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"Exploring the impact of Domestic Violence Protection Notices on victims and perpetrators of domestic violence."

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**“Exploring the impact of Domestic Violence
Protection Notices on victims and perpetrators of
domestic violence.”**

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Masters by Research

School of History, Philosophy and Social Sciences

September 2020

Declaration

I hereby declare that this thesis is the results of my own investigations, except where otherwise stated. All other sources are acknowledged by bibliographic references. This work has not previously been accepted in substance for any degree and is not being concurrently submitted in candidature for any degree unless, as agreed by the University, for approved dual awards.

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ABREVIATIONS

DV – Domestic Violence

DA – Domestic Abuse

DVPN – Domestic Violence Protection Notice

DVPO – Domestic Violence Protection Order

IDVA – Independent Domestic Violence Advisors

MARAC – Multi Agency Assessment Conference

DASH - Domestic Abuse, Stalking and Harassment, and Honour Based Violence

NFA – No Further Action

PACE – Police and Criminal Evidence Act

PCSO – Police Community Support Officer

DAO – Domestic Abuse Officer

NWP – North Wales Police

RMS – Record Management System

ABSTRACT

Domestic abuse (DA) was once deemed a taboo subject and, historically, was often dismissed by society and the criminal justice system as a man's right to discipline his 'wayward' wife. In the past, police rarely intervened in domestic incidents, arguing that they were a 'private' matter and did not require a formal response (Bard & Zacker, 1971; Klinger, 1995). However, societal values and the criminal justice systems response to domestic violence have changed over time. DA is now viewed, for the most part, as an abhorrent and illegal act, regardless of whether the perpetrator is male or female. Police forces across the UK implemented a new way of tackling domestic violence in 2014; the Domestic Violence Protection Notice/Order (DVPN/O). This legislation allows for victims to be safeguarded and protected in domestic incidents where there would otherwise be insufficient evidence for a criminal charge such as battery, actual bodily harm (ABH) or grievous bodily harm (GBH). The notice gives the police the power to remove the suspected perpetrator from the home for 48 hours whilst the applying to the Magistrate's Courts for an order to be passed which prohibits them from contacting the victim directly or indirectly for up to 28 days.

In this study, I draw upon a mix methods approach to examine the impact of the DVPN/Os on victims and perpetrators of DA. Additionally, I explore the views and experiences of North Wales Police (NWP) professionals who use this order to safeguard victims when there is not enough evidence to present at court for a criminal charge. The study also explores the effectiveness of the after-care provided by NWP and third sector agencies to both victims and perpetrators of DA, as well as giving consideration to how police culture can affect the way victims are treated by the police.

The views, opinions and recommendations of the participants coincide with the proposed legislative change for 2021, to ensure a more monitored approach to dealing with perpetrators of DA. The new legislation would also raise the DVPO process from a civil to a criminal offence. The findings from this study suggest that the initial civil sanctions placed upon perpetrators of DA are not sufficient in preventing further abuse, and can often lead to subsequent breaches of the DVPO. There is a lack of clear sentencing guidelines which directly affects the severity of the penalty imposed by the Magistrates Court. As discussed in this research, this had often led to a sense of the DVPO being just 'a slap on the wrist'. The findings also highlighted an issue with regards to whom the responsibility of welfare checks should fall upon, as currently NWP have no legal obligation to carry out such checks on neither the victim nor the perpetrator of DA.

Chapter 1 – RESEARCH INTRODUCTION

This thesis explores the impact of DVPNs (Domestic Violence Protection Notices) and DVPOs (Domestic Violence Protection Orders) on victims and perpetrators of Domestic Abuse (DA). Whilst the impact of DA on individuals has been researched in relation to physical violence and coercive control (Wilson, 2009; Stark, 2007; Walker, 1979; Steinmetz, 1977) there is scant research into the DA incidents where a civil order such as DVPO has been granted rather than a criminal charge. Understanding the use of a DVPN/O in situations where there is very little physical evidence of abuse is crucial in understanding victims' responses to victimisation, and the views and opinions of professional individuals who work in this area.

There exists a limited amount of studies and research about the use of DVPOs in the UK and this study is the only project that has focused on the use of these order by North Wales Police (NWP). The principle aims of this study are as follows;

1. Exploring the need for DVPN/Os in incidents of DA where the evidence is limited and would have in the past resulted in a No Further Action (NFA) result or the police being unable to proceed with any formal charge against the alleged perpetrator.
2. Analysing the consequences of breaching the order in relation to continuity, severity and risk.
3. Ascertaining the views and opinions of professionals who work in the field of DA to gain a broader understanding of the use of DVPN/Os in relation to front-line workers and those who support the victims and perpetrators in the aftermath.
4. Examining whether there is, currently, sufficient support for the perpetrators both during and after the DVPO.

In this research, the aims are translated more specifically into:

- 1) A review into the need and prevalence of DVPN/Os by North Wales Police (NWP) in relation to orders granted by the courts and subsequent breaches.
- 2) An analysis into the impact of DVPN/Os on victims and perpetrators of DA as well as the reception of professional individuals who work in the DA sector.
- 3) An exploration into the support services offered to both victims and perpetrators of DA and whether these services are adequate.

This research uses the term domestic abuse (DA) rather than domestic violence (DV) as it recognises the addition of non-physical controlling or coercive behaviour into DA legislation (Section 76 of the Serious Crime Act 2015). Chapter 2, sub-section 2, provides a full definition of DV and Coercive control and how this has been translated into DA legislations and laws.

DA is a priority area of concern for police forces in the UK, and internationally, however this has not always been the case, with police forces and officers being heavily criticised in the past for their attitudes towards, and responses to, DA. Although there is an estimated 2 million adults per year who are victims of DA, in the year ending March 2018, only 599,459 domestic incidents were reported to the police (ONS, 2018). Police workload is significantly lower than the estimated number of victims due to DA often being referred to as a hidden crime. Many cases go unreported and are not, as a result, recorded by the police and not therefore entered into the criminal justice system. The renowned under-reporting of this crime is often due to the fear of not being believed, fear of retaliation from the perpetrator and a reluctance to accept oneself as a victim (Mills et al, 2006; Barber; 2013).

The stereotypical and widely-held social belief of DA is that of male to female interpersonal abuse – that is, a male perpetrator abusing a female victim. However this research also acknowledges the emerging theme of male victims in both heterosexual and gay relationships, as well as exploring the impact of DA on lesbian and LGBT communities in the literature review. It is argued that for every 3 female victims of DA, 1 will be male. In the year ending 2019, 2.8% of heterosexual men were victims of DA at the hands of their female partners. This figure is lower than the abuse found in gay men (3.2%) and bi-sexual men (3.3%). In relation to female victims during the same year, 5.6% of heterosexual women suffered abuse from their male partners, 7.6% of gay women were abused by their female partners, and 9.1% of bisexual women were victims of DA (ManKind, 2020). Chapter 4, sub-section 8 further discusses the impact of DA on male, gay and LGBT victims.

In the course of my professional life as both a Health Care Support Worker for the NHS and as a Special Constable for NWP, I have personally come across many cases of DA both in terms of caring for victims who had suffered injuries and had been hospitalised, as well as supporting victims and apprehending perpetrators during, and immediately, after incidents of DA. In my role as a Special Constable, I became concerned that there was insufficient support for both victims and perpetrators of DA, and this motivated me to apply for a Bangor University scholarship held in collaboration with NWP to conduct this research. As DA is a very sensitive subject, there were many challenges to face and overcome with relation to ethics, and risks to the participants. There is an abundance of research conducted on DA by sociologists and criminologists which all highlight the difficulties faced when examining such a personal and often emotional topic (Fontes, 1998; Smith, 1994; Skinner et al, 2005; Davies et al, 2001). These challenges, and those I experienced, are discussed further in Chapter 3, sub-section 2 of this thesis.

Originally, the aim of my research had been to carry out face-to-face interviews with victims and perpetrators of DA in the North Wales policing area. However, this became impossible in March 2020 due to the UK wide Government lockdown in response to the COVID-19 pandemic. Although the

professional participant interviews were conducted prior to the lockdown, the victim and perpetrator interviews were conducted via telephone. Not only did the pandemic result in changes needing to be made to this research but it also had a marked impact on the victims of DA in the UK. Victims who were in abusive relationships were now forced to remain in their homes with their abusers, and only allowed to leave for work (if unable to work from home, for essential shopping, exercise or for medical reasons). There was a dramatic increase in the number of victims calling helplines such as Women's Aid and ManKind (Grierson, 2020; BBC News, 2020; Davies, 2020). There was an increase of 49% in calls received by the Life Fear Free helpline service, which is funded by the Welsh Government (Jones, 2020). However, in North Wales, this increase in phone calls to charities was not reflected in the number of calls for assistance from NWP. This subject is discussed in Chapter 2, sub-section 2.4 of this thesis.

Within criminology and the sociology of policing, there has been significant controversy surrounding the police response to DA, with early research suggesting that response officers have in the past not viewed domestic incidents as 'real police work' (Reiss, 1971; Holdaway 1980). This research was, therefore, cognizant of 'cop culture' in relation to DA; from (i) the perception of the victims on how they were treated by NWP during and after the domestic incident; and, (ii) from the perception of the professionals working in the field of DA and whether they believe there has been an attitude or behaviour shift in how DA is now policed. This is further explained in Chapter 4, sub-section 3 and returned to in the concluding chapter.

The orienting research questions for this study are;

- 1) Are support services available to victims offered through third sector agencies such as Independent Domestic Violence Advisors (IDVAs), and are they offered routinely to each victim both during and after issuing of the DVPN/O?
- 2) Are welfare checks conducted by NWP to ensure the wellbeing and safety of all victims who received a DVPN/DVPO?
- 3) As support services are predominantly victim-focused, is there also sufficient and adequate support available to the perpetrators of DA?
- 4) As DVPOs are civil and not criminal orders, are the consequences for the initial domestic incident, as well as for any further breaches, enough?
- 5) Has the positioning of DA as a force priority and an important, and routine, part of police demands, had any impact on 'cop culture' and the perception of 'real police work'?

These questions are answered and discussed in the relation to the overall findings from this research in Chapter 5 (Conclusion).

Chapter 2 – THE CHANGING LANDSCAPE OF DOMESTIC ABUSE: POLICY AND PRACTICE

1. Defining Domestic Abuse and Coercive Control

This chapter aims to review the key literature on policing DA in the UK, but it also draws comparisons from countries such as the USA in order to provide an overview of the broader topic before exploring the role of the DVPN/O in the UK particularly. It is, important to understand how and why DVPN/Os were implemented in the first instance. This literature review will draw upon many of existing academic studies involved with researching DA, as well as highlighting the changes in legislation over the years. Many police researchers are cited in this review such as Skolnick (1996), Reiner (2000) and Stark (2013) in order to highlight the development in the behavioural and attitudinal beliefs of the police and criminal justice system when dealing with DA. The policing of domestic abuse has garnered much attention over the years and continues to be a key topic of interested (Westmarland et al, 2014; Robinson et al, 2016; Gadd, 2012).

I begin the literature review with a discussion of the nature and definition of DA. The following is the current official government defined understanding of DA. There are a number of definitions available such as;

“Domestic abuse is a pattern of assaultive and coercive behaviours, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners.” (Ganley, 2009, pp.61).

“Domestic abuse can be better understood as a chronic syndrome characterised not only by episodes of physical violence but also by the emotional and psychological abuse the perpetrators use to maintain control over their partners.” (Hegarty et al, 2000 pp.363).

Although Hegarty et al (2000) has included ‘emotional and psychological abuse’ in their definition, it is important to point out Ganley’s (2009) inclusion of the term ‘coercive control’. This highlights that control can extend further than the emotional and psychological control stated by Hegarty et al, and can include economic coercion which will be discussed further in this thesis.

In 2018, the Government launched a consultation which sought to create a new Domestic Violence Bill which would give a statutory definition of DA in the UK. This landmark Bill was passed in 2019 and expanded on the previous DA definition; lowering the age limit from 18 to 16 following the *“Teenage Relationship Abuse Campaign”* run by the Government from 2010-2014 (Home Office 2015). It also covered the concept of ‘economic abuse’ which highlights the complexity of abuse in

relationships. Similar to psychological abuse, economic abuse focuses on the perpetrators ability to control the victims location and actions, but also how that control also includes the victims financial resources. Victoria Atkins MP, Minister for Safeguarding and Vulnerability stated; *“It is vital that in tackling domestic abuse, everyone, from statutory bodies to members of the public, has a proper understanding of it and how to support and protect victims. A statutory definition of domestic abuse will help to do this, emphasising that DA is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse”* (GOV, 2019). The 2019 Domestic Violence Bill defines DA as;

“any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional abuse. Domestic abuse also includes culturally specific forms of abuse including, but not limited to, forced marriage, honour-based violence, dowry-related abuse and transnational marriage abandonment” (Judiciary, 2019).

In an attempt to foresee and potentially combat the risk of domestic abuse, the Domestic Violence Disclosure Scheme (commonly known as Clare’s Law) become operational in England and Wales in early March 2014. This scheme was the result of a campaign lead by the father of Clare Wood who was murdered by her boyfriend in 2009. Much like ‘Sarah’s Law’ which allows parents limited access to the Child Offender’s Register, Clare’s Law gives individuals who are forming or have formed a relationship *“the right to ask”* about the criminal history of the other individual (Grace, 2015). This scheme is also underpinned by the *“right to know”* element, in which police officers themselves can request to disclose information to individuals who they feel are vulnerable or at-risk of harm from their partner. Both requests from either the concerned individuals and/or the police are considered in a Multi-Agency Risk Assessment Conference (MARAC) and are only discussed where there is believed to be a risk of imminent danger to the potential victim. Clare’s Law is commonly understood as a mechanism through which to gain information in relation to DA. However, disclosure can also be requested and given surrounding other offences such as burglary, arson, sexual offences and people trafficking. Fitz-Gibbon and Walklate (2016) therefore argue that the objectives of Clare’s Law are threefold; (i) to enable the police and other agencies to provide better protection and support to victims who are at risk of domestic abuse; (ii) to prevent incidents of DA by disclosing information before an incident has occurred; and, (iii) to reduce the costs to the criminal justice and health systems that are related with incidents of da (Fitz-Gibbon and Walklate, 2016).

‘Coercive abuse’ is now illegal under section 76 part 5 of the Serious Crime Act 2015 which was followed by the Domestic Abuse Act in February 2018 by the Scottish Government. Section 76 (1A) of this Act states that; *“A person commits an offence if they repeatedly or continuously engage in*

behaviour towards another person that is controlling or coercive” (Domestic Abuse Act, 2019). The Home Office (2015) defines coercive behaviour as;

“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” (Home Office, 2015, pp.3).

Stark (2013) defines coercive control as;

“A strategic course of self-interested behaviour designed to secure and expand gender-based privilege by establishing a regime of domination in personal life” (Stark, 2013).

He argues that coercive control is made up of three facets; the ‘course of conduct’ which highlights that the oppression in the relationship is not episodic but ongoing; the abuser is rational and instrumental in their behaviour; and, that coercive control is multi-faceted. Coercive control in relationships illustrates the dominance of one partner over the other; the abuser has the ‘power’ to isolate and control which results in the victim becoming subordinate and subjugate. Stark also highlights the gender bias of coercive control as he states that the most common victims of such abuse are predominantly female due to their stereotypical default roles as mothers and home-makers (Stark, 2007). He also suggests that there are four tactics which culminate in coercive control; violence, intimidation, isolation and control; each tactic will be explored during this thesis.

The table below shows the criminal justice outcomes for engaging in controlling or coercive behaviour in an intimate or family relationship in England and Wales from April 2017 to March 2018. Over the year there were 711 cases, with 8 resulting in a caution, 464 leading to court proceedings and 235 resulted in convictions. Of 235 convictions, 125 offenders were taken into immediate custody after arrest, and 223 were sentenced to prison for an average 17.1 months. A notable number is that of the absolute discharges of which there were none. This suggests that the evidence gathered and provided by the police for each of the cases was sufficient and resulted in some form of punishment delivered by the courts. Further statistics also highlight how the number of coercive and controlling behaviour offences have tripled since its introduction in 2015; 5 cases reached a first hearing in a Magistrate’s Court 2015-16, 309 in 2016-17 and 960 in 2017-18 (ONS, 2018). The one female conviction was that of Jordan Worth whose case is discussed later in this thesis.

Table 33: Criminal justice outcomes for engaging in controlling or coercive behaviour in an intimate or family relationship, year ending December 2017

England and Wales

	Males	Females	Unknown	All
	Number			
Cautions	8	0	0	8
Proceedings	454	9	5	468
Convictions	233	1	1	235
Sentenced	221	1	1	223
Immediate custody	124	1	0	125
Suspended sentence	62	0	1	63
Community sentence	28	0	0	28
Fine	0	0	0	0
Absolute discharge	0	0	0	0
Conditional discharge	2	0	0	2
Compensation	0	0	0	0
Otherwise dealt with	5	0	0	5
Average custodial sentence (months)	17.1	0.0	0.0	17.0

Source: Ministry of Justice

(ONS, 2018).

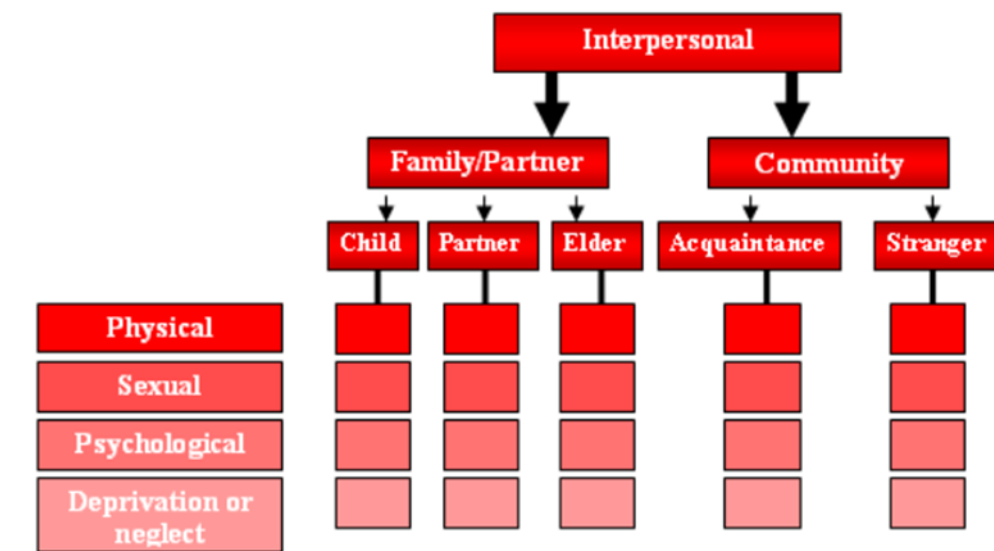
However, a comparison must be drawn from the overall DA cases in England and Wales from the same year, which was 599,549. Therefore, although there has been a rise in the convictions for coercive and controlling behaviour, it bares little weight in comparison to the prevalence of DA as a whole. Johnson and Barlow (2018) conducted a research study into the policing of coercive control in collaboration with Merseyside Police over an 18-month period. Over this period 19,000 DA related crimes were recorded by Merseyside Police with only 156 being treated as coercive and controlling behaviour. 95% of the victims of coercive control were female, and nearly all were recorded as being in an intimate relationship with the suspected perpetrator. They found that whereas DA calls made to the operating room where there was evidence of physical violence were given an immediate dispatch of police officers, calls where information was given in the context of coercive control were given a lower grade response (such as a priority 1 – within the hour dispatch; or a priority 2 – within 4 hours). However, when the police arrived at the majority of the cases, they deemed the victim to be at ‘high-risk’ of harm. Townsend (2006) stated that a higher priority was given to DA calls where the victim required an ambulance, or where the suspected perpetrator was still on scene. This suggests that call handlers prioritise DA calls where the victim has been physically injured or believed to be in imminent danger, and where this is not the case, the dispatcher would record this as a priority 2. However, on police arrival the perceived danger to the victim, or the offence committed, should have rendered the call as a priority 1. Johnson and Barlow (2018) also found that during their study that there was a number of missed opportunities for making an arrest under a coercive and controlling offence. They state that a number of cases were concluded as No Further Action (NFA) as there was

insufficient evidence. It is suggested that the officers did not utilise third-party evidence such as eye-witnesses and were not thorough enough in extracting information from the victims' statements to gain evidence of sustained coercive control (Johnson & Barlow, 2018).

