prosecution Service and the courts

The police and criminal justice agencies tended to view those who were victimised as being key to attrition. In other words, that it was the women experiencing domestic violence who decided, usually for relationship or other family reasons, to drop out. However, staff from a range of agencies and the victimised women interviewed also indicated that criminal justice agencies did not always pursue cases to the extent possible and/or did not provide victims with the support they needed to proceed. In this sense it was not those victimised who were necessarily responsible for attrition, even if they took the decision to drop out.

Policing

Role of victim

Where the police were concerned, obtaining a statement from the victim was crucial, and without the woman's support or co-operation in this they felt that there was little chance of a prosecution being secured under the present system.

..we need the victim's help from day one. We need that statement. We need that evidence. Without that prosecution is not worth bothering with. (Police Officer)

Police officers described the increased support for victims they and other agencies had provided during the past decade. The victimised women interviewed also highlighted the positive shift in policing that had taken place in recent years, from officers seeing incidents as merely 'domestics' to taking incidents seriously and regarding them as crimes. They were generally happy with the manner in which the police treated them, and usually perceived police intervention at the scene of the domestic violence incident as very positive. In this sense the police approach could be seen as 'victim-led', and deemed to be empowering. However, the emphasis on doing what it was thought the women wanted also led in some instances to the women - rather than the police or others involved with the criminal justice process - being seen as responsible for attrition.

Where there appeared to be greater variance between victim needs/ wishes and the criminal justice system was in relation to outcomes. Police officers

explained that victims were frightened of going to court and afraid of losing the love they had or of being alone. Many officers consequently expressed frustration at the number of victims who were unwilling to provide a statement, while at the same time understanding their reasons for choosing not to do so.

Many of them are sensible and have weighed it up. They don't want to go through with it in case they split up etc. I am sympathetic to this, they don't want to go to court which could be 3 months down the line etc. if they are trying to rebuild the relationship. (Police Officer)

Despite the emphasis on victim statements, police records indicated that charges were still pursued in 14 instances where statements were refused, and that only one of these cases was eventually discontinued. At the same time, the extent to which officers would follow up a statement varied both between areas and between individuals. In interviews women said that they would have pursued charges if contacted again by the police a few weeks later - as did happen in some instances but not in others.

Some officers thought the attrition point appeared to have shifted so that more women were initially prepared to give a statement and appeared keen to obtain a prosecution, but were more likely to withdraw statements once the court process had begun:

...quite often it's into the court process where the accused is being charged and he's been to court and the victim will come forward and say I don't wish to go any further. I think a lot of the time it's actually the victim having reflected upon what's going to happen to them if the husband the boyfriend the partner is no longer there, how are they going to manage financially, where they are going to live, issues along those lines come very much to the fore. (Police Officer)

Policing and attrition

Across the sample period a total of 869 domestic violence incidents were recorded by the police, of which a third (33.5%, n=291) were deemed to have a power of arrest (see table 1).

Table 1 - Incidents with power of arrest

Area	Those with PoA	Resulting in arrest	Arrests as % of PoA
N. Northumberland	46	36	78.3%
Newcastle West	105	84	80.0%
South Tyneside	140	102	72.9%
Totals	291 (33.5%)	222	76.3%

The number of incidents varied considerably across the three areas. North Northumberland had the smallest proportion of incidents recorded, although a relatively higher number with power of arrest. South Tyneside

had the lowest percentage of incidents recorded as crimes, and Newcastle West the highest. Three-quarters of incidents with power of arrest led to arrest, the highest rate being in Newcastle West and the lowest in South Tyneside (see Table 1). This reflects different district policing policies. Home Office *Circular 19/2000* states that ‘where a power of arrest exists, the alleged offender should normally be arrested’, and this constitutes a Best Value indicator. Newcastle West has placed the greatest emphasis on such ‘positive policing’ with arrest, especially for assault or criminal damage, regarded as positive action, and is currently aiming to increase its arrest rate of domestic violence offenders by 3% (Area Command Policing Plan 2002/3).