2. Interpersonal, Domestic and Intimate Partner Violence – The Dark Figure of Crime

Interpersonal violence is defined as “acts of violence and intimidation that occur between family members, between intimate partners or between individuals, whether or not they are known to one another, and where the violence is not specifically intended to further the aims of any group or cause” (Waters et al, 2004). The table below highlights how interpersonal violence is the umbrella term under which DA, intimate partner violence and community violence sit. For this thesis I will not be discussing community violence, but will be focusing on DA.

Typology of interpersonal violence



(WHO, 2020).

Rees et al (2006) conducted a Survey of 500 British women who sought help from Refuge UK. In this study it was found that extreme violence is often used in cases of domestic abuse where women seek help, with 38% of the women reporting that they had suffered some form of ‘permanent damage’ from the abuse. Choking or strangling was the most common form of violence used against these women (70%) and 60% had been attacked while they were sleeping, with 26.5% being beaten so badly they

were left unconscious. It was found that 24% had been attacked with a sharp object which resulted in them being cut or stabbed, and 60% had been forced to have sex or perform sexual acts against their will (Rees et al, 2006). Although extreme violence is prevalent in some DA cases, it must be noted that low level violence is used in 95% of all DA cases. Although the common held belief is that DA in relationships is as a direct result of conflict, it is actually found that abuse is often to prevent challenges in the relationship from surfacing. Rather than abuse forming from an angry outburst or a momentary loss of control from the perpetrator, individuals who abuse their partners often do so in a routine manner like it is any other daily activity (Stark, 2013). The survey by Rees et al (2006) confirmed this pattern by also finding instances of abuse that did not result in extreme violence but happened on a daily basis such as being; “*shook or roughly handled*” often or all of the time (65.5%); frequently kicked, punched or bitten (46.6%); and, pushed or held too hard (58%) (Rees et al, 2006).

Although DA and ‘intimate partner violence’ are today used interchangeably in society when discussing criminal offences of abuse/violence, they have different origins. Traditionally, DA has always been associated with a heterosexual married couple, with the victim being the female and perpetrator being the male. It was not until 2000 that societal views began to change and adapt to the understanding that violence does not always occur solely in a marriage and the victims are not gender-specific. In order to gain a broader understanding of violence in relationships the term ‘intimate partner violence’ was introduced by sociologists and criminologists alike (Lawson, 2012; Jordan, 2004; Felson & Messner, 2000). Whereas DA is an offence which can be widely found in varying relationships (ex-partners, mothers, fathers and children), intimate partner violence is defined as:

“any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship” (WHO, 2020).

Therefore, although both types of violence are often described as DA, the main difference between the two is that intimate partner violence refers solely to incidents of abuse that occur within an intimate relationship (Dobash & Dobash, 2004). The sexuality of the victims and perpetrators is also much broader in intimate partner violence, as the term was coined to ensure that victims of same-sex relationships were recognised and protected to the same extent as heterosexual relationships. Girshick (2002) found that in a lesbian relationships “*As raped partners, these women share the same sense of betrayal, disbelief, disgust, and fear as other raped wives*” (Girshick, 2002, pp. 65).

The ‘Dark figure of crime’ is a criminological concept used to describe the difficulties in providing an accurate measurement of crime statistics (Biderman & Reiss, 1967). Criminologists as well as other crime experts have acknowledged over the years that although crime statistics are readily available for most crimes from the Government, Office of National Statistics and the HMIC, these are not truly representative of all of the crimes that have been committed in the England and Wales. The term, also known as the Bayesian Theorem, was pioneered by mathematician Thomas Bayes in the 1800’s and is

defined today as “all crimes that are not formally captured in official police data, typically disseminated in the form of the Uniform Crime Reports” (Wilson, 2009 pp.71). It is argued that the dark figure of crime is a culmination of three reasons; crimes that are not/cannot be detected; crimes that are not reported to the police; and, crimes that are not recorded by the police (Aljumily, 2017). There is a long established correlation between DA and the dark figure of crime. The first reason given by Aljumily (2017) in relation to DA is that it can be argued that DA cannot always be detected due to its structural character as a hidden crime which invariably takes place behind closed doors. Most incidents of DA happen in the private homes of the victim where there are few, if any, witnesses to raise the alarm if the victims themselves are unable or unwilling to. Thus, the abuse often goes undetected and unrecorded. The visible consequences of DA are sometimes apparent on the victim themselves after the incident, such as bruising on the face or body. Although this may be noticed by family, friends and work colleagues, the witnesses to such injuries do not always raise questions or report their concerns to the police, due in part to fear or becoming involved in the situation and risking harm to themselves. The Women’s Aid ‘Blind Eye’ campaign aimed to combat the issue of ignoring signs of DA in 2013, launching an advert which was shown across 23 cinemas in the UK. This advert allowed the viewers to choose whether to watch the 3D advert showing a woman being domestically abused by her husband in the kitchen, or watch a woman cooking alone in her kitchen. The campaign aimed to raise awareness of DA and had a global reach of over 242.8 million people in just 6 weeks (WomensAid, 2015).. This campaign was followed by the ‘Look At Me’ interactive outdoor campaign in 2015 where the bruised face of a victim of DA was placed on billboards in Canary Wharf, Westfield Shepherd’s Bush and the Birmingham Bullring and using facial-recognition software, the bruises on the victims face began to fade as more passers-by began to notice the screen. This interactive advertising aimed to eliminate the taboo surrounding DA and urge people to take a stand and report any concerns they had to the police (Womens Aid, 2019).

The second reason for the high ‘dark figure’ of DA crimes given by Aljumily (2017) is that the abuse is often not reported to the police. Many studies have been conducted over the decades to examine the reasons why victims do not call the police (Walker, 1978; Pagelow, 1984; Herzberger, 1996). A more recent study by Felson et al (2006) builds on these works and suggests that there are five reasons explaining why victims do not report incidents. The primary reason is that individuals feel embarrassed and ashamed in reporting their abuse, even though they are the victims in such cases. They may feel that reporting could stigmatize them and give their friends and family a preconceived idea of who they are as a person such as being weak and vulnerable (Felson et al, 2006). The second reason involves the attachment that the victim has with the perpetrator; the victim may feel compelled to protect their partner even after being abused, or they may be financially dependent on the perpetrator. Thirdly, the victim may fear the consequences of reporting DA to the police; the reprisal may include more serious abuse or other forms of non-violent retaliation by the abuser (Gottfredson

and Gottfredson, 1987). However, this reason has been disputed by Singer (1988) as it is believed that fear is often the reason victims call the police in the first instance so it holds no bearing on inhibiting them from seeking help (Singer, 1988). The fourth reason may be that the victim has themselves been involved in criminal activity during the incident such as being involved with drugs which resulted in the abuse, or they may have also been violent towards the perpetrator during the incident and fear being blamed for the abuse (Black, 1983). Greenberg and Ruback (1985) note that the final reason for not reporting DA to the police may be because of the financial implications of doing so; the victim may be unable to afford the costs involved in the legal process such as taking time off work; or the time-constraints such as having to appear in court and provide witness statements (Greenberg & Ruback, 1985).

Another reason contributing to the dark figure of crime in relation to DA according to Aljumily (2017) is that even when cases of DA do get reported, they are not always recorded by the police. A recent article by The Guardian argued that cases relating to DA have seen an 11% decrease of referrals to the Crown Prosecution Service (CPS) in 2019. In 2018 110,653 cases were sent to the CPS for consideration for a charge of DA, this figure fell to 98,470 in 2019.

A 2014 HMIC report concluded that there were over 800,000 crimes reported to the police in the UK which were not formally logged and, therefore, not recorded as crimes - 33% of cases involved violence – and this has resulted in the police having a 19% under-recording rate (HMIC, 2014). Coleman and Moynihan (1996) state that there are 3 main factor which influence police reporting; social and political context, organisation context, and, situational context. They argue that police recording – or under-recording – can be closely linked to the government and politics. Recording incidents can be influential when targets have been set, such as reducing certain crimes or improving detection in other crimes. Better and fuller recording of crimes can also affect the police resources supplied by the government - more recording means a higher demand and therefore requires more resources. In an organisation context, the police would arguably record more crimes that fit in with the current force 'priority' and this can be influenced by key personnel, or those higher up the occupational hierarchy. The seriousness of the crime can also impact on how and if crimes are reported. This situational context can be linked to Reiner's (2007) belief that police have cultural prejudices and biases towards certain types of groups/victims and this can sway their decision to record – or not (Coleman & Moynihan, 1996).

3. Domestic Abuse: Historical Developments

This section will provide a brief outline of the timeline of DA and highlight significant changes in the way laws and legislations have developed to combat the once held belief that violence in marriage was acceptable. DA is a phenomenon which has plagued victims from around the world since ancient

times; and has strong roots in patriarchy. The latter is a concept used “to refer to male domination, to the power relationships by which men dominate women, and to characterise a system whereby women are kept subordinate in a number of ways” (Bhasin 2006 pp.3). The term ‘patriarchy’ stems from the Ancient Greeks (800 BC) and is literally translated as “rule of the father” meaning that the senior male in the family has absolute control. This type of familial structure was widely accepted as ‘a way of life’ until the feminist movement began to develop. As early as 1792, for example, Mary Wollstonecraft released a book entitled ‘A Vindication of the Rights of Women’ in which she discussed the “tyranny of men” (Ford, 2009, pp.192). It was not until 1975 and the pioneering work of Susan Brownmiller that patriarchy became a widely discussed theoretical concept when discussing DA against women. Although this term was later heavily criticised as being ‘undertheorised’ (Kandiyoti, 1988), it emerged as a central concept and was imported into the later works of feminist perspectives and the sexual inequality theory (Hunnicut, 2009; Smart, 1995). The section below will further discuss the concept of patriarchy using early literature to highlight how ‘wife-beating’ was not only socially accepted but endorsed by both men and wider society.

3.1 Patriarchy and the Women’s Liberation Movement (WLM)

During the reign of Charles the Second (1660-1685) the beating of a wife by her husband was promoted in order to ‘correct her misbehaviour’. This ideology was based on an ancient law discussed by William Blackstone (1723-1780) in his ‘Commentaries on the Laws of England’ where he states:

“The husband ... by the old law, might give his wife moderate correction. For, as he is to answer for her misbehaviour, the law thought it reasonable to intrust him with this power of restraining her, by domestic chastisement in the same moderation that a man is allowed to correct his apprentices or children ... for whom the master or parent is also liable in some cases to answer” (Stedman, 1917 pp.242).

Blackstone has also been labelled as the founder of the phrase ‘rule of thumb’ which implies that a husband could chastise his wife with any object no thicker than his thumb (although there is no definite reference to the exact origin of this phrase). The earliest written statement concerning the ‘rule of thumb’ is that of Terry Davidson in 1977 where he discusses the law on wife-beating;

“The old law was created as an example of compassionate reform when it modified the weapons a husband could legally use in ‘chastising’ his wife. The old law had authorised a husband to ‘chastise his wife with any reasonable instrument’. The new law stipulated that the reasonable instrument be only ‘a rod not thicker than his thumb’” (cited in Kelly, 1994, page 7).

This clearly suggests that wife-beating during this time was legal providing that the husband could prove that he was merely chastising his wife using an instrument that was no thicker than roughly 1.5

inches. The fact that this new law stated that the husband could chastise his wife reflected that DA was societally accepted. Although society and the criminal justice system have developed dramatically since then, the early ideology that it is men who abuse their female wife/partner could be the reason why the plight of male victims has only recently been recognised.

It is notable that during this time marital rape was also still legal, due a declaration passed by Sir Matthew Hale in 1736:

“the husband of a woman cannot himself be guilty of an actual rape upon his wife, on account of the matrimonial consent which she has given, and which she cannot retract” (The Histories of the Pleas of the Crown, 2019).

Although this statement was not binding, it paved the way for the widely used “Marital Rape Exemption” in the US which made marriage a legal defence to the charge of rape. This contractual consent theory was first used in the UK in 1889 in the case of R V Clarence when a husband’s charge of rape against his wife was quashed due to her entering into a contractual agreement when marrying him and therefore the accused could not be guilty of rape within marriage (Adamo, 1989). It was not until the landmark case of R v R in 1991 that a new precedent was set in relation to marital rape. Lord Keith of Kinkel abolished the ‘Marital Rape Exemption’ when he charged a husband with the rape of his wife. From this case onwards it was now illegal in the UK for a man to rape his wife and was written in law under the Sexual Offences Act 2003 (which replaced the original Sexual Offences Act 1956) (Laird, 1992).

However, rape trials in court have been problematic not least for the courts themselves but for feminists across the globe. The discourses that the courts provide are considered as ‘truths’ due to the privileged status they hold within society. However, it has been argued that the way the law is *“formulated, enforced, and interpreted”* (Frohmann and Mertz 1995, pp. 829) although being presented as autonomous, is actually centred on hegemonic masculinity. Carol Smart (1995) states that;

“Law is a particularly powerful discourse because of its claim to truth which in turn enables it to silence women (who encounter law) and feminists (who challenge law)” (pp.71).

Smart (1995) through her socio-legal research argues that women who are raped and subsequently go to trial are nevertheless denied their right to tell their ‘truth’, but must instead be transformed into a ‘legal discourse’ which disqualifies their sexuality (pp.74). For example, a prostitute who has been raped is still a victim, regardless of her occupation. However, in legal discourse, a prostitute is often viewed within a framework of deviancy and immorality – in other words as a ‘bad woman’ (Butler, 1999). Even today, the Crown Prosecution Service (CPS) has been criticised for pursuing relatively small numbers of rape cases, with rape prosecutions in England and Wales being at their lowest levels

in a decade (Caellain et al, 2019). The criminal process therefore has the paradoxical ability to turn a victim into a prime suspect from analysing the clothes she wears, how she carries herself, previous sexual relationships, and her ability to provoke the so-called ‘natural urges’ of a man. As Smart (1985) powerfully argues;

“Her story is reconstructed into a standard form of sexual fantasy or even pornography in which she becomes the slut who turns men on and indicates her availability through every fibre of her clothing and demeanour. The only difference between the rape story and the standard fantasy is that in the former she complains”.

It is argued therefore that the deciding factor in a rape trial is that of how the woman conducts herself and manifests herself in court, which suggests that gender performativity in the eyes of the law is paramount (Butler, 1999). It has been argued that this stereotypical view of women extends much further than rape cases alone. In relation to DA, Erez and King (2000) suggest that court prosecutors are less interested in the safety and protection of victims of DA, but are more concerned with examining the possibility of ‘manipulative women’ who are attempting to falsely accuse the suspected perpetrator. They also argue that the legal framework which encourage the courts to take action, may still be guided by the outdated belief that the perpetrator was acting in self-defence, or that the abuse was ‘common couple violence’ i.e both parties were to blame (Erez & King, 2000). The notion of an ‘ideal victim’ (Christie, 1986) may also influence how women are perceived by the criminal justice system. He argued that DA incidents were metaphorically, and literally, viewed as *“noise in the house”*, adding that this noise *“does not create good victims. Noise is something that needs to be muffled”* (Christie, 1986, pp.20).

As this thesis is not a comprehensive history of DA in England and Wales it would be beneficial to focus on developments in the criminal justice system from the 1970’s onwards which will be discussed below. A more pervasive public acknowledgement of DA became apparent in 1971 with the opening of the first Women’s Shelter in Chiswick, London by feminist Erin Pizzey, which was closely followed by the opening of another such shelter in the US in 1972 (Bergen, 1998). During the 1960’s and early 1970’s the Women’s Liberation Movement (WLM) was formed, in which local women’s groups strategically and actively discussed the social and economic inequalities for women. The first National Women’s Liberation Conference was held in Oxford (27th Feb-1st March, 1970) in which women’s groups around the country met and discussed the liberation movement which resulted in the creation of 7 basic demands such as equal pay and 24-hour nurseries. Of key significance here is that domestic abuse was placed firmly on the agenda. In this respect, the WLM also demanded;

“Freedom for all women from intimidation by the threat or use of violence or sexual coercion regardless of marital status; and an end to the laws, assumptions and institutions which perpetuate male dominance and aggression to women” (WLM conference in Birmingham, 1978).

Moreover, this led to grass-roots action in which campaigns against violence against women achieved success on a national and international level. The Convention on the Elimination of All Forms of Violence Against Women (CEDAW) was adopted by the United Nations (UN) General Assembly in 1979, due to the campaigns held by the WLM to raise public awareness of domestic abuse. CEDAW consists of 30 articles which define what constitutes as discrimination against women and sets out actions to be taken to end such discrimination. A UN World Conference on Human Rights was held in 1993 in which section 18 of its agenda stated;

“Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated. The human rights of women should form an integral part of the United Nations human rights activities, including the promotion of all human rights instruments relating to women” (OHCHR, 1993).

Another flagship campaign of the WLM was that of Women’s Aid which was initially named the National Women’s Aid Federation and was founded in 1974. Women’s Aid as it is known today, was the first charity of its kind to bring together nearly 40 independent refuge services from around the UK to create a national network. This network allowed women and children to access a place of safety irrespective of their locality, to escape the violence and abuse experienced in their homes. In 2019 Women’s Aid now have 180 organisations in the UK which offer over 300 services to women and children who have been victims of DA (Womens Aid, 2019).

The Women’s Liberation Movement and the Women’s Aid Charity paved the way for recognition of DA as we know it today. DA was no longer a taboo subject of which conversations should be, confined to the walls of the familial home, but it was to have a place in national agendas thus creating a proactive criminal justice system with legislations that protect and safeguard victims of DA. This grass-roots movement argued that by not regulating violence within the home, the criminal justice system was *“complicit in the subordination of women in their homes”* (Bailey, 2010: pp.1299). This allegation was argued to be instrumental to the positive change in the criminal justice system in relation to DA (Bailey, 2010).

3.2 USA Mandatory Arrest and UK Pro-Arrest

Before the 1960’s, police in America did not intervene in domestic disputes, reflecting the wider social attitudes that disputes within the family home were not a police matter. However, police departments in the US underwent fundamental changes in their policies due to mounting pressure from women’s rights movements as outlined in the previous sub-section, and also due to law suits

resulting in millions of dollars in compensation being paid to victims of DA where the police had not intervened. For example, the Connecticut Police Department was ordered to pay \$2.3million to victim Tracey Thurman who was left paralyzed after being stabbed by her husband thirteen times after her call for police presence was initially ignored; and the New York Police Department paid \$2million in compensation after failing to arrest a perpetrator who violated his protection order against his wife (James, 1994). These law suits and the recognition of DA as a crime that needed to be elevated to higher level priority of paved the way for a new ‘pro-arrest’ era, where police were encouraged to not only intervene in domestic disputes but also be proactive in *arresting* the suspected perpetrator.

During the mid-1970’s feminists in America began to critique the way the legal system was treating women who had been assaulted by their partners (Ford, 1983). The main criticism was that the police were failing to arrest perpetrators of DA even when there was sufficient evidence of visible physical injury. This criticism was corroborated in the work of Field and Field (1973) and Eisenberg and Micklow (1977). Due to the non-intervention policies in place in the USA at the time, police were trained instead to ‘mediate’ between the victim and perpetrator before taking no further action with regards to the incident. Feminists campaigned for legal reforms which would ensure that the police viewed DA as a criminal (public) rather than a civil (private) matter, and this led to police forces being sued for not complying with existing assault laws (Gee, 1983, Stanko, 1985).

Sherman and Berk (1984) conducted a study in Minneapolis, United States, which became one of the most influential and widely cited experiments in the area of criminal justice. In this study police response officers on-the-ground were accompanied by researchers who observed how they practically dealt with cases of low-level DA (“misdemeanour cases”) and were afforded three options of dealing with such cases; (i) arresting the suspected offender; (ii) removing one of the parties involved from the property; or, (iii) advising the couple about their behaviour/conduct. After analysing any subsequent police reports involving the individuals from the initial incidents the researchers found that there was a 50% decrease in repeat incidents (such as attempted assault, actual assault and criminal damage) in cases *where the perpetrator was arrested in the first instance*. There was a 34% decrease in re-offending rates where the suspected perpetrator was removed from the property and a 16% decrease in those who were given words of advice (Sherman & Berk, 1984). As stated, the experiment was only conducted on incidents of low-level DA and therefore it could not be generalised to more serious (“felony”) offences such as sexual abuse or serious assault. However, the findings from this study were publicised by Sherman and Cohn (1989) and were fully endorsed by the U.S Attorney Generals Task Force on Family Violence (1984) which resulted in a dramatic shift in policies for the police. The change in policies called for the mandatory arrest of any suspect in an incident of DA where the police believe there is probable cause to believe that an act of physical violence has been committed. Bell (1984) argues that this shift in the way police were able to deal with spousal or familial abuse allowed the public to see low-level DA as a core, rather than peripheral,

aspect of policing and an issue which was no longer to be brushed aside with (patronising) words of wisdom or non-legal interventions. Instead, this development importantly redefined DA as a *crime* which warrants a legal sanction.

In order to produce further evidence that mandatory arrest in DA incidents results in reductions in recidivism, five further experiments were conducted in different jurisdictions in the US; Nebraska, North Carolina, Wisconsin, Florida and Colorado. These were collectively labelled the ‘Spouse Assault Replication Program’ (SARP), designed to include the same three options of dealing with incidents of low-level domestic abuse; arrest, removal or advice. However, the findings from these studies contradicted the initial 1984 study by Sherman and Berk, suggesting that arresting the suspect did not in fact produce any discernible effect on the rates of recidivism (Dunford et al., 1990; Hirschel and Hutchison, 1992; Sherman et al., 1992; Pate and Hamilton, 1992; Berk et al., 1992 as cited in Chalk and King, 1998 p.175). In the Sherman (1992) experiment, most of the suspects were released without prosecution on arrival at the police station, and only some of the suspects spent more than a few hours in police custody before being released without prosecution. The findings from these five further experiments do not imply that arresting suspects of DA is unnecessary. However, it could be argued that mandatory arrest is valuable symbolically, in the way the public view DA since it plays an important communicative function; most notably, that DA is unacceptable behaviour and that the police – as an embodied representation of the law and criminal justice system - are taking it seriously, even if there is no prosecution to follow.

Egon Bittner (1970), an American sociologist coined an iconic statement when discussing the police and their powers. He stated that the essence of policing is “*Something ought not to be happening and about which something ought to be done*” (Bittner, 1970, pp.30). Bittner emphasised the word ‘now’ suggesting that police have the symbolic aura and powers to deal with situations immediately rather than waiting for a later resolution. It was also argued by three of the five experiment researchers that underlying problems of poverty played a significant part in the deterrent value placed on arrest. They found that suspects who were employed at the time of their arrest were deterred from further re-offending, whereas suspects who were un-employed at their time of arrest actually become more violent after their arrest (Sherman et al., 1992; Pate and Hamilton, 1992; Berk et al., 1992 as cited in Chalk and King, 1998 p.175).

In the UK, however, it is not possible to place a mandatory arrest policy on DA due to constabulary independence and police discretion (as each incident is specific and unique in its own right), although there is a strong advocacy of ‘preferred arrest’. For instance, the HMIC suggests that “*where a power of arrest exists, the alleged offender should normally be arrested*” (HMIC, 2014: 77-78); and the College of Policing further supports this by stating:

“Where an offence has been committed in a domestic abuse case, arrest will normally be ‘necessary’ within the terms of the Police and Criminal Evidence Act 1984 (PACE) to protect a child or vulnerable person, prevent the suspect causing injury or criminal damage and/or allow for the prompt and effective investigation of the offence” (College of Policing 2019).

Although the mandatory arrest policy was a landmark shift in the way DA is policed in the US, it has also sparked controversy with regards to the victims’ decision-making power (Hoyle, 2000). The ideology underpinning mandatory arrest is to remove the responsibility of agreeing to press charges and attend court from the victim, as the arrest would be mandatory regardless of their wishes. Ford (1991) argues that mandatory arrest policies are counterproductive since rather than giving victims of DA a voice, they can in practice further disempower victims. The decision is taken out of the hands of the victims when the police arrest the suspected perpetrator, and this does go against Ford’s belief that victims should be allowed to choose if they support a charge or not. He argues that most victims of DA use threats of going to the police as a deterrent for further abuse. Where this threat works, the victim does not feel the need to go to seek third-party intervention - such as the police. However, where the threat does not work, the victim believes that the dramatic arrival of the police will reinforce their threat and the perpetrator may rethink their abuse in future situations. Where the police are called and there is a mandatory arrest policy in situ, Ford states that this essentially removes the choice of the victim, disempowering them which, in turn, could result in the victims not seeking third-party intervention even when it is needed due to the understanding that the perpetrator will be arrested regardless of their wishes (Wemmers & Cousineau, 2005).

As a direct result of the ‘Minneapolis Experiment’ (Sherman & Berk, 1984) the UK began to import the notion of DA as a criminal act, and, with it, the notion that arrest should be the primary response. In 1986 the Metropolitan Police issued a telling force order which declared *that ‘a fundamental principle to be borne in mind is that an assault which occurs within the home is as much a criminal act as one which may occur in the street’*, and also urged police officers to use their powers of arrest when dealing with an incident of DA. The force order also stated that police officers should make an arrest regardless of whether the victim is reluctant to support a charging decision or attend court. The Home Office further supported the notion of pro-arrest in 1990 when stating;

“Experience in other countries suggests that the arrest of an alleged assailant may act as a powerful deterrent against his re-offending - at least for some time - and it is an important means of showing the victim that she is entitled to, and will receive, society’s protection and support. The arrest and detention of an alleged assailant should therefore always be considered, even though the final judgement may be that this is inappropriate in the particular case” (Home Office 1990: pp.6)

Although the Home Office does not have the power to direct Chief Constables and senior officers on policy, forces in England and Wales followed the recommendations and a pro-arrest stance was

created. The Association of Chief Police Officer also issued guidance stating that the police are to: *“take positive action in all domestic violence cases by exercising any powers of arrest where they exist and where it is necessary and proportionate in order to carry out an effective investigation and/or prevent further offences”* (Centrex, 2004). Despite the initial findings in the USA that arresting a perpetrator of DA had a deterrent effect on further offending, studies in the UK have failed to find supporting evidence of such an outcome (Morley & Mullender, 1992). A study by Sherman et al (1991) found that while the use of arrest of employed individuals in some cities did result in a short-term reduction of repeat offending, in other cities the arrest of unemployed individuals resulted in an increase in violence (Sherman et al, 1991). However, regardless of these contradictory findings there is still a consensus in the UK that arrest is the best policy and recent guidance emanating from the College of Policing (2018) states *“where an offence has been committed in a domestic abuse case, arrest will normally be ‘necessary’”*.

3.3 COVID-19

The qualitative element of this research study was conducted during the UK wide ‘lockdown’ (March – July 2020) due to the COVID-19 pandemic. During this time it was believed that there would be a rise in domestic abuse, as individuals were not allowed to leave their homes for any reason except for essential work (such as being a key worker), carry out an essential shop for food or one form of exercise a day. Under these circumstances, victims were placed in a position where they have no means of escape from their abusers if they were co-habiting. The COVID-19 pandemic is discussed and analysed in this sub-section with regards to the impact it has had on the rates of DA during the UK lockdown.

A report by the DA charity Refuge was released on 27th May 2020 and reported that during the initial UK lockdown measures due to COVID-19 there had been around a 50% increase in calls to the charities helpline which has increased by a further 66% per week, and a 950% increase of footfall to its website compared to pre-lockdown (Refuge, 2020). However, while there has been a significant increase of victims of domestic abuse accessing support from charities such as Refuge, NWP have not reported any increase in calls requiring police attendance relating to DA. There has been an actual decrease of DA reported incidents; from 23rd March to May 10th of 2019 there were 2,337 domestic related calls reported to NWP whereas during the same time period of this year there was 2,107 calls recorded (NWP dataset, 2020). However, PC Mike Taggart explained to North Wales News:

"A direct comparison between April and May 2019 and the same months in 2020 would be misleading. In fact the number of people reporting domestic abuse has been relatively stable since June 2019 and has remained the same during the Covid-19 outbreak. However, we are concerned that since lockdown began perpetrators have been at home more with their victims and it is likely that the

lack of opportunity for people to report domestic abuse may have resulted in a reduction of reported incidents." (Evans, 2020).

Due to the fear that victims of DA are not being able to report their abuse to the police during the pandemic many schemes have been introduced in North Wales and the UK to raise awareness. NWP has recently been raising awareness of their 'Silent Solution' system, which has been in place since 2002, to give victims of domestic abuse the knowledge and resources to call for help during the UK lockdown. The system allows victims to call 999 whilst also not having to say a word; by pressing 55 on their keypads they are able to let the control operator know that this is not a hoax call and that they are genuinely in need for help but are either unable or unwilling to speak. The control operator takes this as a cue and issues a police response to the address linked with the telephone number. Due to the way these calls are passed to NWP there is currently no way of statistically recording which calls for DA are conducted through the 'silent' method and which calls are actually reported verbally as a domestic dispute, therefore it is not possible to determine whether the use of this service has risen during the COVID-19 pandemic.

A Women's Aid scheme was also launched in March 2020 in collaboration with Great Western Rail and Southeastern Railway which allows victims of DA to travel for free from their home to a refuge. With this scheme a victim of DA can contact Women's Aid to ensure a refuge place is available for them; once a place has been confirmed the charity will then book a railway ticket for the victim and their children to travel to the refuge free of charge. However, there has been a reported shortage of refuge spaces available to victims during the pandemic; in 2019 there was an average of 182 vacant spaces in England from March to May which decreased to 92 spaces for the same time frame in 2020. This is argued to be because of some refuge agencies struggling to comply with the Government guidance on COVID-19, a shortage of staff due to self-isolation, a lack of adequate personal protective equipment for staff and victims in the refuge, and a difficulty in finding alternate accommodation for victims who were already in a refuge at the time of the pandemic (Women's Aid, 2020).

4. Domestic Abuse, Stalking and Harassment, and Honour Based Violence (DASH)

The law on DA underwent a significant shift in the 1990s, with the British Government aiming to better improve the responses of the police and all agencies when faced with incident of DA. The Domestic Violence, Crime and Victims Act (DVCV) (2004) was the pivotal turning point in British history and there was now a clear focus on the protection of vulnerable people, the prevention of DA and the availability of support for victims. This act provided the police the new power (without warrant) to arrest any individual under suspicion of common assault. This paved the way for dealing with DA incidents immediately and without the need for damning evidence, such as obvious physical injury. Courts were also now able to impose a restraining order on any individual who had committed

any offence, rather than only to those who had been convicted of harassment or causing fear of violence (Hoyle, 2008). Under section 10 of the DCVC (2004), police were given, for the first time, powers to better deal with cases of DA by arresting anyone found in breach of a non-molestation order. However, this section has since been superseded by the Serious Organised Crime and Police Act (2005) under sections 110-111. The year after the implementation of the 2004 Act there was a marked increase in the number of arrests for DA (from 32% to 58% of recorded cases) which was a significantly higher than the 18% found in the 1990's (Hoyle, 1998). This finding does not suggest that the rates of DA have increased, more so that the police now have the ability and the powers to arrest more suspected perpetrators in incidents where there is little physical evidence of abuse.

Changes were not only made in law, but in the way police were able to respond to victims in situ, and the resources available to them to help identify cases of DA where obvious signs were not apparent. To support this new approach, in 2009 a multi-agency expert panel developed a risk assessment tool for police to identify the potential risk to victims of DA. This tool is now used in every police force in England and Wales and is known as DASH (The Domestic Abuse, Stalking and Honour Based Violence risk assessment). The DASH risk model involves the attending officer asking 27 questions to the suspected victim of DA in order to scale their risk of repeated domestic abuse. The questions are based on the risk factors that have been appearing consistently over the years in academic research and literature on DA (Robinson, 2010). This new assessment consolidated the different risk assessments used by different forces across England and Wales (such as ODARA, SARA, and SPECCS) with the aim to provide a universal assessment tool which is used to identify the risk of domestic abuse. The police forces of England and Wales use the ACPO DASH, which was developed by Laura Richard on behalf of the Association of Chief Police Officers. A CADAA (Coordinated Action Against Domestic Abuse) DASH was also developed for non-police agencies who deal with vulnerable people, which has since been renamed Safe Lives (Safelives, 2019).

The DASH questions include;

Physical abuse; 'Has the current incident resulted in injury?', 'Is the abuse happening more frequently?', 'Has (...) ever used weapons or objects to hurt you?'

Sexual abuse; 'Does (...) do or say things of a sexual nature that makes you feel bad or that physically hurt you or someone else?'

Emotional abuse and isolation; 'Has (...) ever threatened to commit suicide?', 'Do you feel from family/friends i.e does (...) ever stop you from seeing other people such as family/friends/Dr?'

Economic abuse; 'Are there any financial issues? For example, are you dependent on (...) for money/have they recently lost their job/other financial issues?'

Coercion, threats and intimidation; ‘Has (...) ever threatened to hurt or kill the children/dependents?’, ‘Are you very frightened?’

Children and pregnancy; ‘Are you currently pregnant or have you had a baby in the last 18 months?’, ‘Has (...) ever hurt the children/dependents?’ (Richards, 2009).

One question in the DASH risk assessment that does not fit into the above categories that that of ‘Has (...) ever mistreated an animal or the family pet?’ (Richards, 2009). This question was added due to research conducted which increasingly suggests a strong association between DA and animal abuse. Flynn (2011) argues that studies have shown that in 75% of DA cases in the USA, the victim had reported that the perpetrator has threatened harm or had caused actual harm to the family pet (Flynn, 2011). This co-occurrence between animal abuse and DA is believed to be a ‘red flag’ for violence in relationships and is the reason it is included in the DASH risk assessment.

Although the DASH risk assessment tool is used by all Police Forces in the UK there is very little research into the error rates of the classification scoring and there is currently no evidence into its impact on crime prevention in relation to DA (Pease at al, 2014). A 2014 HMIC report recommended *“that that the effectiveness of this approach to risk management be reviewed”* and more recent studies have highlighted some issues with DASH. Almond et al (2017) argue that recidivism is not at the forefront of the risk assessment tool with only a small number of questions relating directly to the risk of re-offending. Thornton (2017) furthers this argument by stating that the DASH score is inadequate in predicting future domestic homicides. Due to the assessment being conducted by response police officers at the scene of a suspected domestic incident, Robinson et al (2016) suggests that there is a risk of errors, which cause contamination within the assessment due to a lack of consistency between each officer applying the classifications.

To conclude, the DASH risk assessment is used as a predictor of further harm to victims, and especially poignant in cases where there is very little tangible evidence for arrest. Although its effectiveness in rates of recidivism have been questioned, as stated above, it is an invaluable tool for police in DA incidents of coercive and controlling behaviour and where this is an ‘unwilling victim’ (Epstein, 1999). It also plays an important role in the authorisation of a DVPN. The DASH score must be included in the information passed to the authorising officer in the request for a DVPN; it will also be taken into consideration when assessing the risk to the victim before a decision to grant the DVPN is made (HMIC, 2016).

5. ‘Cop’ Culture and Policing Domestic Abuse

Police culture is a phenomenon which has been vastly studied by many criminologists and sociologists of the police over the decades, beginning with the work of Skolnick (1996) and his

depiction of the ‘Working Personality’ of a police officer. He found that police officers have attributes such as cynicism, isolation, suspicion and conventionality which together combine to produce a ‘working personality’. It is this ‘personality’ that is a direct result of the everyday dangers police face when on duty, the pressure imposed on them to work efficiently – i.e to get results - and the problems and dilemmas police face when enacting their authority (Skolnick, 1996). Since the work of Skolnick, a number of ethnographic studies has since confirmed that police officers, operating at the base of the hierarchical structure, share a similar set of values, beliefs and assumptions which they bring to bear on their work (Holdaway, 1980; Westmarland, 2000; Loftus, 2009). Reiner (2010) brings together this body of research and furthers the notion of a ‘working personality’ with his discussion of the core characteristics of the ‘cop culture’ in which he highlights the culture of direct action and machismo amongst officers. He describes how officers are suspicious of everyone outside of the organisation which results in a sense of isolation from society and the individuals they are trying to protect (Reiner, 2010). An important dimension of ‘cop culture’ is that of officers being enthusiastic about their role as ‘crime-fighters’ and technically, they are given a “*license for action*” (Reiner, 2010, pp.120). It is this pursuit of action that can often be a problem in incidents of DA, as Loftus (2009, pp.189) emphasised when discussing how neighbourhood and community policing – of which DA is argued to sit under - are perceived as inappropriate and peripheral to police work. Chan (1997) argues that ‘cop culture’ is a coping mechanism for the pressures faced whilst policing the streets, however it is not homogenous but in fact, multi-faceted involving multiple different sub-cultures. The police perceive stress individually and collectively, which in turn created a culture and a sense of brotherhood, and results in a particular policing style (Terpstra & Schaap, 2013).

It is argued that the police also have a distinctive way of categorising the individuals in the society they police. Lee (1981) defines the first category of individuals as ‘Police Property’. He states that “*A category becomes police property when the dominant powers of society (in the economy, polity, etc.) leave the problems of social control of that category to the police*” (Lee, 1981, pp.53). The individuals or groups who come to form police property are often those who the wider society view as being distasteful or problematic, and leave for the police to ‘handle’. As Holdaway (1980) notes, these groups can include drug-addicts, prostitutes, the unemployed and ethnic minorities. The police can therefore use their discretionary powers to control such groups and maintain order. The Stop and Search powers of the police have often been used on this category of individuals, although this method has been viewed as highly controversial over the years (Bradford, 2016 & Newbury, 2017). Bowling et al (2019) describes the next category as the ‘Rubbish’, which they define as:-

“Rubbish are people who make calls on the police which are seen as messy, intractable, unworthy of attention, or the complainant’s own fault” (Bowling et al, 2019, pp.175).

This is especially germane here because, traditionally, research shows that this category includes incidents of domestic abuse, which highlights the negative view held by police officers as DA not being ‘real police work’ and unworthy of intervention. It is also argued that the ‘Rubbish’ category of individuals are often comprised of the ‘Police Property’ category who are presenting themselves as victims. Holdaway (1983) categorises the next group of individuals as ‘Challengers’ and defines them as:

“those whose job routinely allows them to penetrate the secrecy of backstage police work, and give them power and information with which they might challenge police control of their property” (Holdaway, 1983, pp.72).

Doctors, lawyers and social workers falls into this category, along with police researchers and criminologist. Holdaway also defines ‘Disarmers’ as *“members of groups who can weaken or neutralise police work”* (Holdaway, 1983, pp.78). This category includes vulnerable individuals such as children or the elderly, and it is believed that they may receive special sympathy if they should make an allegation against the police. Individuals who monitor the police to ensure that their powers are not being abused are labelled by Moore (2017) as ‘Do-Gooders’. This category includes civil rights groups such as Black Lives Matter and StopWatch. Politicians are also under the radar of police categorisation due to their ideological views and are thought of as ‘corrupt self-seekers’ (Bowling et al, 2019, pp.175) and are therefore viewed suspiciously. From this categorising it is evident that regardless of where the groups sit on the hierarchy (Police Property and Rubbish being at the bottom of the pyramid) even the more upper-class groups are believed to hold the ability to threaten police interests.