Police charges showed a similar, if more depressing, picture with a high rate of attrition. Newcastle West had the highest proportion of criminal charges resulting from arrest, with over a third charged. In South Tyneside just over a fifth of those arrested were charged with a criminal offence, and in North Northumberland the level was only marginally higher. The rate of attrition in Newcastle West thus stands out as being much lower, even if nearly two-thirds of those arrested did not result in police charges. The figures across the areas are none the less similar to those found in the Thames Valley, before the implementation of *Circular 19/2000*.²

Alleged offenders not charged with a criminal offence were much more likely to be common law released in North Northumberland (48.6% of incidents with PoA) and South Tyneside (41.1%) than in Newcastle West (31.3%). Taking ‘no further action’ was also used to the greatest extent in North Northumberland (in 8.7% of cases with PoA).

As has been found elsewhere, in the North East the police saw arrest for Breach of the Peace as a positive action in situations where the victim did not want the offender to be charged or where a criminal offence could not be pursued. Indeed in almost a third of the cases where Breach of the Peace was applied the police had recorded that the victim refused to give a statement, and in an even greater number of cases that ‘no statement was necessary’. In South Tyneside nearly a quarter of arrests were for Breach of the Peace (22.5%), in Newcastle West one in ten (10.7%), with only one instance in North Northumberland. What stands out is that all but one of these arrests in South Tyneside also resulted in a police charge (and eventual prosecution) related to Breach of the Peace. In North Northumberland there was no such charge, and only half of such arrests resulted in charges in Newcastle West. Thus South Tyneside police, while not pursuing criminal

² Hoyle, C. (1998) *Negotiating Domestic Violence - Police, Criminal Justice and Victims*, Oxford University Press

offences were using Breach of the Peace as an alternative means of initiating prosecution of domestic violence offenders.

Overall a picture emerges of domestic violence cases as more likely to be 'managed' through different strategies. In North Northumberland a combination of arrest and release was found, rather than cases being taken forward through the criminal justice system. In South Tyneside domestic violence cases were more likely to be pursued via Breach of the Peace than in the other areas. Police practice in Newcastle West followed most closely the 'positive policing' approach, by pursuing criminal charges and avoiding common law release.

Assessing risk

Since April 2001 Northumbria police have incorporated risk assessment as part of their domestic violence policing strategy. Assessment begins with officers attending a domestic violence incident and gathering information on the nature of the incident, victim, offender and any children in the household. Risk is assessed largely on incident severity and classified as low, medium or high. Repeat victimisation or reporting, although a factor, is not of primary importance in allocating the level of risk.

Significant harm is defined as low, increasing (from low) or high. Low harm is described as minor assaults such as pushing, holding, restraining and threats. Increasing harm consists of the lowest level criminal assaults. High harm is a range of criminal offences from Grievous Bodily Harm (GBH) and GBH with intent. Additional factors of perpetrator behaviour and personal characteristics, and aspects of victim vulnerability, are also considered. The model thus relies on definitions of significant harm derived from the criminal law, and focusing primarily on physical incidents. However, such a definition does not necessarily reflect the experience of those victimised, for whom serious physical violence is not the only or even obvious indicator of the greatest level of harm.³ When the primary criterion is the level of violence, emotional harm is reduced to low risk except, possibly, when the criteria for harassment are met.