In relation to DA it is important to examine what part ‘cop culture’ plays when the police are dealing with domestic incidents. The main criticism of policing DA stems from the poor attitude towards this crime by police officers. The following is a comment made by an officer in Reiss’ (1971) study which aptly captures this;

“Every time you begin to do some real police work you get stuck with this stuff [domestic disputes]. I guess 90 per cent of all police work is bullshit” (Reiss, 1971, pp.42).

This quote has been cited many times, not least by policing scholars interested in police culture, as it encapsulates the belief that the police do not view DA as ‘real police work’. ‘Cop culture’ during this time had defined domestic disputes as being trivial as they did not fit into the crime-fighting and machismo beliefs held by the officers at that time (Young, 1991). The over-riding view was that DA was a ‘private’ and not a criminal matter, fuelled by the belief that “a man’s home is his castle” (Erez, 2002, pp.5). It was argued that ‘private’ familial matters did not require outside intervention as there was no need or justification for it. Straus (1980) argued that in police culture, DA was not perceived

as rewarding work, which garnered esteem, and therefore it was not deemed as 'real' police work (Straus, 1980). This is summed up by Edwards (1989, pp.31) who states that:

"The patriarchal attitudes of both police officers and the overall police organization ... inevitably influence the exercise of discretion and shape what police 'police' and how ... violence in the home is accorded a low priority because it happens behind closed doors, has a low visibility, occurs within a sphere traditionally considered to be private and is perpetrated against women by male partners".

In the 1990s there was a call for domestic incidents to be dealt with differently and more proactively by the police. Hoyle (1996) describes a shift in 'cop culture' during this time due to evolving police legislation and training and the overall education of recruits had risen significantly with more graduates now entering the police. This may have been as a result of the increase in salaries for probationers which was a generous rise of approximately 40% (Rose, 1996). Hoyle also found that the age of new recruits had begun to rise which suggested that the new probationers were no longer impressionable young men and women who could be easily influenced by the older, more seasoned officers. Nevertheless, in 2013 the HMIC was commissioned by the Home Secretary to conduct an inspection on the police response to DA in the England and Wales. The HMC conducted interviews and focus groups with 70 victims of domestic abuse, 500 online surveys and collected data on DA calls for assistance, crimes, arrests and outcomes from the 43 police forces. The report states clearly that *"the overall police response to victims of DA is not good enough"* and it believed that although DA was a priority on paper, it was not found to be a priority in practise (HMIC, 2014, pp.6). The report found; officers were unable to confidently engage with victims of DA due to a lack of skills and adequate knowledge; behaviours, attitudes and actions of police constables were not supervised and managed well enough to promote good practise; a lack of victim feedback with regards to their experience after a police response; a failure to assign actions that would prioritise dealing with DA as a day-to-day activity; and, a clear weakness in the officers' ability to collect valuable evidence from the scenes of a domestic incident (HMIC, 2014). There was further pressure placed on the police to better deal with incidents of DA when two officers from West Midland Police received a professional sanction of misconduct when they were found to have inadvertently left a voicemail on a victim's mobile phone referring to her in disparaging terms. The victim who had reported being domestically abused was labelled by the police as "giving them the run around" due to her not being home when they arrived to take a statement. In the voicemail they were also heard calling the victim a *"bitch"* and a *"fucking slag"* (Sanghani, 2015). In October 2012 a woman who had phoned the police to report a domestic dispute was found dead when the police arrived at the scene, 14 hours after the report was filed. The Chief Constable of Warwickshire Police stated that there were *"errors and omissions"* on the part of the police, and the Jury at the inquest of the woman's death concluded that:

“There were police errors and omissions in the call categorisation, the handover procedures for the police controllers, the deferral of the 999 call, the police computer systems, and the supervision of the police staff. The jury concluded that these errors or omissions possibly caused or contributed to Mendes’ death” (Taylor, 2017).

External critique and scandals of policing cultures and behaviours can be successful in prompting change on-the-ground (Loftus, 2009; Chan, 1997). Indeed, it was shortly after the report by the HMIC, the misconduct of the two officers in the West Midlands and the death of the victim in Warwickshire that the DVPN/DVPO was rolled out across England and Wales in 2014.

6. Introducing Domestic Violence Protection Notice/Order (DVPN/O)

It is against this background that DVPN and DVPOs were introduced in the UK under the Crime and Security Act 2010 (sections 24-33). They were designed to provide immediate protection to victims in the aftermath of a domestic dispute and a pilot scheme was rolled out in England in June 2011. The scheme was conducted over a 15-months period and I now discuss this further below. A DVPN is defined as:

“An emergency non-molestation and eviction notice which can be issued by the police, when attending to a domestic abuse incident, to a perpetrator” (Home Office, 2011).

DVPNs were first introduced in law in 2010 under the Crime and Security Act, which aimed to give the victims of DA the breathing space needed after an incident of abuse. It was designed to give the police the power to arrest a suspected perpetrator in situations where they reasonably believe that an offence has been committed, remove the individual from the property and prohibit any contact between the suspect and the victim whilst an application for a DVPO to the courts is submitted. The initial notice is temporary (48 hours before being presented to courts for approval of a DVPO), and has to be authorised by a senior ranking police officer such as a superintendent. Should the courts decide to approve the application escalating the notice to an order, the restrictions given to the perpetrator can last from 14 to 28 days (Kelly et al, 2015). The prohibitions attached to a DVPO include:

“(a) to prohibit P from evicting or excluding from the premises the person for whose protection the DVPO is made,

(b) to prohibit P from entering the premises,

(c) to require P to leave the premises, or

(d) to prohibit P from coming within such distance of the premises as may be specified in the DVPO” (Crime and Security Act, Section 24 (8), 2010).

Kelly et al (2015) conducted an evaluation of the pilot scheme introducing DVPNs in three areas of the UK (Greater Manchester, West Mercia and Wiltshire) and examined the impact issuing a DVPN had on both the victims and perpetrators of DV, including their effect on recidivism. Over the 15-months pilot, police officers across the three forces pursued 509 DVPNs of which 487 (95.6%) were authorised by a superintendent, and 414 DVPOs (85.1%) were granted by the courts after application (Kelly et al, 2015). It was also found that less than 1% of DVPOs were breached, however it should be noted that this figure is not conclusive as it only takes into consideration the breaches that were reported to the police and not the breaches that occurred but were not reported. There was also an argument that the sanctions given to those who breach the DVPOs were not strong enough as, technically, a breach is a civil not a criminal offence. A breach of a DVPO does not provide the police with a power of entry therefore they must enter a property under Section 17 of PACE (To enter and search a property without a warrant to arrest, save life, limb or property). Under Section 63 of the Magistrate’s Court Act 1980, the breach of a DVPO is a civil contempt of court and carries a fine of up to £5,000 or up to two months imprisonment if the offender is found guilty (College of Policing, 2015).

The pilot research suggested that victims of DA overall felt reassured that the police now had the power to remove the suspected perpetrator from the home, although there was a disagreement with regards to the length of time attached to the provisions of the DVPO. For example, some victims arguing that the 14-28 days was too long and others that it was too short). In relation to the perpetrators of DA, the police reported that the issuing of the initial DVPN was accepted and no formal complaints had been made against the police with regards to how the DVPN was issued or how the individuals were treated. A 2013 Home Office evaluation of the pilot scheme also explored the police view of the DVPN/DVPO process. This was generally positive and 52% of the officers surveyed in the evaluation believed that the process itself was straightforward. However, 32% of the officers argued that the process had aspects which were complicated and 12% found the whole process too complicated. The issues the police outlined were; the 72 hour time constraint on gathering evidence for an application to court for the DVPO was too short; and, the work load of preparing both a civil and criminal case simultaneously added too much pressure to their continuously growing workload (Home Office, 2013). Another issue highlighted was that of excessive paperwork. As noted, there has been an abundance of academic literature into police culture and a common theme of ostensibly ‘onerous’ paperwork has emerged (Cockroft, 2012; Hobbs, 1998; Crank, 1998). Reiner (2010) argues that police paperwork should be kept to a minimum, because, as Fielding (1988) states, the function of paperwork is a “*metaphor for the bureaucratic model of organisations*” (Fielding, 1988, as cited in Cockroft, 2012 pp.55). At the same time, paperwork provides an important record of

organisational priorities and police practices. The findings from the Home Office – although insightful – were actually historic issues which have been discussed in previous research over the decades (Reiner, 2010; Skolnick, 2008; Chan, 2007; Westmarland, 2008). However, overall 64% of police officers, court staff and support services supported the use of DVPNs as a way of dealing with domestic incidents when there was no evidence of a criminal offence. Just over a quarter of the respondents (28%) showed concern that the implementation of the notices would result in a ‘blanket’ way of dealing with domestic incidents and believed that officers would no longer use their police discretion in low-level domestic incidents. One of the main issues highlighted during the pilot was that of the level of police authorisation required to issue a DVPN (superintendent or above). The evaluation found junior officers may be discouraged from using the DVPN as they may feel anxious about contacting officers above their level in the hierarchy, especially if the incidents happen ‘out of hours’. Over half of the responding officers also found that accessing their superintendents to authorise a DVPN was problematic during ‘some or most of the incidents’ (Home Office, 2013). In the year ending March 2018, there were 599,549 police recorded incidents of DA in the UK, with only 4408 resulting in a DVPN being issued. Therefore, as a proportion of all DA incidents in 2018 less than 1% resulted in a DVPN (0.74%).

7. Coercive Control – The Tactics of Intimidation, Isolation and Control

As I discussed earlier, DA perpetrators use fear and control against their victims; this type of DA is known as coercive control. Coercive control has been debated since the emergence of the feminist definition of ‘intimate terrorism’ (Dobash & Dobash, 1972). During this time there was an ongoing conflict between feminist researchers who argued that DA was patriarchal and almost always perpetrated by men against women as a way to further the power imbalance between genders; and researchers who believe that DA was a ‘conflict’ within relationships in which both men and woman were equally capable of violence against each other. The two conflicting ideologies of DA were categorised into ‘family conflict’ (Straus, 1979) and ‘violence against women’ (Dobash & Dobash, 1972). Straus’ (1972) ‘family violence’ ideology describes DA (also referred to as intimate partner violence) as being symmetrical, where women are equally abusive to men as men are to women. Intimate partner violence was also often referred to as being reciprocal, insinuating that women ‘gave as good as they got’ (Straus and Gelles, 1990). Researchers of ‘family violence’ focused on physical acts of abuse such as punching and slapping, and Straus (1993) even goes as far as blaming women for being assaulted by their partners, stating “*assaults by women are a serious social problem*”, and suggesting that “*...assaults by wives are one of the many causes of wife beating*” (Straus 1993, pp. 78). This statement furthers the ‘family violence’ belief that DA is balanced and reciprocal in nature. Johnson (2006) however, suggests that although there is empirical evidence that reinforces the ‘family

conflict' category in that both men and women can be symmetrical in their abuse of one another, there is also strong empirical evidence to suggest gender asymmetry in the 'violence against women' ideology where it is the male who abuses the female. Johnson therefore argues that gender symmetry in DA should not be solely based upon who exerts the most physical violence in a relationship. Rather, the non-violent, controlling behaviours should be explored to ascertain whether partner violence is a unitary phenomenon.

'Violence against women' researchers also argued that merely taking into consideration the physical act of abuse was not enough to provide a more holistic understanding and explanation for such events. Pence and Paymar (1993) suggest that the physical violence men inflict on their partners coincides with the often ignored – and less visible - aspects of intimidation and controlling and aggressive acts which they labelled 'constellations of abuse'. It is argued that it is this amalgamation of physical violence and 'constellations of abuse' that result not only in physical harm to women, but also the emotional and psychological harm caused by men seeking to control every aspect of the lives of their female partners (Brown et al, 1999). Although 'family conflict' researchers argue that self-defence is not a valid explanation for women involved in DA, 'violence against women' researchers on the other hand state that violence perpetrated by women is often the direct result of self-defence (Brown, 1987). The 'coercive control' element of DA was initially conceptualised from cases where the victims had been psychologically, economically and emotionally abused rather than physically assaulted. It should be noted, however, that it was not until recent years that its significance has been formally recognised by the Government and the justice system.

In the 1970's researchers found a strong similarity between the 'coercive persuasion' used against prisoners of war and the victims of DA (Okun, 1986). It was argued that although prisoners of war were victims of 'psychological manipulation', victims of DA were also subjected to psychological abuse. However, rather than being manipulated, victims of DA were 'controlled' by their abusers which resulted in the same psychological experiences for both types of victims. The notion of control renders the victim of DA dependent on their abusers as they may have been isolated from family and friends; sexually or economically exploited; and, had their everyday lives and daily routines regulated by the abuser. Research has found that physical abuse and coercive control are interlinked, with 60-80 percent of DA victims who seek help reporting that they had been subjected to coercive control rather than solely physical violence (Tolman, 1989; Rees, Agnew-Davies and Barkham, 2006). Stark (2007) adapted the 'coercive control' model of abuse as through his research he discovered the psychological harms caused to victims' integrity, autonomy and dignity as a direct result of the oppression they have experienced. Research by Glass, Manganello and Campbell (2004) found that acts of physical violence alone are no longer a predictor of domestic homicide. Rather, the level of control of one partner over the other in a relationship, coupled with a recent separation is a more accurate predictor of domestic homicide (Glass, Manganello and Campbell, 2004). Stark (2009) argued that law

practices in the UK focused solely on the evidence of *physical* trauma caused to a victim to assess the severity of the abuse, and assaults and threats were the only factors taken into consideration when assessing ‘danger’ in abuse cases (Stark, 2009). Stark (2012) argued that police often ‘trivialise’ cases of DA where there is no physical harm to the victim, and, goes on to state that this violent incident model typically used by the police; *‘bears little resemblance to the forms of oppression that drive most abused women to require outside assistance’* (Stark 2012, p.201).

Stark (2013) argues that intimidation is used in coercive control in lieu of actual, more tangible physical violence. It is used to ensure the secrecy of the DA, and to instil fear, compliancy and dependence into the victim and is caused by degradation, surveillance or threats. While the physical costs of any resistance from the victim have already been raised, intimidation aims to quash any ideas or feelings of resistance and reduces their will to do so. In the study by Rees et al (2006), threats to kill had been made by the partners of these women (79.5%), threats to damage their property had been made (82%) and threats of violence against their children had also been made (32%) (Rees et al, 2006). Tragically, between 2005 and 2015, 19 children were murdered by perpetrators of DA (WomensAid, 2016). After the high profile case of Claire Throssell in 2014, whose children had been murdered in a house fire started by her abusive ex-husband (Rawlins, 2018). Womens Aid launched the Child First Campaign. This campaign aimed to reform the criminal justice systems approach to child protection in cases of DA, and called for better guidance in relation to child contact.

One of the most common types of intimidation is stalking, and it closely linked to DA. While there is no strict legal definition of stalking, section 2A of the Protection from Harassment Act 1997;

“Prohibits a course of conduct that amounts to stalking. This can be exhibited by pattern of persistent and repeated contact with, or attempts to contact, a particular victim. Section 4A of the 1997 act also defines a separate offence of stalking where it is proved to be involving “serious harm, alarm or distress to the victim”.

Stalking under section 2A is a summary-only offence and includes a course of conduct where the offenders has; repeatedly followed the victim; contacted or attempted to contact the victim repeatedly even though contact is unwanted; or is found loitering in a public or private area in order to watch the victim. Section 4A of the Protection from Harassment Act 1997 is a triable-either-way offence which must result in the victim being unable to carry out their daily routines due to fear of serious harm, alarm or distress. This may include the victim being forced to *“move home or stay with family/friends; the victim stopping or reducing their socialising with friends/family; changing their daily routes to work/school; or, conduct that results in the physical or mental ill-health of the victim”* (GOV.UK, 2019). Some of the UK’s worst stalking cases include that of Dr Jan Falkowski who was subjected to four years of stalking, harassment and a false rape allegation before the perpetrator Maria Merchese was convicted of harassment in 2006. The case was so prolific it was turned into a movie in

2009 titled “U Be Dead” starring David Morrissey (Telegraph, 2007). Another cases was that of Richard Jan who was given a life sentence in prison for his seven year pursuit of over 200 people including; fire-bombing a victim’s home, attacking a victim twice outside her home, slashing tyres and repeatedly sending unwanted pizza delivery’s to the victims (BBC News, 2004). Another case was that of Helen Pearson who was the victim of stalking and harassment over a five year period in Exeter, which resulted in her being stabbed repeatedly and left with life-long scarring to her face and neck (BBC News, 2017). There is a significant correlation between stalking and DA, with the largest victim group in the USA being female ex-intimate partners (Maloy, 1998), and in the UK, the National Stalking Helpline (2011) reported that the majority of victims are female (80.4%). A study conducted by Monckton-Smith et al (2017) found that in cases of domestic homicide, 71% of victims had been stalked by their former or current partner.

Degradation is another form used by coercive control abusers by denying their partners self-respect in order to establish their own moral superiority. Cornell (1995) states that degradation is in direct violation of the “*degradation prohibition*” (Cornell, 1995). The insults used in the degradation of the victim involve targeting areas of a victim’s life from where they draw self-esteem such as the way they look and how they dress. This is devastating to the victims as they are unable to walk away or respond to the insults for fear of being physically abused (Stark, 2007). Degradation can also involve the use of shaming tactics which is where the abuser humiliates the victim in order to prevent them from reporting the incidents to the police. Common shaming tactics include the victim being “*marked as owned*” by the abuser by being burned, tattooed or bitten (Stark, 2013).

Stark’s (2007) third tactic in coercive control is isolation in which the abuser becomes the primary source of validation, interpretation and information for the victim. Forte et al (1996) conducted a study of women in sheltered accommodation and found that during the previous moth 36% of these women had not experienced a single recreational or supportive event which highlights their dependence on the abuser even after escape (Forte et al, 1996). Abusers often use their victims’ family and friends as a weapon against them; threatening their safety or threatening to physically harm them and blaming this consequence on the victims. Family and friends are a pivotal source of support for the victim, and by isolating them and destroying their relationships the abuser becomes the only source of both harm and support to the victim. Although isolation can be enforced by the abuser, it is also possible for the victim to isolate themselves from family and friends in order to protect them from a risk of harm or to protect themselves from the consequences of having “time away” from their partners. This isolation tactic often also extends to the work life of the victim; the abuser will assault the victim leaving marks or bruises on their face to ensure that they have to call in sick in order to keep them at home or to ruin a chance of promotion (Stark, 2007). There are also cases where the abusers rely on the victims’ income so they insist on driving the victim to work and home, meeting them during their lunch break, or repeatedly phoning them during work hours to ensure that the victim

does not socialise with anyone in their employment (Stark, 2007). Paradoxically, the DVPO is also designed to give the victim ‘time away’ – but from the perpetrator – in order to combat the isolation imposed on the victim and enable them to re-connect with their family and friends.