It is a complex system to implement. Inevitably there is a large element of discretion in finalising the allocation of the risk level, as evidenced by the variation in the assignment of risk found across the three police districts. The proportion classified as low risk relative to medium and high is greatest for North Northumberland, while the patterns of risk assessment allocations for Newcastle West and South Tyneside are similar, with high risk predominating over low or medium risk assessments. Previous research

³ Hester, M., Pearson, C. & Harwin, N. (2000) Making an Impact - Children and Domestic Violence, Jessica Kingsley.

indicates that it is very unlikely these findings are the result of significant differences in domestic violence incidents between the three policing areas.⁴

From the police data on risk assessment, further issues emerge regarding the use of Breach of the Peace. A significant correlation exists between risk assessment level and arrest for Breach of the Peace, with the majority of cases of arrest for Breach of the Peace being assessed at high risk level. In Newcastle West all instances were assessed as high, and in South Tyneside two-thirds were assessed as high, with less than a quarter at medium, and only a few at low risk. A similar significant correlation exists between risk assessment level and arrest for Actual Bodily Harm, with no cases assessed as low, one fifth assessed as medium and four-fifths as high risk. This indicates that Breach of the Peace is being used to prosecute domestic violence offenders who might warrant prosecution in relation to a range of criminal offences, such as Actual Bodily Harm or Harassment.

Prosecution and conviction

Role of victims

Prosecutors also considered those victimised, and their decisions concerning relationships and families, as the main point of attrition. They cited as the main grounds for attrition retraction of statements, and/or parties being back together or wanting to make arrangements for the children. Analysis of case files indicated that cases were more likely to be pursued where the parties were no longer together, and the onus was on the women in particular to stay out of the relationship. Where women retracted their statements, information regarding the reason for this would be requested via the police. Where it was found that the parties were seeing one another or were back together, the victim-witness was deemed less reliable and cases were more likely to be discontinued. This was also a focal issue for the defence solicitors interviewed. As one solicitor explained:

...if it looks as though they're likely to get back together or for whatever reason she's likely to withdraw her statement, then I'll probably advise him not to say anything. (Defence Solicitor)

None the less a change in practice could be discerned. CPS and other agency staff interviewed indicated that cases were now more likely to be pursued than they had been in the past:

Of course, it's getting more common now for a case to go ahead even if she retracts: the CPS can summon a witness to appear, and even if she doesn't turn up they may have enough other evidence to go ahead and try to get a conviction. (Defence Solicitor)

⁴ Hanmer, J. Griffiths, S. and Jerwood, D. (1999) *Arresting Evidence: Domestic Violence and Repeat Victimisation*. Police Research Series Paper No. 104, Home Office.

This was also reflected to a limited extent in our sample. There were 3 instances where women retracted their statements. Two of these retractions resulted from pressure on or intimidation of victims by offenders. In one instance the case was discontinued by the CPS, while in the other 2 cases the prosecution went ahead, and obtained convictions, on reduced charges. Moreover, in a few instances those being victimised were summonsed in Crown Court trials when there were no alternative witnesses, although none in our sample were compelled to attend.

Victim impact statements were used in a few instances, and to good effect. However, few police officers had knowledge of victim impact statements, it was not known how consistently these statements were used across the force, and only a couple of the officers knew of any occasions when they had been used by themselves or others.

Attrition through the courts

Those prosecuted tended to be chronic domestic violence offenders, with 70% recorded by the police as repeat offenders. Final charges applied by the Crown Prosecution Service were largely similar to the charges initiated by the police. This is to be expected given that the police and CPS have agreed common charging standards with regard to Offences Against the Person (CPS, 2002). The proportion of individuals charged with an initial or final criminal offence was the same, and 82% of the initial charges were continued by the CPS. In the majority of cases where the CPS did not continue the initial charge, further (usually lesser) charges were added, and these generally resulted in conviction. Nearly all the cases proceeding to the courts were heard in the Magistrates' Courts, with only 5 cases heard in the Crown Court. The Crown Court cases were predominantly related to charges of Harassment (4 of the 5 cases).

Of the 869 domestic violence incidents recorded by the police during the sample period, only 3.6% (n=31) resulted in conviction for criminal offences, mostly fines. About a quarter resulted in Community Rehabilitation Orders - most in Newcastle West - with the offender usually expected to attend a perpetrator programme. There were only 4 custodial sentences, 2 in South Tyneside (for Common Assault & Harassment) and 2 in Newcastle West (Criminal Damage combined with Assaulting a Police Officer & Affray). The conviction for Harassment also included the only restraining order in the sample. There were a further 24 bind-overs (of 23 men and one woman) resulting from charges of Breach of the Peace - largely in South Tyneside - as well as 5 male offenders fined and one conditionally discharged for being drunk and disorderly.

Given the particular emphasis on positive policing and a higher level of charges for criminal offences in Newcastle West, it might be expected that there would also be a higher level of conviction in this area. However, this was not the case. In both North Northumberland and Newcastle West about a fifth of those arrested were eventually convicted. In South Tyneside the proportion was nearer a tenth, again reflecting the greater use of Breach of the Peace rather than criminal charges in this area. Attrition was therefore especially marked with respect to cases dealt with by the courts in Newcastle. Newcastle West was the only area to prosecute for Affray, Threats to Kill and Grievous Bodily Harm, and had a higher number of charges with regard to Criminal Damage and Harassment. Across all these charges in Newcastle, less than half resulted in sentences, and of the remainder, most resulted in dismissal. Moreover, convictions in Newcastle West were very likely (and most likely of the three areas) to be on a lesser charge than the final charge decided by the CPS.

With regard to assault charges specifically, the lowest charge of Common Assault was used most widely, and was also most likely to result in conviction (see *Table 2*). In North Northumberland Common Assault was the only assault charge applied. All assault charges were more likely to result in conviction in South Tyneside, with attrition again most likely in Newcastle West.

Table 2 - Assault charges and convictions

	North Northumb.		Newcastle West		South Tyneside		totals	
	<i>Final charge</i>	<i>Conv.</i>	<i>Final charge</i>	<i>Conv.</i>	<i>Final charge</i>	<i>Conv.</i>	<i>Final charge</i>	<i>Conv.</i>
s. 39 - Common Assault	6	4	11	5	11	7	28	16
s. 47 - Actual Bodily Harm	0	0	7	1	8	4	15	5
s. 20 - Grievous Bodily Harm	0	0	1	0	0	0	1	0
s. 18 – Grievous Bodily Harm with intent	0	0	0	0	1	1	1	1

With regard to the risk assessment carried out by the police, some of the CPS barristers interviewed indicated that they also referred to the risk assessment when considering cases for prosecution. However, this was not reflected in outcomes, where there was no obvious association between level of risk assigned and outcome of cases. For instance, the incidents leading to convictions for Actual Bodily Harm in Newcastle West and South Tyneside had originally been assessed by the police as either medium or high risk. By contrast, in all arrests for the same offence in North Northumberland the

level of risk was assessed as high, however the charges were reduced by the CPS to Common Assault.

Evidence

Discussions with prosecutors and analysis of court data revealed that photographic evidence in particular made it more likely that a guilty plea and/or successful conviction would result. However, according to the police's own data, enhanced evidence was only rarely collected. North Northumberland police have a digital camera available for this purpose. But in none of the incidents where arrests had taken place had photographic evidence appeared to be used, and none had been made available to the courts. Only 3 instances of photographs being taken were recorded, all in Newcastle West - although interviews with victims suggested that photographs had been taken in a few more instances. As one of the defence solicitors interviewed expressed:

In my view the CPS get a bad press from the police because they (the police) haven't done a good enough job of providing evidence, so the case gets dropped. Then they say they're gutted, when if they'd done a better piece of work they might have been more successful. (Defence Solicitor)

The extent to which other evidence, such as interviews with neighbours or use of CCTV footage, was followed up appeared to depend to some extent on what was requested by the CPS.