Whereas coercion is applied directly, Stark’s (2013) final tactic involved the indirect use of control tactics. Control is used to ensure that the victim complies to any ‘rules’ laid out by the abuser even when they are not present. This is done by first isolating the victim from any other sources of support, as discussed above, and compelling obedience by depriving the victim of any vital resources, exploitation, and establishing a set of rules which micro-manage the victim’s everyday life. This results in the victim feeling that the abuser is omnipresent and that should they ‘break a rule’ the consequence of an assault would be their own fault. The abuser becomes a dictator who is solely responsible for keeping the victim ‘in check’ and to administer punishment ‘for their own good’ (Stark, 2007). This control also extends to the victim’s use of money, with the abuser often keeping bank cards for ‘safe keeping’ and refusing the victim any access to their own money. Buzawa and Hotaling (2003) conducted a study on men charged with assault on their partners and found that 54% had not only attacked their partners but had also taken or withheld their money (Buzawa & Hotaling, 2003). Other basic necessities are also withheld and controlled by the abuser, such as being made to eat off the floor, waiting until the abuser had finished eating before the victim could sit at the table to eat their food or creating and submitting a menu for the abuser to approve. Abusers micro-manage every aspect of the victims; what they eat, how they dress, who they speak to, how they clean the house. This type of control extracts obedience from the victim to the abuser’s authority, and aims to abolish even the slightest sense of free-will and autonomy. The oppression caused by the abuser results in the victim only feeling self-esteem when a ‘rule’ or ‘job’ is done correctly and to the satisfaction of the abuser and thus they believe they are ‘safe’ for a while from any physical abuse (Stark, 2007). However, as Mrsevic and Hughes (1997) state “*As men’s control over women increases, the infractions against men’s wishes get smaller, until the [victim] feels they are being beaten for nothing*” (Mrsevic & Hughes, 1997, p.123). As the rules set out by the abuser are always being changed and revised, the victim is left in a chronic state of anxiety, never being able to satisfy the demands of the abuser (Stark, 2013).

8. Domestic Abuse, Gender and Children

DA is often regarded as a predominantly gender biased offence, with the majority of victims being female. The Office for National Statistics (2018) published a report; ‘*Domestic abuse in England and Wales: year ending March 2018*’ using annual data from Crime Survey for England and Wales. The report found that 73% of individuals who were murdered by their partner/ex or a family member as a result of DA were female. This finding highlights a clear disparity when compared to the rates of

female murder victims as a result of non-DA which was 12%. Four in five females were murdered by their ex-partner or partner as a result of DA from April 2014 to March 2017 (82%) and of the 239 victims, 238 suspects for the murders were male. In the same time period 45 males were murdered by their ex-partner or partner, with 38 suspects being female and 7 male. The majority of victims in domestic abuse-related prosecutions were female (66%) and the offenders were predominantly male (92%) in the year ending 2018 (ONS, 2018). These findings coincide with the statistical data that DA is predominantly a gender-biased crime, with the majority being male perpetrators and female victims.

Hester (2013) conducted UK study of 96 DA cases recorded by the police with both male and female abusers, and found that women are considerably less likely to use harassment and threats against their ex-partner or partner than men, and men are significantly more likely to become repeat offenders of DA. The study was the first longitudinal examination of DA and was conducted over 6 years involving the three jurisdictions of the UK; England and Wales, Scotland and Northern Ireland. It found that 83% of male offenders recorded by the police had a minimum of two recorded incidents of domestic abuse, whereas in cases of female offenders 62% had had only one incident of DA abuse recorded. The study also found that women perpetrators were more likely to use direct physical abuse towards their ex-partners or partners whereas male offenders were more likely to use fear and control against their female victims (Hester, 2013). Walby and Towers (2018) extended the findings of this study, stating that of victims who have been subject to more than 10 crimes (high frequency victims) 83% were female (Walby & Towers, 2018).

In recent years, however, there has been significant recognition given to the plight of male victims of DA. A recent 2019 initiative set out by the ManKind DA charity supporting male victims of DA stated that;

“For every three victims of domestic abuse, two will be female and one will be male” (Brooks, 2019).

Incidents of male victimisation has received public attention as a result of the BBC documentary *‘Abused By My Girlfriend’* which aired in February 2019. The documentary followed 23 year-old Alex Skeel who had been a victim of DA at the hands of his girlfriend Jordan Worth. Alex had been subjected to the violent and controlling behaviour of Jordan over a nine-month periods where she had poured boiling water on his back, hitting him with a bottle and a hammer. Alongside the physical abuse, Jordan also controlled every aspect of Alex’s life, including telling him what he could wear, where he could go, isolating him from his family and friends, and refusing him food which resulted in him losing 5 stones in weight. In July 2017 a neighbour reported hearing an argument in the home of Alex and Jordan and it was when the police arrived that Alex admitted that he was being abused. Jordan was arrested and in April 2018 she became the first female ever to be convicted of coercive and controlling behaviour. She was sentenced to two 7-year sentences to run concurrently after

pleading guilty to wounding, grievous bodily harm with intent and was given another 6 month sentence for coercive and controlling behaviour (BBC Three, 2019).

It is estimated that 2.2 million men were victims of some sort of DA since the age of 16 (13.2%) in the year 2017/2018 with 404,000 men (2.4%) having experienced physical violence during their relationship with their female spouse. Moreover, gay and bi-sexual men experience nearly double the percentage of DA (5.2%) than heterosexual men, and whereas married men are less likely to suffer abuse from their partners (1.5%), divorced men are significantly more at risk of being victims of DA (8.5%). It was also found that male victims are nearly three times less likely to report DA than female victims (49% of females report in comparison to 19% of men) (Brooks, 2019). Huntley et al (2018) found 5 common reasons for a lack of male victim reporting; fear of disclosure, challenge to masculinity, commitment to relationship, diminished confidence/despondency; and, invisibility/perceptions of services. These themes will be further explored in Chapter 4, sub-section 2. In criminal justice terms, there has also been a stark rise in the number of convictions passed to female perpetrators of DA, increasing almost seven-fold since 2004/2005 from 806 to 5,044 in 2017-2018. However, the figures also show that although conviction rates of DA by female perpetrators have significantly increased, the vast majority of victims who have accessed IDVA (Independent Domestic Violence Advisor) services are women (96%) and only 4,336 (5%) cases in the same year which were discussed in MARACs (Multi Agency Risk Assessment Conference) involved male victims. As shown in the table below, out of the 269 DA refuges in the UK, only 26 offer places for male victims, of which there are 34 spaces dedicated, and there is still currently no refuge in London solely for male victims (ONS, 2018).

Table 60: Domestic abuse services offering support to male victims in England and Wales, by region, 2018¹

England and Wales											
	Refuge	1 to 1	Helpline	Outreach	Counselling	Drop-in	Support groups	Information	Independent Domestic Violence Advisor (IDVA)	Other	Total number of organisations that offer services ²
Number of services											
England and Wales ³	26	70	166	45	18	36	170	166	71	26	235
England	21	63	144	39	17	31	148	144	69	21	208
East Midlands	4	5	15	5	2	2	15	15	4	1	18
East of England	2	5	11	2	3	3	12	11	2	1	17
London	0	8	22	1	1	12	22	22	15	3	42
North East	1	4	9	2	1	1	9	9	3	2	10
North West	4	15	26	12	5	2	29	26	13	4	36
South East	0	11	17	6	2	7	17	17	11	2	27
South West	6	5	13	5	1	0	13	13	10	1	22
West Midlands	3	5	15	4	1	1	15	15	8	6	18
Yorkshire & Humberside	1	5	16	2	1	3	16	16	3	1	18
Wales	5	6	18	6	1	4	18	18	1	2	21

(ONS, 2018).

Eckhardt, Barbour, & Stuart stated during their 1997 study on the psychological characteristics of male perpetrators of DA found that men who abuse their spouses are more often aggressive in their everyday lives than their non-abusive counterparts. The argued that whereas non-violent men were able to be assertive with their partners during a conflict, abusive men were not. This was argued to be

because of the difference in how abusive and non-abusive men view DA; non-abusive men argued that violence in a relationship is never acceptable; whereas violent men often attempted to justify in what situation abuse in a relationship could be deemed acceptable (Eckhardt, Barbour & Stuart, 1997).

Riggs et al (1999) argue that specific psychological syndromes are also associated with DA as depression, Post-Traumatic Stress Disorder (PTSD) and substance abuse. Pan et al (1994) conducted a study which found a link between depression and domestic abuse, in which it was concluded that if a man's depressive symptoms were to increase by 20% then this would make the victim 30% more likely to experience low-level forms of DA such as pushing, shoving and grabbing. The study also found that the risk of severe violence such as punching, kicking and biting would increase by 74% should the abusive partner show further symptoms of depression. Studies have also been conducted on the correlation between PTSD and DA (Jordan et al, 1992 and Riggs et al, 1995) on Vietnam war veterans and their relationships. The studies found that veterans who had been diagnosed with PTSD were twice as likely (30%) to abuse their partners that those who had not (15%). There have been many studies into the correlation between mental health and DA, both in the UK and internationally (see Trevillion et al, 2012; Van Dorn et al, 2012; Roberts et al, 1998). There is also a strong link between substance abuse and domestic abuse, and it has been argued that men who have been diagnosed with an alcohol or drug abuse problem are much more likely to abuse their partners. Leonard et al (1985) found that 44% of men with a substance abuse problem had been abusive towards their wives, which is nearly three times the 15% of men who did not have an issue with substance abuse. Thomas Strentz, a psychologist in the 1980's also highlighted a strong link between victims of DA and 'Stockholm Syndrome'. The mental disorder was defined by one of the earliest psychiatrists interested in the condition as;

"a disorder whereby abductees bond with or express loyalty toward their captors in an effort to save their lives or make their ordeal more tolerable" (Strentz 1980, pp.458).

The link between DA and Stockholm Syndrome has since been further explored in other studies, which argue that the behaviours of victims of DA are a manifestation of Stockholm Syndrome such as; denial or refusal to admit that they are victims of abuse; refusal to leave their abusers; and belief that the abuser is being violent to show their love and loyalty to the victim (Boulette and Anderson 1985, Dutton 1992; Loring and Beaudoin 2000).

Using Bandura's (1973) Social Learning Theory, it is argued that the behaviour of perpetrators of DA is learned from early childhood, and the belief that aggression and violence are acceptable is carried through to adulthood. Children have in the past been labelled "silent witnesses" (McIntosh, 2013) to DA between their parents or caregivers, and were often believed to be disconnected or tangential to the abuse. Although research has been conducted on the impact on children witnessing DA in the

home, most have been criticised for using samples mainly derived from participants who were currently living in shelters, and thus were indicative of the more recent and severe acts of DA (Edleson, 1999). It is also argued that the research on children in shelters was not representative of the wider socio-economic populations, as those in the studies were largely of lower socio-economic populations (Kerig, 1998). Edleson (1999) also discredits the validity and reliability of research on children who have witnessed DA if their experiences are predominantly affected by their mother's reports. Despite these complexities and criticisms, there is nevertheless empirical data that highlights the short and long term implications for children witnessing domestic abuse. Living with DA as a child can have a detrimental effect on their ability to have meaningful relationships when they grow up, and can be considered a form of emotional abuse (Brandon & Lewis, 1996).

McCloskey et al (1995) researched a large sample of mothers and their children (365 mothers and 365 children) and found that of the two-thirds of mothers who had reported being physically abused or choked by their partners, half of the children had also been witness to this. McGee (2000) conducted a smaller study of 48 mothers and 54 children who had been victim and witness to DA and found that 71% of the children had witnessed their mother being physically abused, with 10% also having witnessed their mother being raped. However, children who 'witness' incidents of DA do not have to directly observe acts of physical violence; the impact of hearing abuse or witnessing the aftermath such as bruising is argued to be just as detrimental to their wellbeing and development (Mullender et al, 2002). The validity of the term 'witness' has thus been disputed and has since been adopted by the term 'exposed' (Wolak & Finkelhor, 1998). Being exposed to DA in the home is also argued to place the children at higher risk of being abused themselves, with McCloskey et al's (1995) study stating that there was a clear association between the abuse of a mother by her partner and the sexual abuse of a child by the same perpetrator.

There is a strong correlation between male children exposed to DA in the home becoming perpetrators of DA to a partner when they have reached adolescents (Wekerle & Wolf, 1999). This is based upon the phenomenon of 'Intergenerational Transmission of Violence (ITV)' and applies to children who have been subjected to or witnessed violence in the home between their caregivers (Dutton et al, 1995). ITV suggests that children model their behaviour on what they have learnt from the adults in their childhood, defined by Bandura (1973) as the 'Social Learning Theory'. It is argued that children often witness the reward of violence, such as the submission of their mother to the demands of their father, and learn to not only commit violence, but also form positive attitudes towards the outcomes of such violence (Kalmus, 1984). Bandura (1973) discussed two forms of modelling; generic and specific. Generic modelling in ITV suggests that the children exposed to DA in the home learn that aggression is acceptable in a family environment; whereas specific modelling is found when adults commit an act of aggression, which is distinctively similar to the aggression they were exposed to as a child (Kalmus, 1984).

To conclude, DA has a significant, and detrimental, effect on children and has recently been recognised in law. The Children's Act 1989 definition of significant harm was amended in The Adoption and Children Act 2002 in relation to DA and now includes; "*the impairment suffered from seeing or hearing the ill-treatment of another*". In relation to the DVPN/O, the police have a legal responsibility to "safeguard and promote the welfare of children when exercising their functions", and the presence of children at a DA incident must be recorded as additional information when submitting an application for a DVPN (Home Office, 2020).

9. Summary

This chapter has reviewed the literature on DA around 5 key areas; historical developments in DA; the inclusion of coercive control; risk assessing DA using DASH; organisational police culture; and, the implementation of the DVPN/O. Through analysis of the discourse of DA it is evident that there has been a significant cultural and legislative development in how DA is now perceived by the police, the criminal justice system and society in general. Although there is limited research into the use of DVPN/O in the UK, the findings from the studies discussed have concluded that victims do indeed benefit from the use of DVPOs both during the incident of DA and immediately after (Kelly, 2013; Holt et al, 2003). What remains unclear is *how* these individuals, both victim and perpetrator, have benefitted from this legislation, and what impact this has had on both their personal lives and their relationship with NWP. The research aimed to address this issue whilst also exploring to what extent the DVPO has been beneficial to both NWP and the wider third sector agencies who work in the field of DA.

CHAPTER 3 – RESEARCHING DOMESTIC ABUSE: METHODOLOGICAL AND ETHICAL CONSIDERATIONS

This research study incorporates the use of both qualitative data and quantitative data. This mix-methods approach allowed me to capture the subjective views and opinions of the participants in relation to the impact of DVPOs; as well as explore the scale of use and breaches of the order. In this chapter, I provide a description of the methodologies used to answer the key research questions. In order to explore the difficulties faced by NWP in tackling DA, the first section introduces the background and need for this study. In the subsequent sections, I discuss the background and need for this study; ethical processes; interview protocol; and, methodology.

1. Introduction into the Empirical Enquiry

As I discussed in a previous chapter DVPN and DVPOs were introduced by NWP in 2014. These notices and orders are used in cases of DA in order to allow victims to remain in their own homes and to give police the authority to keep victims safe by removing perpetrators of DA even against the victim's wishes. These civil orders are applied for by the police and are issued by the courts. NWP was keen to review its use of DVPN/Os and wanted to establish whether these notices and orders are used effectively and appropriately to deal with incidents of DA. They also wanted to understand how the orders are received by not only the immediate victims and perpetrators of DA, but also other professionals involved with DA such as; police officers, IDVAs, Women's Aid, probation and defence solicitors.

DA is a difficult crime for police to tackle. Not only is there a considerable risk of serious harm to the victims; there is also the uncertainty of the victim about the appropriate course of action (being unaware of how to support the police in the charging process) and the fearfulness of the victims about the consequences such as their partners being convicted of a serious crime and the possible personal repercussions for the victims themselves. The police also have to take into consideration wider extenuating circumstances when dealing with DA and imposing DVPN/Os on alleged perpetrators. By imposing a DVPN/O the police have to weigh the consequences on perpetrators prior to a conviction and take into consideration their rights such as contact with children, access to property and presumption of innocence.

Police services in the past have been criticised for their approach to DA, being accused of not viewing DA as 'proper police work' (Stanko, 1985). In order to support NWP's approach to DA, therefore, it is important to gain a better understanding of whether the use of DVPN/Os are effective and what explore the impact on victims and the wider community. This research takes up this mantle, and has the potential to improve internal confidence in handling DA appropriately and effectively.

The research was initiated by NWP, and the project designed jointly between NWP and Bangor University, to explore the use of DVPN/Os in cases of DA in North Wales. The broad aims of this research were to:

- assess the scale of use of DVPN/Os in NWP;
- to map the characteristics of cases where DVPN/Os have been issued compared to other DA cases;
- to explore the impact of DVPN/Os on victims of DA – including data on repetition of victimisation, take-up of IDVA support, welfare checks, and views on DVPN/Os;
- to explore the impact of DVPN/Os on perpetrators of DA – including data on further offending, criminal justice outcomes, take-up of offending behaviour support and perceptions of fairness;
- to explore the views of professionals working in the field of DA including police officers, Sergeants, Inspectors and Superintendents.

2. Researching Domestic Abuse: The Question of Ethics

As with any research study ethical clearance must be gained by the University before any research is conducted. This ethics proposal for my research; *“Exploring the impact of Domestic Violence Protection Notices on victims and perpetrators of domestic abuse”* needed to be sent to the University’s Ethics Officer along with the ethics form itself. The ethics proposal comprised of an introduction into my research, which gives a brief outline of the DVPN process, how and why it is used, and what NWP hope to gain from the research.

As DA is well-renowned as being a sensitive topic to research, there is an abundance of literature highlighting the ethical and methodological issues faced by researchers working in this field (Hoyle, 1998; Elsberg et al, 2001; Newman et al, 2006). In relation to my research, the primary concern was that of the safety of the victim participants. Victims who take part in research surrounding their abuse often experience a fear of retaliation or reprisal from the perpetrator (Liss and Solomon, 1996). In order to reduce the risk of possible harm to the victim, the participants were asked prior to interview if they were still in a relationship with the perpetrator. Should they stipulate that they were, the interview was terminated and their details were removed from the research. A previous study has highlighted how insufficient and inadequate attention paid to victim safety, has resulted in individuals being placed in unsafe situations after the interviews (see Zimmerman, 1995). Although the main focus was that of the risk to the participants, my safety as a researcher was also taking into consideration. In order to drastically reduce the possible risk of harm, all victim and perpetrator interviews were conducted over the phone, using an untraceable, police issued mobile phone.

Discussing victim abuse can also be detrimental to participants' psychological and emotional well-being, as they often 're-live' the abuse which can be highly distressing (Fontes, 1998). The World Health Organisation (1999) released guidelines for researchers conducting field-work relating to DA which outlines the importance of reducing "*any possible stress caused to the participants by the research*". The guidelines stipulate that researchers should undergo relevant training in interviewing vulnerable individuals to ensure that they can remain unbiased and respond appropriately to the participants. Due to my training as a Special Constable (the implications of which will be discussed in sub-section 6) with NWP I had previously undergone this training, and therefore was able to conduct the interviews in a sensitive and supportive way. This allowed me to be aware of the level of distress the victim was portraying and proceed to act accordingly by allowing the victim to take their time and taking a break if necessary (see Finkelhor et al, 1988).

It was decided to initially send a partial ethics application to be approved which would grant me permission to conduct secondary data collection using the police database in St Asaph HQ as agreed with my police supervisor DCI Jonathan Sailsbury-Jones. This was agreed with my university supervisors Dr.Bethan Loftus and Prof.Martina Feilzer as the process for full ethical approval can take 6-8 weeks, however partial ethical approval for research that does not involve direct contact with participants is usually quite straight forward. This would allow me to gain access to secondary data to build a background on the rates of DVPN use in North Wales, the rates of breaches and the consequences for these breaches. My partial ethics application was submitted on 7/11/2019 and was approved on 6/12/2019. During the interim I began the full ethics application which outlined how I would mitigate the possible offense/distress to participants during the interviews; how I would minimise the risk to human research participants; and, how I would deal with any ethical considerations during my research. In order to gain full ethical approval I also created the following documents which would be given to the participants during interviews; participant consent form, participant information sheet and a professional information sheet (Appendix (i), (ii) and (iii)). These sheets, along with the full ethics application were sent on 23/01/20 and ethical approval was given on 29/01/20.