The Perspective of those victimised

Categories of need

From the interviews with those victimised about their experiences of the criminal justice system, two main categories of need emerged:

1. For the immediate violence to be stopped and the situation to be calmed down.
2. The need for longer term protection and measures put in place to ensure the violence does not continue:

The women in the first category tended to be satisfied with the police intervention because the police had arrived quickly, because they had been effective in calming the man down, and/or had separated the two of them (and see example of Ada).

ADA: Partner had been drinking, and beat her up. She rang the police and they took him away. She did not want him charged. This pattern had happened a few times, and Ada felt the police had been very supportive - there when she needed them. She has now been able to give her partner an ultimatum to stop drinking or she will leave.

Where charges or other measures were pursued these tended to have a positive impact on the offenders.

...the police arrived about five minutes later and arrested him because he was very abusive... the police asked if I was going to press charges. I said no because I think it would just have made the situation worse further down the line. I just didn't want him to do that again. ...They said they would give him a formal warning that he couldn't carry on behaving like that. And since then he's never been past the gate. (Mary)

The women in the second category, needing longer term protection and measures put in place to ensure the violence did not continue, were more likely to be dissatisfied, especially with the court process. The fines and bind-overs, or short custodial sentences, did not stop the men continuing their violence and harassment in the longer term (and see example of Celia). The men in this category were more likely to be 'chronic' offenders, using ongoing forms of coercive control.

CELIA - Married for 5 years. Husband gradually became more violent. First he used the 'odd slap' then started isolating her from friends and family. She tried to leave 3 times, but her husband became more violent each time. Police were eventually called. Husband was arrested for Breach of the Peace, but she would not press charges and he was released. More violence ensued: broken ribs, nose, an arm, chin split, teeth loose. Police were eventually called again. Celia gave a statement, and her husband was charged with Grievous Bodily Harm. He was placed in a bail hostel and she felt safe, but he was then allowed out to see the children. The court case resulted in conviction: he was fined £100, paid at £5 a week, and ordered to attend a perpetrator programme. None of this had an impact on the offender, and he pesters her daily.

The women felt particularly let down by the court process and the frequently inadequate outcomes. They were generally bewildered and shocked by the plea-bargaining and reduction in sentences that tended to take place in court. Feeling safe as a result of the court outcome was very important if women were to contemplate pursuing a case again. Some would also have welcomed a prosecution brought entirely by the police. None the less, many of the women felt stronger because of having taken the cases through the courts and thus having 'stood up to' their (ex) partners. In some instances this meant the men were less likely to be violent again.

Support for the women was crucial to enable them to go through with the court process. The Victim Support schemes in some of the courts were seen as providing this function, but a much wider range of individuals and agencies also provided this support including the police, solicitors, other

agencies and relatives. The police were especially singled out as providing essential support leading up to and during court cases. Even so, less than a fifth of the victims had agreed to be referred to Victim Support, and less than a tenth to women's agencies. The research indicated that further development of multi-agency partnerships between a wide range of agencies, including the criminal justice system and health, was needed in the 3 localities to support women through the criminal justice system and to deal with chronic offenders.

South Asian Women

Nine women of South Asian origin were interviewed. Four were of Bangladeshi descent, three of Pakistani descent and the remaining two of Indian descent. Echoing previous research, we found that domestic violence was a complex issue for South Asian women. Culture, religion, and issues of immigration, economic status and family structure all play a significant role in legitimising domestic violence, preventing women from reporting their experiences and contributing to attrition. Asian women have to overcome control mechanisms related to family honour (such as 'izzat' and 'sharam') to disclose their experiences. In instances where women had contacted agencies or the police for help and support they had at times been met with a culture-insensitive approach, or lack of appropriate interpreters, which could hinder future contact with agencies. In this and our other studies in the North East (see footnote 1) we observed that women from minority ethnic groups tended to be particularly under-informed about their rights and the nature and extent of domestic violence service provision they might be entitled to expect. Such was their gratitude for any assistance and support they could get that they found it more difficult to be critical of service provision and standards generally, despite the often negative outcomes.