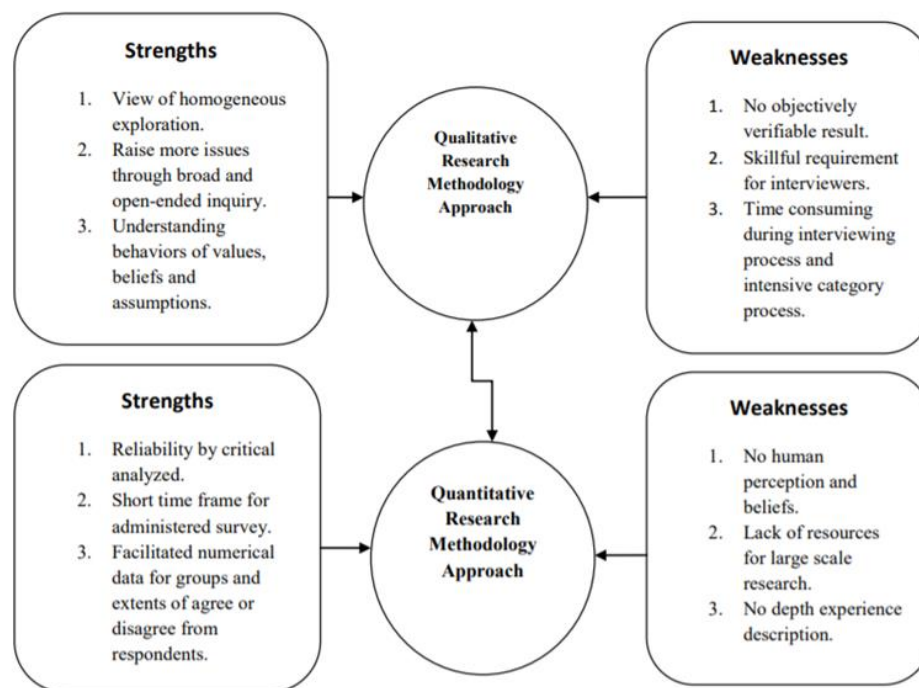
3. Qualitative, Quantitative and Mixed Methods Research

In order to meet the aims of the research, a mixed methods approach involving both qualitative and quantitative data was used. Tashakkori & Creswell (2007) argue that studies are labelled as having used a mixed methods approach because both qualitative and quantitative approaches have been utilized. Definitions of Mixed Methods Research (MMR) are highly contested amongst researchers and scholars alike due to the differentiation between which research were being mixed, the drive

behind the research, the actual purpose of the mixing of research methods and at what stage during the research the mixing was occurring. The most commonly used definition is:

“Mixed methods research is a research design with philosophical assumptions as well as methods of inquiry. As a methodology, it involves philosophical assumptions that guide the direction of the collection and analysis of data and the mixture of qualitative and quantitative data in a single study or series of studies. Its central premise is that the use of quantitative and qualitative approaches in combination provides a better understanding of research problems that either approach alone”

Creswell and Plano Clark (2007, pp.5)



(Choy, 2014, pp.3)

The table above identifies the strengths and weaknesses to both qualitative and quantitative research methods which I applied to the rationale behind choosing MMR for this research study. MMR allowed for the use of quantitative data collection such as the number of DA incidents that are report to NWP and the number of victims, but also allowed for a much more open-ended inquiry into the impact these reported incidents had on the victims themselves both during and after the abuse. The reliability of the statistical data could be critically analysed where quantitative data had been used, but the qualitative element of the research included the perceptions and beliefs of the victims, perpetrator and professionals who work in the DA field. In relation to the question of severity surrounding the initial DVPO and the subsequent breaches of the order, quantitative data could only provide the numerical amount of breaches and the penalties given to the perpetrators. The qualitative aspect of

this research enabled me to explore how variable these penalties actually are and provide a personal and subjective explanation from the participants on why they believe this is the case.

Bryman (2006) argues that the main rationales for using MMR are as follows; both qualitative and quantitative data can be corroborated to ensure greater validity (known as ‘triangulation’); when studying a phenomenon it is possible to gain a more comprehensive understanding by using both research approaches rather than primarily one or the other; the conclusions from MMR research may be more accurate due to the ability to build upon the strengths of both methods whilst also neutralising the limitations of each; MMR also allows complex phenomenon’s to be researched which require both the qualitative and quantitative approach in order to give a broader understanding; there is a possibility of using one research method to explain the findings from another research method, such as using qualitative data to explain unanticipated findings from collected quantitative data; and, qualitative data alongside quantitative data can strengthen the research as it gives a much broader understanding of the phenomenon (Bryman, 2006).

In order to determine what influences the behaviour of the police to use DVPNs in North Wales, it required a deeper evaluation than statistical or numerical data could provide. Qualitative data would allow a more in-depth experience description; using human perception and beliefs would give a better understanding of the values held by the police which may have an impact on the way individual officers behave during a domestic incident and when issuing a DVPN. My research also involves a discussion into the impact of DVPN/Os on victims and perpetrators which requires broader investigation. As DA is a subjective phenomenon, acutely experienced, its effects cannot be ascertained by using ‘cold’ numbers and statistics. The offence of DA is relational and exists between people, therefore it requires open-ended enquiry to gain the participants perceptions and beliefs in order to fully understand the research conclusion. However, the open-endedness of the qualitative approach also has its own drawbacks, which include the participant often taking control of the content discussed at interview. In order to successfully carry out the primary objectives set in this research it was important that I allowed the participants to speak freely but ensure that I routed the conversation and questioning towards the end goal of exploring the impact of DVPNs. The qualitative aspect of this research allowed me to explore the beliefs and values of the participants when discussing the use of DVPN/Os.

I decided to use semi-structured interviews to gather primary data from all participants as this would give broader knowledge and information with regards to the use of DVPNs in North Wales. A semi-structured interview is defined as an interview *which “allows depth to be achieved by providing the opportunity on the part of the interviewer to probe and expand the interviewee's responses”* (Rubin & Rubin, 2005: pp.88).

I conducted semi-structured-interviews with each of the participants, with the questions being tailored in relation to whether the participants were professionals, victims or perpetrators. Seven interviews with professional were conducted which included; 3 police constables, 2 police sergeants, 2 superintendents and 1 (Independent Domestic Violence Advisor (IDVA)). Interviews were also conducted with eight victims and 1 perpetrator. The use of semi-structured interviews instead of structured interviews allowed me to use open ended questions in order to allow the conversation to flow freely, rather than have a set of questions which would be stringently followed in a particular order for each interview. The object of the interviews was to find out why the participants felt the way they did, and the flexibility of using semi-structured interviews allowed these why questions to be answered. I also wanted to find out how the participants felt about the use of DVPNs and their treatment by NWP at the time of the incident.

“How do you feel you were treated by NWP at the time of the incident of domestic abuse?”

“At the time of the incident, were you supportive of the DVPN? If not, why?”

I was able to gauge which aspects of the research questions were particularly important to each individual participant and explore this by slightly changing the order of the questions or even the questions themselves to suit the dynamic of the conversation.

The use of semi-structured interviews also allowed me to explore more complicated research questions such as:

“How do you feel the implementation of the DVPNs has impacted on dealing with domestic abuse?”

The quantitative aspect of my research allowed the data collected to be critically analysed which increased its reliability as the source of information was verifiable. The use of NWP datasets and the statistics found via both the Government and the Office of National Statistics on DA in England and Wales, allowed for data to be evaluated quickly and effectively. I was also able to note any discrepancies between organisations such as the higher rates of DVPN/O use in NWP compared to other police forces. However, although the quantitative element of the secondary data collection produced reliable information, it was simply numerical and did not provide a reason as to *why* discrepancies were found.

NWP provided me with an anonymised dataset of each DVPN that had been issued from the year of implementation (2014) up to 2019. The dataset also held the demographics of each victim, such as the area in which they lived, their age and their gender. This allowed me to analyse whether there was any patterns of areas that had a higher percentage of DVPNs and if they were issued in cases where the victims were of a similar age or gender. The breaches of DVPNs were also recorded on the dataset, which I was able to analyse according to how many DVPNs were breached and what the outcome was, such as a prison term or a fine. Secondary quantitative data was also collected through publicly

available datasets published by charities (Women's Aid, MenKind), crime surveys (Crime Survey for England and Wales) and Government statistics.

4. Interview Protocol

Interviews are commonly defined as;

“an interchange in which one person... attempts to elicit information or expressions of opinion or belief from another person or persons.” (Maccoby & Maccoby 1954, pp.449).

A more in-depth definition is that of Schostak (2006) who defines interviews as;

“an extendable conversation between partners that aims at having ‘in-depth information’ about a certain topic or subject. Accumulating such meanings can be done in various ways, of which one-on-one interviews are the most common” (Schostak, 2006, pp.54).

I held interviews with professionals, victims and a perpetrator:

Victims – During the interviews with victims on domestic abuse, my questions were centred around: the dynamics of the relationship before the incident of DA which resulted in the DVPN (such as the first incident of abuse, the typical incidents of abuse and the worst incident of abuse); the reason behind calling for police support; how the victim felt when the police arrived and how they were perceived; was the DVPN process explained to the victim; was any follow up done by the police after the perpetrator was removed from the premises; was there any support or follow up during the DVPO timeframe.

Perpetrator – During the interviews with the perpetrator of domestic abuse, my questions were centred around: the dynamics of the relationship prior to the incident where the police were called; how the perpetrator felt when the police arrived (how was he treated); was the process of the DVPN explained to him/her; how he/she felt when they were removed from the property; how were arrangements made for him/her to have access with children; any support offered such as anger management; how has the DVPO affected him personally.

Professionals – During the interviews with the professionals who have involvement with the issuing of DVPNs, my questions were centred around: have you seen a decrease in DA since the DVPNs were introduced; how do you feel about the process of issuing a DVPN (i.e having to contact a superintendent possibly out of hours); do you think DVPNs are over used in North Wales and the reasons why; do you think the DVPNs are being used instead of arresting alleged offenders for another offence such as assault, ABH etc); is there anything else NWP can do to combat domestic abuse.

4.1 Preparation

The first stage of preparing to conduct semi-structured interviews was undertaking a thorough literature review; this allowed to me investigate the methods and the findings of other work thus enabling me to develop my research questions based on the information already gathered and information that I require but has not yet been discovered. It was then important to think about sampling; who I wanted to interview and why. I used a purposive sample which is defined as “*the deliberate choice of a participant due to the qualities the participant possesses*” (Etikna, Musa & Alkassim, 2016, pp.1). Using this technique I was able to choose the professional participants in a non-random way based on the qualities they possess. In order to gain the maximum variation in participants I decided that it was beneficial to choose individuals from different levels of the hierarchy:

Police officers – These front line response officers are called to domestic disputes and, therefore, they are key decision-makers as to whether a DVPN should be applied for - or not - based on the evidence they gather. They also have to send their DVPN request to a supervisor before it is submitted to a superintendent for authorisation. They are also the first responders to any breaches of a DVPO and therefore have a vital role in how the incident of DA is dealt with not only in the way the victim is treated but also in how the perpetrator is. It is often argued that it is the police constables who actually ‘make’ criminals and victims, as it is their judgement at the scene of the incident that determines which individuals are the aggrieved and which are the criminals (see McConville et al, 1991).

Sergeants – These officers are not usually on the front line dealing with domestic incidents however they have a deeper knowledge of the DVPN process as they are trained to supervise the process of the DVPN application by the police constables. The sergeants do not undergo any additional training surrounding DVPNs compared to police officers; they do however receive e-mails, updates and correspondence from their superiors and the legal team which gives further information with regards to changes of legislation and then filter this down to the frontline staff. Their role is fundamental in influencing how the officers under their command respond to incidents of domestic abuse. As DA is a priority in NWP, sergeants should be encouraging officers to be pro-active when dealing with incidents and to arrest the suspected offender if there is adequate evidence or belief that DA has occurred.

Superintendents – At the higher end of the organisational hierarchy the superintendents authorise the DVPN applications from the police constables and sergeants. They view every application and have the ultimate decision as to whether to authorise the DVPN for the initial 48 hours whilst it is being reviewed by the Crown Prosecution Service and made into a DVPO.

Independent Domestic Violence Advisor (IDVA) – These individuals deal directly with the DA victims. They liaise with victims throughout the DVPN and DVPO process to provide support and

guidance. IDVAs work in partnership with victims of DA to create a bridge between the victims and local specialist services such as housing, mental health and children's services. When victims are at their most vulnerable, the role of an IDVA is to be their advocate and to ensure that the victim becomes and remains safe.

The diversity of the roles and ranks of the participants allows me to answer the 'why' aspects of the research questions and give a broader understanding of the research topic as each participant will have a different set of values, beliefs and behaviours when issuing, authorising or supporting a DVPN/DVPO.

4.2 Conducting the Interviews

I contacted the professional participants through my university e-mail address and they were firstly given a brief over view of the research and asked if they would like to participate. Once consent for attending an interview was acquired, a time and date was arranged, usually in the police stations or headquarters due to the time constraints and availability of the participants. Before attending an interview I ensured that the dictaphone I was using was fully charged and in full working order and that I had all the relevant paper work with me such as consent forms and participants information sheets. As I am a special constable for NWP I already had access to the police stations and headquarters using my fob and my ID badge afforded me the advantage of not having to sign in and out of the premises. My position within NWP is directly linked to the common research debate surrounding 'insiders' and 'outsiders' (Brown, 1996). The insider/outsider notion stems from the level of which a researcher is embedded into, or outside of, the research group. My association with the police as a Special Constable arguably made me *"a legitimate member of the community who can speak with authority about it"* (Liamputtong, 2010, pp.110) and therefore may have positively impacted on the way that the interviews were conducted with the professional participants.

On arrival to the site and upon meeting with the participants, we accessed a quiet room which was requested to ensure the best sound quality for transcription of the interview at a later time. I introduced myself personally and gave a little of my background such as my under graduate degree subject and why I chose to undertake this research topic for my Masters Degree. The participant information sheet and consent form (appendix 1 and 2) were then given to the participants and time was allowed for them to thoroughly read the sheets and to ask any questions should they feel the need to. Once the participants were fully informed they were asked to sign the consent form which included a number of tick box statements such as:

"I have been briefed to my satisfaction on the research for which I have volunteered" and *"I agree to having the interview audio-recorded for transcription purposes"*.

The participants were given two copies of the consent form; one to be taken away with myself for my records and one to be given to the participant to keep. Once signed I once again asked if the participants were happy to continue before turning on the Dictaphone. The first question I asked each participant was for them to introduce themselves and describe their job role in NWP. This was the 'ice-breaker' question and given to put the participants at ease when talking about themselves and allowing me to gauge their level of experience within the force and adapt the interview questions appropriately. The duration of their employment was also taken into consideration with regards to the wording of the questions, for instance, if the participant stated that they had been employed by NWP for 2 years, a question such as;

"Have you seen a decrease in the levels of domestic abuse since the implementation of the DVPN in 2014?"

Would be changed to;

"Do you think the DVPN has had any impact on decreasing the levels of domestic abuse in North Wales?"

The interviews with victims were conducted over the telephone in St Asaph Police HQ. I introduced myself as a researcher for Bangor University as I was, at the time of this research, non-operational in my duties as a Special Constable for NWP. When consent had been gained I explained the aims of the research, the confidentiality of any information shared with me and how their interview recordings would be stored. I initially asked the victims an 'ice-breaker' question such as:

"So tell me a little about yourself..."

This was done in order to create a conversational feeling to the interview and allow time for the victims to develop rapport and feel comfortable talking to me. The fact that the interviews were conducted over the telephone is argued by Irvine (2011) to create "greater anonymity" and be "less intense" for the participants. It may also be "preferable to participants where topics are of a sensitive nature" (pp.203), such as DA in this particular research study. The next question was designed to ascertain the severity of DA the victim had been subjected to, and how much they were willing to share with me:

"Could you tell me, in as little or as much detail as you feel comfortable sharing with me today, a little overview of what happened during the incident of domestic abuse that led to your partner/ex-partner being issued with a DVPO?"

The majority of the victims were reluctant to divulge too much information with regards to the events of that incident during that particular question. However, as the interview continued they became more relaxed and forthcoming with the details. This made the questions surrounding initial police

contact, any breaches of the order and overall satisfaction with the treatment received by NWP much more conversational which is what is required from a semi-structured interview. The participants may also have become more relaxed due to the telephone interviews being less socially pressured compared to face-to-face interviews. The social distance may have lessened the discomfort some participants feel when being interviewed in person, and this is argued to produce a less biased and more accurate response (Chapple, 1999; Dinham, 1993; Doody and Noonan, 2013). However, there were also negative connotations for using telephone interviews; I was unable to visually monitor the body language and behaviour of the victims and perpetrator; and, less detail may have been provided from the participants as they may have been distracted by things in their environment.

My use of language was also a main factor when I conducted the interviews; I wanted to gain an understanding of how the participants felt during the process of issuing a DVPN or dealing with victims of domestic abuse. The thinking and rationale of the participants was important to gather in order to gain a more in-depth insight into the research topic. Most questions began with *'how do you feel...'* and *'from your experience...'* to help the participants feel at ease about talking through their thoughts and experiences rather than what they think I want to know. This may allow the participants to go off topic on occasion, which can be both beneficial and detrimental to the research. During some interviews the participant went slightly off topic and continued down a path which was of little relevance to the topic I was researching and therefore they may needed the question re-iterated or set out in a slightly different way paying closer attention to the actual question. However on the other hand this provided a good opportunity for self-reflection. A few participants answered one question early on in the interview, which they then retracted or changed when faced with another question that they had to think about from a different perspective or through remembering a certain incident or time that made them behave in a different way.

The interview with the perpetrator was conducted in an interview room in St Asaph Police HQ. The setting for the interview was not ideal, due to him being held in custody for an un-related offence. However, he ('James') gave his consent to be interviewed and was initially understanding of the research. As discussed previously, when using personal and subjective questions such as *'how do you feel...'* it can result in participants going slightly off topic, as was the case with this interview. When asked how James felt he was treated by NWP officers he became very agitated and raised his voice. I was able to calm the situation down by changing the question to *'how would you like to have been treated by NWP?'*, which allowed him time to reflect and think about the question. In order to remain unbiased and non-confrontational, I also did not refer to James as a 'perpetrator' during the interview.

Each interview lasted between 30 and 45 minutes, with the average being 37 minutes. One interview with a victim lasted 12 minutes as she was in a rush to go out but did not want to re-arrange the interview for a more convenient time.

5. Gatekeepers, Sampling and the Effect of COVID-19

This research study is also collaborative in nature as, although I am a research student at Bangor University, the rationale and need for the research is for and on behalf of NWP. My police supervisors were my point of contacts throughout this process and they have been invaluable in roles as gatekeepers. Gatekeepers are typically defined as *“as individuals or institutions who have the power to either grant or withhold access to a research population”* (De Laine, 2000). The relationship between researchers and gatekeepers has often been referred to in literature as a game of ‘snakes and ladders’, with the prize being gaining access to the participants or the organisation in which the research is to be conducted (Homan, 2001; Mandel, 2003; Campbell et al, 2006; Clark, 2011). However, criminologists and scholars alike emphasise the importance of gatekeepers in reaching vulnerable participants when researching sensitive topics like DA (Campbell et al, 2006; McAraevey & Das, 2013). In this research study, building a relationship with the gatekeepers was not difficult due to the already established relationship between Bangor University and NWP. The research was requested by NWP, therefore there was no need to explain the rationale behind the study or the need for access to participants (see Edwards & Alexander, 2011).

For the quantitative phase of the research I was given access to the police computers in St Asaph HQ. This allowed me to access the Record Management System (RMS) and look at the incidents in more depth, such as the reason given for the initial call, how the call was prioritised, whether the offender was arrested and whether a DVPN was issued. My Police Supervisor also spoke to the analytical team on my behalf who produced and anonymised a database of how many DVPNs had been issued in North Wales, how many of these had been breached and what the consequence of the breach was. This allowed me to work out the percentages of breaches in comparison to the amounts of DVPNs issued and analyse how these breaches were dealt with by the Magistrates Court. The analytical team also provided me with a breakdown of the demographics of the victims such as age, gender, ethnicity and locality, however this was not provided for the perpetrators which was hindered due to the onset of the COVID-19 pandemic which will be discussed further in this methodology.

My Police Supervisor was also the gatekeeper to the professional participants I wanted to interview. She sent out an e-mail to front-line police officers, superintendents, sergeants and IDVA's and asked for them to contact me if they consented to an interview. The participants then contacted me directly through my university e-mail address, with my supervisor copied in, and arranged a time and date for the interview.

With regard to the victim and perpetrators interviews it was initially agreed that I should compile a list of individuals from North Wales Police Record Management System who had been in receipt of a DVPN. The only stipulation given was that the victim and the perpetrator should no longer be in a relationship as an interview could cause further domestic incidents. Using the database provided by

the analytical team I cross referenced the incident numbers given with the incidents recorded on RMS to compile a sample of 15 victims and 15 perpetrators. I disregarded those individuals who were still showing on RMS as in a relationship or living with the offender, however on further discussions with me university and police supervisors it became apparent that RMS was not up to date with who was still in a relationship and who had separated. It was explained that RMS was initially updated with the relationship status of the individuals based on the information given at the time of the domestic incident. Unless another call was logged and another incident was attended the police would not be able to update RMS in relation to whether the victim and offender were still in a relationship, therefore my initial sample could not be used as it was not verifiable. It was decided that the IDVAs would make initial contact with the victims and perpetrators to gain verbal consent for contact from myself with regards to conducting the interviews. Due to not being able to use my initial sample list we agreed that I was supply the IDVAs with the demographics of the individuals I would like to interview such as; 4 victims aged between 18-35, 4 victims between 36-99, 4 victims of an ethnic minority, 3 victims who had previously been a DVPN. This demographic was also the same for the perpetrators. The IDVAs would then contact the individuals using these demographics and gain consent from them for me to contact them. The contact was to be made using either my university e-mail address or a mobile phone used solely for this research.

Due to the COVID-19 pandemic and the UK wide lockdown, it was not possible for me to conduct face to face interviews with the victims and perpetrator of DA. DA was being given increased police and media attention due to the fear that victims were much more susceptible to abuse whilst being forced to remain their property with the abuser. It was decided that interviews with these participants could still be conducted but on a virtual platform such as facetime, skype or a telephone conversation. The IDVA identified two victims of DA who were 'safe' to contact and my police supervisor made the initial phone call to gain consent for me to contact them to conduct an interview. These victims were deemed as 'safe' to contact as their ex-partners were currently in custody for offences not related to the initial DA incident. However, after contacting the victims myself and arranging times and dates for interviews on facetime, 1 victim would not reply to my correspondence and the other victim cancelled 4 times. Previous research in DA had also highlighted issues with regards to cancellations of interviews (Meyer, 2010). Therefore, it was decided by myself and my university supervisors that we should disregard those victims and try a new approach. The next approach was more effective: when lockdown restrictions were lifted in July 2020 I attended St Asaph HQ and met with a Detective Sergeant (DS), who had agreed to help with the research sampling. He had compiled a list of victims who had been issued a DVPO for their safety in the recent months and who were no longer in a relationship with the offender. This information was ascertained through their involvement with third sector agencies such as Women's Aid and DAOs. The DS initially contacted the victim whilst I was in the room with him, gained their consent and then passed the phone to me. I confirmed that the

victims were happy to speak to me and informed them that they were to be put on loudspeaker for my Dictaphone to pick up the recording and that the DS would leave the room. Out of the 19 victims contacted, 8 gave consent to participate in the study, 2 were currently being held in custody for unrelated offences so were disregarded, 3 refused to participate and 6 were left voicemails to contact the DS should they wish to take part in the research. This may have had an impact on who was willing to participate in the interviews. Further research is required to ascertain whether participants felt pressured into participating in the research due to a member of NWP making initial contact, and whether the lack of call backs from voicemails left may be due to a reluctance to speak to NWP.

The initial aim of this research was to gather a sample of 10-15 participants from each group; professionals, victims and perpetrators. However, as discussed above it was more difficult than anticipated to enlist victim participants. The COVID-19 pandemic may have had an effect on the numbers of victims who were willing to participate, however there is a body of research that suggests enlisting vulnerable participants into research on a sensitive topic is not always easy. As discussed previously, victims of DA are often reluctant to speak to a researcher due to fear of having to recall painful memories caused by discussing such a sensitive subject matter (Newman et al, 2006; Elberg et al, 2001). Research has also suggested that victims of DA fear the repercussions of a partner or ex-partner finding out that they have spoken to a researcher and therefore are fearful of further abuse (Langford, 2000; Sullivan & Cain, 2004).

As this study involves an examination into the impact of DVPN/Os on victims and participants on DA, it must be explained as to why there was only 1 perpetrator participant. The reason for this was 3 fold: (i) the sensitivity of the topic being researched, (ii) gaining access to willing perpetrators, and (iii) the COVID-19 pandemic. Although it was initially agreed that 10-15 perpetrators would be interviewed, the challenges faced in gaining access to these participants would be more difficult than anticipated. As with the victim ethical considerations, it was also important to take into account the implication involved with recruiting participants who had been subject to DVPOs as the perpetrator. Participants who were considered to be a risk to myself (such as those with extensive criminal records that include criminal violent or sexual offences) were not considered for this research. Due to the COVID pandemic and the difficulties in gaining access to victim participants, it was decided that the perpetrators would be recruited from more recent incidents (previous 3 months). I had identified 10 possible participants, however of these, 3 were currently in prison for offences not relating to the incident of DA; 2 were in prison for offences relating to a breach of the DVPO; 2 had a telephone number that was no longer recognised; and, 2 had repeated voicemails left for them to contact the DS who was assisting me, but never returned the phone calls. The one perpetrator participant interview was conducted during his stay in custody in St Asaph Head Quarters as he had arrived during my visit there. This interview was conducted in an interview room with myself and the participant, with the door left open to ensure my safety. Although only accessing 1 perpetrator participant was not ideal,

under the circumstances, the time restraint placed upon this research, and being in the midst of a global pandemic meant that this aspect of the research could not be pursued fully.

6. Personal Biography and the Question of Reflexivity

It is increasingly recognised in qualitative research that the *'researcher is the research instrument'* (Dodgson, 2019) and therefore it is important that I explore my own personal biography and characteristics and how they may have impacted upon the research programme. Berger (2015, pp.220) argues that:

"Researchers need to increasingly focus on self-knowledge and sensitivity; better understand the role of the self in the creation of knowledge; carefully self-monitor the impact of their biases, beliefs, and personal experiences on their research; and maintain the balance between the personal and the universal".

Therefore, I shall start the discussion with an overview of my background on knowledge prior to commencing this research. In February 2019 I attested as a Special Constable for NWP which gives me the same powers of arrest as a Police Constable. Once fully trained and fitted with the necessary personal protective equipment such as a slash vest, baton and handcuffs, I was deployed to the streets of Caernarfon, North Wales, where I was based. I was always paired up with a Police Constable who would mentor me and provide support where needed. I myself have arrested 3 offenders, dealt with road traffic collisions, been part of search parties for missing vulnerable people, and attended many domestic incidents. The Constables I was paired with were usually long-serving officers, who guided me through each step of the processes I needed to undertake until I felt confident and capable enough to carry out such tasks without the need for their assistance. I had nearly completed my Personal Development Profile (which would give me the authority to go out on the streets and patrol independently) when the opportunity to conduct this research emerged.

I came across the advert for this Masters by Research (MRes) whilst researching career opportunities as a post-graduate, and, as this topic was of particular interest to me because of my Criminology Degree and my role as a Special Constable. After sending my application form I received an invitation for interview. After attending the interview for this Masters by Research I was offered the researcher position, but on the understanding that I suspended my Special Constable role within NWP. The reasons for suspending my active duty in this voluntary role was multi-faceted; (i) my employment by NWP could render me biased towards the force and unable to uphold my status as an impartial researcher; (ii) my ability to remain neutral could be questioned if I conducted an interview with an individual I have dealt with whilst in my role as a Special Constable; (iii) there could be a conflict of interest if I was to arrest a perpetrator during my role and then possibly interview them as a researcher; and, (iv) the research could be called under question due to a possible personal advantage of conducting research for NWP whilst also working for NWP. Suspending my role as a Special

Constable was a difficult decision to make on many levels; the notion of duty to both my colleagues and the force itself made me question whether expanding my academic career was selfish, however on the other hand it would give me the opportunity to potentially help NWP in another way; providing thorough research which would give further insight and understanding into the research topic in a way that was unbiased, informative and useful.

I therefore suspended my duties as a Special Constable and enrolled myself onto the 12 month MRes programme. This programme is fully funded by KESS 2 (Knowledge Economy Skills Scholarship), however, I continued to work my paid job as a Health Care Assistant. I believe my experience working with vulnerable people from all sorts of backgrounds, coupled with my experience in front line policing and my undergraduate degree, gave me the confidence in my abilities to carry out this research.

I decided to accept the offer of conducting this research but I had to gain permission from the Chief of Police to suspend my role as a Special Constable. At first this was agreed and I had to turn in my warrant card and fob until my thesis is handed in. However, this produced problems with regards to accessing the police computers and databases as I was no longer classed as being employed by NWP. I was informed that I would have to go through vetting again which was a lengthy process and would impact on the time frame of this research. I approached the subject with my Police Supervisor, who believed that rather than suspending my role it would be more beneficial to place me as non-operational, which would therefore allow me to keep my warrant card and fob, but would render me as not authorised to carry out operational duties such as policing the streets. My leave of absence would only be granted for 6 months, which would then be extended for a further 6 months or until my thesis had been handed in. This allowed me to gain access to the police stations and headquarters, and most importantly would allow me to access the police computers and databases for my secondary data collection without the need to be re-vetted. Once all this had been understood and agreed I then began my research.

Due to my background in both the NHS and as a Special Constable, I do not feel that I had any preconceptions surrounding DA victims and perpetrators. I have seen first-hand how incidents of DA can happen to anyone, from any background and in any family. I therefore went into the interviews with an open-mind and without having already made pre-judgements about the individuals I would be interviewing.

This research was designed to gain a better understanding of how a DVPN impacts on the victims and perpetrators of domestic abuse. It allowed me to delve deeper into the effects of DVPNs through interviewing the individuals on which it has been served. This is not something that the police have the ability to do; although support is offered and given to the victims and perpetrators of domestic abuse, the personal short and long term effects are not discussed and evaluated. This is because the

police attend an incident, look at the evidence, act upon the evidence and then leave to attend another incident. They do not have the time and the capacity to sit down and discuss the emotional and psychological effects of the DVPN with the victim or perpetrator. This, I feel, is where I can assist and step in; it is my job as a researcher to hold discussions and identify any issues within the issuing of a DVPN from the perspective of those individuals.

Through my work in the hospital and my work within the police force I believe that I have the ability to talk to any individual, regardless of their race, sex, age, ethnicity or background, whilst showing compassion and remaining unbiased. My work as a special constable has taught me not to stereotype people, and not to judge a person solely based on their behaviour during that incident. There are many contributing factors as to why individuals behave the way they do. For instance, with regards to domestic abuse, I have been called to an incident where the alleged victim has report that her partner has assaulted her. We arrived on scene ready to arrest the male offender, however, on assessing the evidence we have found that this call was malicious; there was no sign of the alleged male offender, no sign of injury to the alleged victim, and on further investigation we found that the male was actually in work, and had been all day; the victim wanted the male arrested as payback for not being able to pick their son up due to work commitments and believed that by making an accusation of assault that he would be arrested from his place of work and therefore lose his job. The woman was arrested for Wasting Police Time (section 5(2) of the Criminal Law Act 1967) although the CPS decided not to charge as she did not persist with the allegation when challenged.

Although this was the first call of its kind that I attended, it had a notable impact on the way that I attended calls from then on. I no longer went to an incident with a pre-judged idea of who I may possibly be arresting and for what reason; this case proved to me that just because the control room has passed on the information given by the caller, this does not always mean that the caller is being forthright and sincere. This is something I have also found to be beneficial within my research; each participant deserves the right to not be judged for their actions; the perpetrators have already been issued with a DVPN as a consequence so they do not need me to judge them; and the victims don't always want to be stereotyped as a victim, they are individuals who have unfortunately been subjected to abuse.

I also found that my role as a special constable was beneficial when conducting interviews with the police themselves, from gaining access to the police stations to how the participants spoke to me. I was able to gain access to the buildings using my fob which allowed me to go to the offices of the participants without the need for them to meet me at the foyer. This utilised both my time and the time of the participants better as we were able to conduct the interviews almost straight away upon my arrival. Two of the officers and one IDVA also told me to make me own cup of tea as I 'already know where everything is'. This suggested that I was part of the team and they felt at ease with my being

there, as discussed previously in relation to the insider/outsider debate (Brown, 1996). During the interviews themselves, when the participants were talking about police work and the use of the systems they did not have to elaborate on the technical terms they used such as; RMS, NFA, OEOEL, CID16 etc, and only one participant asked if I knew what an NFA was. It was assumed that because of my role I would know what they meant, which also saved a lot of time explaining such terminology. Also, when discussing sensitive subject such as the questions surrounding police attitudes towards DA it appeared that the participants did not shy away from the questions and most began their answers with 'well as you know...' or 'I'm sure you've already worked with people like that...' which implied that they had trust enough in me to be honest and open in their responses.

Chapter 4 – KEY THEMATIC FINDINGS: UNDERSTANDING THE PRACTICE OF DVPN/DVPOS

The aims of this research were to explore the views of the professionals working in the field of DA; assess the scale of use of DVPOs by NWP and how breaches of such orders are dealt with; investigate the offerings and take-ups of support services by victims of DA; and, to gain a qualitative understanding of the overall satisfaction of the DVPO since its implementation in 2014. The following sub-sections report the key thematic findings from the semi-structured interviews held with professionals working in the field of DA, victims and a perpetrator.

1. Protecting victims of domestic abuse through Welfare Checks – A Grey Area?

DVPN and DVPOs were implemented in NWP in 2014 to safeguard and protect victims of DA and allow them a certain amount of ‘breathing space’ for a period of up to 28 days. The offender is prohibited from contacting the victim, either directly or indirectly and also coming within such distance of the victims’ property as is specified on the order. In cases of DA where a DVPO has been issued, checks on the victim either by the police or third sector agencies such as social workers, IDVAs, DAOs or health visitors are paramount in ensuring the safety and wellbeing of the individuals and their families. In England and Wales, 7 women a month are killed by a current or ex-partner (ONS, 2016) and between the years 2016-2019 5 women in North Wales had been murdered by their spouses after reporting incidents of DA to NWP. In 2016, a 22-year old mother of one, Emma Baum was stabbed to death in her home in Gwynedd after leaving her abusive ex-partner. A year later, 33 year old Laura Stuart was stabbed to death in the street outside her home by her ex-partner shortly after reporting him to the police for DA. The tragic deaths of these women resulted in criticism of the police’s ability to safeguard and protect victims of DA. In the case of Laura Stuart, one police officer was found guilty of misconduct after an Independent Office for Police Conduct (IOPC) began an investigation into her death. This prompted NWP to now promote the use of body-worn cameras as best practise when attending domestic incidents, and an investment into more DA specialists within the force (BBC, 2019). Although the limits placed on the offender with regards to contacting and approaching the victim are set out in the DVPO, there is still a significant risk to the victim of further harm or serious incidents like the ones highlighted above. Welfare checks by the police and other agencies are thus important to ensure the visual presence of authorities which promotes the feeling of safety for the victim, and can deter the offender from breaching the court order. This is directly linked to the work of Bittner (1970) as discussed previously, where he argues that the essence of policing involves acting immediately to mitigate risk, rather than waiting for a resolution later down the line. Police are also able to carry out safety checks on the victims’ home during these welfare checks, ensuring that the locks on doors are sufficient, panic alarms are given in some cases along with door and window alarms.

Welfare checks are conducted when a police officer attends the home of an individual to check that they are alive and well, however a policy released by the Operations Committee for North Wales Police in 2016 aimed to “*reduce the number of welfare checks attended by North Wales Police staff when they are in fact the responsibility of another agency*” (NorthWalesPolice, 2016). Shared policing, through for example, policing partnerships, has been a topic of discussion in police research, with Sir Ronnie Flanagan stating in an official review of policing in 2008 that; “*Policing is not simply the preserve of the police. Modern policing is carried out in partnership with a wide range of local agencies*” (Flanagan, 2008: pp.7). The partnership with other agencies has created the notion of pluralised policing, and an ‘extended policing family’, in which the importance of working together to create a wider and, more beneficial, police community is highlighted (Crawford & Lister, 2006). The Operations Committee policy was released shortly after the 4 year spending review where NWP had to save £15.9million which resulted in 128 fewer police officers (8% of the previous workforce) by March 2015. Although this decrease in officers was significantly lower than that of other forces in the UK (12-14%) NWP have an additional demand on their resources due to having to cover a large geographic rural area as well as heightened demand during the summer months due to tourism (HMIC, 2015). A Superintendent I interviewed re-iterated the views of the Operations Committee when he stated:

“I think there’s a lot more that our partners should do also as part of that welfare check, it’s not just a policing responsibility. What I’m thinking is that if there’s a health visitor going to an address because there’s a young child, they might be conduit for all the welfare visits, to even that out. If there’s a social worker engaged with the family, adult or children, if we’ve got housing providers because it’s a social or a private landlord they could have a responsibility also. The welfare checks should be done through MARAC if they’re asked for, I’m not sure how well we’re doing with the DVPNs and DVPOs.” [Superintendent Freddy]

There is currently no legal obligation for North Wales Police to carry out welfare checks on individuals who have been issued with a DVPO for their safety. However, they do have a duty to keep the victims informed, conduct ongoing risk assessments and management, and monitor compliance and proactive policing of breaches (College of Policing, 2015). Therefore, welfare checks can often be dubbed as a ‘grey area’ of policing in terms of domestic abuse and the findings from this research confirm this. A question posed to the professional participants during interviews was; “*Do NWP constables carry out welfare checks on victims of domestic abuse?*” and the response varied considerably depending on rank and location. The response from one officer suggested that welfare checks were carried out routinely in their area recognising that they were lucky as they had to resources to do so:

“Oh yeah we do and that’s pushed by our supervisors to go out and do DVPO checks. We’re lucky here because although we’re... you know I’ve worked most of my service down Gwynedd South which is quieter... and so that’s always something we’ve done down there

and it's something we do here as well. And I know they will do in Denbigh... if there's somebody that's got one our rota goes and checks... we go and speak to the victim and we do that every shift we're on.

Interviewer: So do you think area has an impact on the rates of welfare checks?