The police had been involved in 7 of the 9 South Asian cases. The impact of the police involvement was very mixed, ranging from extremely negative to more positive outcomes. The consequence for one of the women had been particularly negative. Police involvement had worsened her husband's behaviour, and her attempts to seek help resulted in her being taken to Bangladesh and abandoned. Three of the women said that police involvement had not changed their husbands' behaviour. Only one of the women had experienced a positive impact on her husband. This contrasts with the experience of other women in our sample who were more likely to see the police approach as positive and supportive. Of the 9 South Asian women, 3 had never pressed charges and 3 withdrew their statements out of deference to their husbands and concern about the honour of the family. One court case was ongoing at the time of the interviews. In another instance the husband had been convicted, resulting in an 18-month

community service order and attendance on a perpetrator programme. This man's ex-partner had not wanted to press charges because of family pressure, although the conviction had stopped his (continuing) violence and harassment that had (otherwise) been ongoing for a number of years:

He completed the course. He does not come here anymore and I do not let him come either. Even though he hit me I still did not want to press charges but they said that they would press them anyway, even though I didn't want them to they still charged him. (Neema)

Children

The effect on attrition of having children with the offender was apparent across all aspects of the research data. Children were a reason the victimised women might not want to pursue charges or have the offender arrested. Contact with, or attempts to see, the children was also cited as a time when the offender might be violent again or harassment might ensue (and see example of Bushra). As one of the agency staff outlined:

...the presence of children makes a domestic violence situation much more difficult and complicated. There is the fear that the children will be harmed if women leave or if they go, or that the children will be abducted. There are also difficulties over contact arrangements, often used as a way an abusive man maintains control over a woman even when she has left him. (Advice Agency Staff)

BUSHRA - She had lived apart from her husband for many years. He had always had a lot to do with the children, coming to the house to see them. He continued to abuse her mentally, calling her stupid, keeping her short of money and denying her a divorce. Recently he became more physically violent, breaking her nose and kicking her. She called police and wanted to press charges, but her son stopped her as he was worried that his dad would no longer pay the school fees.

Analysis of the police data indicated that women with children were more likely to refuse to give statements. Court observation and case analysis revealed that reference to contact between children and alleged offenders was likely to lead to more lenient outcomes, whether bail conditions or sentences. In one case a CPS barrister indicated that a custodial sentence following a conviction for Actual Bodily Harm and Harassment was unlikely because the offender had almost daily contact with his 3 children; yet it was not questioned whether contact should be allowed to continue in such circumstances. Defence solicitors also explained that contact between the children and offender was an obvious area for the defence to exploit. Without a closer relationship between family law and civil and criminal procedures the existence of children will continue to form an important point of attrition in criminal justice approaches to domestic violence.

The research found that:

- Three-quarters of incidents with a power of arrest attached led to arrest
- Less than a third of arrests led to criminal charges.
- Positive policing was more likely to result in higher levels of arrests and a greater proportion of criminal charges.
- Attrition through the courts was especially marked
- Attrition through the courts was higher in the district that emphasised positive policing.
- Contact between children and alleged offenders was likely to lead to more lenient outcomes, whether bail conditions or sentences.
- Support for the women was crucial to enable them to go through with the court process.
- Domestic violence situations varied greatly, and the police and courts were more competent in dealing with the less entrenched situations.
- Court outcomes did not stop chronic offenders from continuing their violence and harassment.

Recommendations

- A more systematic approach to repeat offenders is needed throughout the criminal justice system.
- The shift towards positive policing needs to be applied consistently and reflected in the work of the courts.
- Evidence, especially photographs, needs to be collected more routinely by the police.
- Further development of partnerships between the CJS, health and other agencies is needed to deal with chronic offenders and vulnerable witnesses.
- There needs to be a closer relationship between civil and criminal procedures with regard to arrangements for children.
- The use of restraining orders should be increased, including attachment of powers of arrest.

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