Yeah. I mean we've got the time to do it. You know, places like Rhyl they're rushed off their feet I don't know how... I've never worked there but they sound busy you know. They probably wouldn't get a chance." [Officer Penny]

In contrast, a constable who worked in a larger and more centralised area suggested that while welfare checks were seen as necessary, they were often displaced by more urgent calls:

"Yeah we have ability to... but we don't always have the time. I think sometimes sort of the sergeant will sort of at the start of the briefing... these are the DVPOs... you have two... you have two or you have one and you have one... go and knock on and check, but quite often you'll get called off that and by the time you get to go round and check you're like oh I can't go round now because it's too late or it's too early. You know like I said sometimes the sergeant will say... you know there's nothing sort of planned, nothing in the handover of much interest, you know... go and check the DVPOs, but a lot of the time it is on the back burner. Which it shouldn't be... but it is." [Officer Kelly]

When discussing welfare checks with higher ranking police staff such as Sergeants, Inspectors and Superintendents, there was a clear divide in relation to whom they believed the responsibility for welfare checks should fall upon. This divide can also be linked to police culture, with regards to the conflict between 'street cops' and 'management cops' (see Reiner, 1985; Reus-Ianni, 2017). When asked if she would promote constables to carry out welfare checks in her area an Inspector, with responsibility for sergeants and police constables, replied:

"No. That's more of a capacity issue really. It's not... we wouldn't sort of go and check the property no. It's something that would be beneficial but for me that sits with the DAO [Domestic Abuse Officer]." [Inspector Polly]

When asked the same question a Superintendent, with responsibility for all police staff, believed that the responsibility of welfare checks should fall to PCSOs:

"When you know the perpetrator is not with the victim because of a DVPN or because of bail conditions or because he's in custody... they [PCSOs] are your local community contact and they build on relationships on that... so I do agree with that, welfare checks, and I do believe our PCSOs could probably do a lot more with that as they will know the community better." [Superintendent Freddy]

However, an Inspector from a central station argued that the responsibility of welfare checks falls to police constables and the issue of capacity should not be used as an excuse for failing to carry out such checks:

“It’s a bit ad-hoc... and it’s difficult, you know, probably a couple of things you’ve already realised, that policing number aren’t where they were, I mean they’re increasing slowly with the operation uplift in terms of numbers, but patrol officers are uniquely busy, very busy people and you know... however, something like this... you know we’ve already cited it as being a significant risk but we do have other things that are a significant risk as well. But it’s about recognizing what the risk is, who is at significant risk and putting the appropriate resource to it, you know it might be that we have to do it every 3 or 4 days, and that’s about balancing, for us, about balancing resources, who owns it, and when they go, so it can’t be a case of well were just not going to do it because we don’t have enough staff. It’s absolutely, like you say, fundamentally important that we protect these people. You know at the moment I wouldn’t say were exactly where we should be with welfare checks”. [Inspector Jim]

During an interview with an IDVA, although the issue of police capacity was recognised, so was that of the safety of victims and other agencies when police refuse to attend a welfare check was noted:

“I had one lady who was engaging with me very well and then she just dropped off the face of the earth, basically she just stopped engaging and this was really out of character. No one could contact her and you know I’m dealing with really high risk victims of domestic abuse so I contact North Wales Police asking for a welfare check and it was a flat no. We do not attend. But then I’m thinking well if I attend and he’s there and he has caused serious harm or he has killed this person and he’s got a knife or whatever, that’s me sort of done. And as an IDVA... and I thought as an IDVA you know it wasn’t my responsibility to go out and check that that person was OK, I’m not trained to deal with people who are coming at me with a knife you know I haven’t got any protective equipment, I would literally just be me and I would probably have to take another co-worker. I think it was fed back to me that I would have to go out with an officer and that was fine but it wasn’t even... I was more than happy to go out with an officer to see if this person was still alive but that wasn’t even given as an option. So yeah I think... I get obviously resources are stretched and officers have other things going on but I think welfare checks are just paramount in situations like this because things can change in a blink of an eye. Welfare checks are definitely not happening enough. I think now agencies just know you’re not going to get a welfare check so don’t even bother asking and then you know... that’s not right but it’s just like oh just don’t bother.”

During the interviews, the victims I spoke with were also asked if they had received welfare checks from police staff during the duration of the DVPO, and what their thoughts were in relation to these

checks. Of the 8 victim participants 6 stated that they had received regular welfare checks and were offered support services. The majority of the victims who received welfare checks welcomed the visits from the police;

“The PCSOs... They check on me all the time. They have been amazing” [John]

“Yes. The police regularly visited me, once a day. I was grateful for that.” [Judy]

“Yes they were coming round twice a week. They brought me an alarm system for my back and stuff. And a panic alarm for me for when I’m out which I still carry around with me now.” [Jess]

One victim stated that although she received welfare checks, she was unhappy with the timing of the visits:

“The police officers did, they were here... at first I had to tell them that they needed to rethink their check-ups because they were turning up and banging on my window at 5 in the morning. They just kept banging and asked me why I didn’t answer and I was like... well I was in bed?” [Jodie]

However, she went on to state that when she discussed this issue with the police officers they began to carry out checks during more reasonable times in the day and she was happy with this. Of the two victims who did not receive welfare checks, the first victim was happy with this as she did not believe that she required any further assistance from the police once the DVPO had been issued. However, the second victim stated:

“No, I haven’t seen or heard off anyone in the police since the thing was given. I could’ve really done with some support like...” [Jill]

The one interview held with a perpetrator of DA who received a DVPO found the concept of welfare checks highly amusing, laughing when answering a separate question during the interview:

“The missus actually said that her neighbours told her they’d [the police] been round to her house to check on her. But she wasn’t there like, she was in mine. But they never got onto it.” [James]

A common theme that was apparent in both the professional and the victim interviews, was that of further checks and monitoring of the offender. It was argued by 3 victims that as well as carrying out welfare checks on the victims, the offenders should also be checked when the police have been unable to contact the victim:

“I think it needs to be far more monitored in terms of the person who has done this. They should be on to him not just me to check that I’m ok. They need to check where he is and if he’s where he’s supposed to be.” [Shelley]

“Although they were doing welfare checks on my house, not one officer went round to do the same on his house at any time to make sure he was where he was supposed to be. Now I understand that he didn’t have a tag or a curfew but if I’m not at my house when they’re knocking at my door, the police are fully aware that there was only so many places that I would’ve been.” [Jemma]

“The thing is if I’m not in I’m not in and I know they can’t come round looking for me and chasing me everywhere, but I do think they perhaps they should maybe think... well if she’s not here then where else could she be? Could I be in his?” [Jodie]

Due to the debate surrounding police welfare checks and where responsibility falls to carry out these checks it would be impractical to suggest that the police should go round searching for the offender should the victim be unreachable. However, it could be suggested that failed welfare checks, either conducted by NWP or by third sector agencies should be followed up by attempting to call the victim or a check on the offenders’ home to ensure they are not with the victim. This recommendation was also put forward by professional participants who stated:

“It’d be good if we could do something like welfare checks on him too because as I’ve said we are very victim focused. And then I think sometimes we can just forget about the perp.” [Officer Penny]

“We need to check on the perpetrators too really. Making sure they’re not offending in any way, certainly as we are trying to safeguard people, I’m totally at ease with that as long as it’s balanced and we have a reason for checking them.” [Inspector Jim].

It is evident from the findings that welfare checks are indeed, a grey area. Although the professionals interviewed all recognise the importance of welfare checks on the victims after the incident of DA, it would appear that actually carrying out such checks is based on capacity, perceived role, and the locality of the police and their station. It could also be argued that although welfare checks are, in most cases, routinely conducted on the victims of DA, more attention could and should be paid to the perpetrators.

2. Consequences of breaching the DVPO – Are they enough?

A key theme regarding the use of DVPN/DVPOs is that of consequences; once the DVPN has been issued the perpetrator is prohibited from contacting the victim for a period of up to 72 hours whilst the case is being heard in the Magistrate’s Court. Once heard and the courts have issued a DVPO for 14-28 days the perpetrator is then prohibited from contacting the victim, directly or indirectly, and should not go within a certain parameter of the victims or their home. Breaching a DVPO is a civil contempt of court (Section 63 of the Magistrate’s Court Act 1980) and can result in a fine of up to £5,000 or up to 8 weeks imprisonment. The consequences of breaching a DVPO is significantly lower than that of breaching a restraining order which is up to 5 years imprisonment (Section 5, Protection from Harassment Act 1997); the defining difference between the two orders is that a DVPO is a civil order

which can only be heard in the Magistrate's Court, whereas a restraining order is a criminal order and can therefore be heard in the Crown Court. However, the burden of proof to grant a DVPO, due to its civil status, is also much lower than an indictable offence, with the Magistrate's Court using the 'balance of probabilities' rather than the 'beyond all reasonable doubt' used in the Crown Court. This makes obtaining a DVPO somewhat easier as the threshold for evidence is lower; it also allows a quicker turnover in order to adhere with the 72-hour guideline following the initial issuing of the DVPN.

A question was posed to all participants with regards to the consequences of breaching a DVPO ("Do you feel the consequences of breaching a DVPO are severe enough?"). 5 out of the 7 professional participants believed that the sanction for breaching a DVPN was not sufficient, with the other two participants stating that the lack of severe consequences for breaching was a direct result of habitual re-offending rates in cases of domestic abuse where a DVPO has been issued. The disparity between the sentences passed by courts for breaching a DVPO as discussed in a previous sub-section may be a direct consequence of a lack of sentencing guidelines. A comment made by a Superintendent confirmed this when discussing the penalties for breaching;

"No clear sentencing guidelines for consistent breaches of DVPN... it's not a clear picture designed in the legislation, which sometimes leaves magistrates with a finger in the air point to work with."

[Superintendent Freddy]

However, he also goes on to state another reason for such disparity;

"Previous offending and bad character of the subject concerned may be feeding the sentencing ability of the magistrates equally the previous good character, i.e. a previous crime no bad character who works may have a more lenient sentence of someone who has a number of convictions and previous custody time." [Superintendent Freddy].

In certain cases however, the rationale of good previous behaviour equalling a lesser sentence is not always correct. During an interview with an IDVA who had supported a victim whose partner was a repeat offender for breaching the DVPO she stated:

"He'd [the perpetrator] been given numerous DVPOs and he was constantly breaching and he was just being given a £50 fine every time. He breached like 12 times I think... over you know... not many DVPOs but over a couple of DVPOs he breached 12 times, he was just basically going straight back there and it was a real fight with services to get him put in custody you know like to... recognise that this wasn't working you know it was a real effort. Breaching a DVPO is more like a slap on the wrist." [IDVA]

A police officer also highlighted the issue with regards to the severity of the consequences of breaching a DVPO:

“We’d had information that she’d been seen with him and because the officers went to the caravan and found her there they got the statements to say they’d been seen together. She was put back in front of the courts... she got a fine you know she didn’t get prison. If he’s got one he’ll breach it and when she’s got one she’ll breach it you know... there’s just no blanket thing to say like ‘breach this and you’ll get this punishment’... they come down hard on some and nowhere near as hard on others.” [Officer Penny]

In a similar finding to the work Blackburn & Graca (2020), my research also captured an unwillingness of victims to contact the police in cases where the perpetrators had breached the conditions of their DVPO. Of the eight victims interviewed, two stated that their partners/ex-partners had breached the DVPO, with both of them stating that they did not report the breaches to the police. One victim participant explained;

“We... I had you know... it wasn’t kidnap, I went willingly... you know he and I had gone camping because of this DVPO we were out of the way. I had listened to what [the perpetrator] had said and he was convinced that no one was going to find out and all the rest of it. I have to admit my part in that, you know, I went along with [the perpetrator], you know, I went along with him. But he doesn’t have a fear for the police. Sticking an order on him or a piece of paper on him was not going to be enough. There are some people who have the fear of God put in them when seeing the police, myself included, [the perpetrator] is not that type of person, and I wouldn’t like to typecast, but he doesn’t have a fear of the police. So having a piece of paper and going in front of the judge to somebody like [the perpetrator] doesn’t scare him. So therefore it allows him to work on me a little bit more because if he’s not scared it makes me not feel scared. Ok. So I wasn’t... I just went along with it because that’s just what the relationship was like.” [Jemma]

This comment made by ‘Jemma’, highlights how coercive control also plays a part in the willingness of a victim to accept and, ultimately, condone the perpetrators behaviour in instances where a breach of a DVPO occurs. As discussed in the literature review, it mimics Stark’s (2013) argument, that coercive control is not episodic, but an ongoing oppression of the victim throughout the relationship.

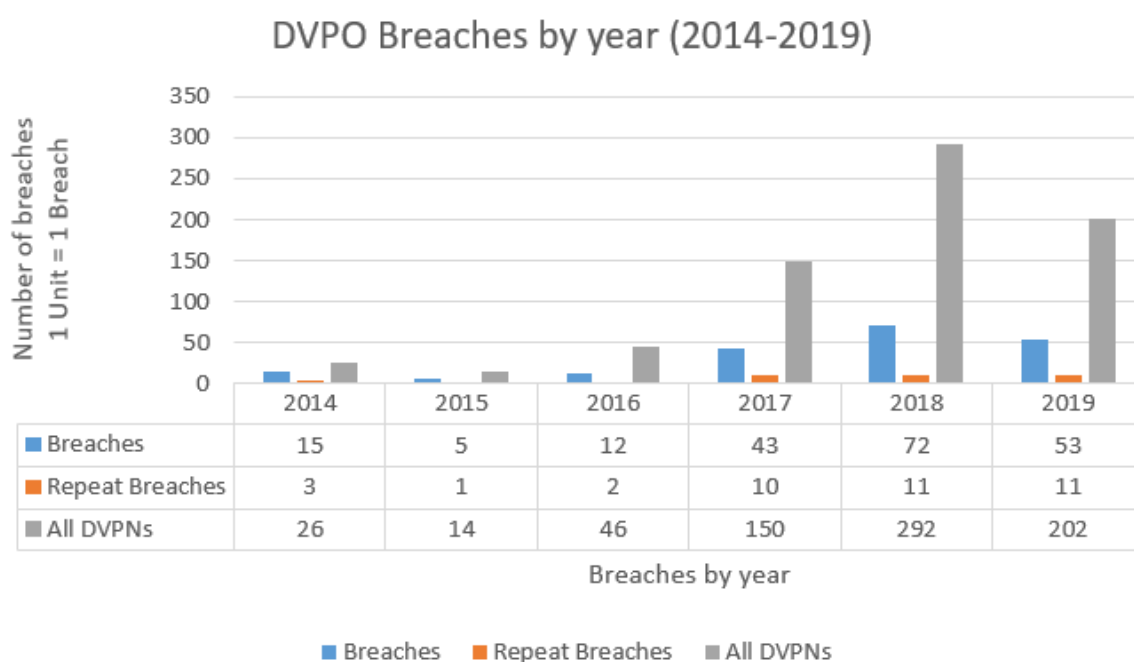
During my interview with a perpetrator, he responded in a way which suggests that the consequences of breaching a DVPO are not always strong enough to stop the victim and perpetrator from seeing other.

“When that DVPO comes out there’s nothing stopping us from seeing our partners really... because... if they catch you they catch you... you know what I mean. You get a fine, big deal. We see each other anyway, DVPO or not.” [James]

Although this perpetrator had breached the DVPO many times, receiving a fine each time, he stated that on the last occasion, when he received a prison sentence it made a difference to his views on the severity of breaching the order.

“I had 42 days. For sending her a few text messages when I shouldn’t have. 42 weeks inside is a long time for sending text messages. But I guess there’s a law, and I broke that. I’ve learnt to wait for the DV thing to be over before I see her now for sure”. [James]

The graph below illustrates the number of single breaches of DVPOs by year and the number of repeat breaches which include both second and third breaches of the same DVPO. This data was gathered using a DVPN index which records each DVPO that has been entered onto the NWP Record Management System (RMS) following its roll out in March 2014, therefore this year cannot be counted a whole but shows the number of breaches since the implementation of the order. The breakdown of this information is shown in the graph below;



On the 3rd March 2020 the Home Office released a Policy Paper outlining a new Domestic Abuse Bill which aims to introduce a new civil Domestic Abuse Protection Notice (DAPN) which will replace the current DVPN, and a new Domestic Abuse Protection Order (DAPO) which will replace the current DVPO. Refuge, a charity which supports victims of domestic abuse stated in their written evidence provided to the Joint Committee on the Draft Domestic Abuse Bill in April 2019 stated;

“The survivors Refuge work with consistently report that existing injunctions are limited in their effectiveness... Refuge, therefore, welcomes the provisions establishing the new consolidated Domestic

Abuse Protection Order (DAPO) and that breach of a DAPO will be a criminal offence. Further, Refuge is pleased that the new DAPO can be applied for, and recognised, in both criminal and civil courts.” (GOV.UK, 2020)

The DAPN will hold the same values as the former DVPN in the fact that it will provide immediate protection to the victims of DA and the suspected offender could be required to leave the premises for up to 48 hours by the police. There would however be profound changes made in relation to the subsequent order itself; the DAPO could be brought to the courts via the police, the victims and other third parties as well as enabling the courts themselves to pass a DAPO during court proceedings for other offences that are not DA related. Should the DAPO Bill be passed it would provide the means for making breaching a court order a criminal offence and punishable by up to 5 years imprisonment. As discussed above, the current sanction for breaching a DVPO stands at up to 8 weeks imprisonment, which is argued to be insufficient, by both myself and the majority of the participants in this research, therefore the introduction of the DAPO should eliminate any concerns with regards to the severity of breaching. The DAPO will also provide the Courts with the power fit the offender with an electronic monitoring system (‘tag’) which would allow monitoring of the offenders compliance with the order. There would also be the opportunity for the courts to place requirements on the offender such as having to attend mental health or substance misuse programmes which has also been suggested by the participants during this research. Prior to any national roll out there will be pilots conducted in a small number of police forces in the UK which will explore the effectiveness and the cost impacts of the new order (GOV.UK, 2020).

In relation to the current DVPN, 2 of the victim participants queried the way that NWP ensure the offender is fully aware of the seriousness of the DVPO, and the consequences of breaching. 1 victim explained that she had to ask for the police to reinforce the severity of the order to the offender as he had threatened to return to the house during the order, which suggests that this may not have been done in the first instance:

“Once it was made clear to him again that there was this DPO thing... He realised that he couldn’t come to the house. Because he was telling me before that that he was coming to the house and there was nothing I could do to stop him. So I told the police and they contacted him again to make it clear, and he said to me then I can’t come to the house... if I come to the house I’ll be arrested. They needed to be straighter with him I think.” [Judy]

Another victim participant also highlighted the need for NWP to be more forthright with explaining the consequences of breaching a DVPO:

“...what they could possibly do is make it far more... erm... not strict on the victim but you know make sure that they... that the perpetrator actually knows that this is serious. This is serious! If you

get caught somethings going to happen to you. It's not a case of this will be a slap on the wrist... you know... they will be arrested. They need to know that!" (Victim participant).

However, it could be argued that although the DAPN would allow for harsher penalties for offenders who breach the order, the decision of the Courts is based on their discrepancy and plays a major role in how the offender is punished. There is currently no precedent set in Court as to what punishment should be passed to offenders who breach a DVPO and this has therefore created a variable in the case by case penalties of each offender. In 2014 (although this year cannot be counted as a whole as the DVPN legislation was not rolled out until March of that year) each of the offenders who breached the order a first time were given fines ranging from £25 - £50. Those who breached a second time (2 offenders) both received a 4 week custodial sentence, and the offender who breached a third time received an 8 week custodial sentence. It would appear from this first year that there was a correlation between the punishments and the number of breaches; with the first breach resulting in a lower punishment such as a fine, and the second and third breaches resulting in imprisonment increasing in length). However, on further analysis of the years leading up to 2020 it appears that this correlation does not apply to all cases and number of breaches. In 2015 of the 5 first time breaches, 4 offenders were given a fine ranging from £40 - £100 and 1 offender was given a 28 day custodial sentence. An offender who received a fine for breaching the first time was sentenced to 7 days imprisonment for his second breach. This suggests that the Magistrates can use their discretion when handing out punishments for breaching a DVPO, although it could be argued that a first time breach that resulted in a 28 day sentence was too harsh a punishment when compared to an offender who breached a second time and received a 7 day prison sentence. This trend is apparent in each subsequent year when analysing the punishments handed out by the Magistrates court;

- In 2016, of the 10 first time breaches 8 offenders were given a fine ranging from £30 - £150 (80%), and 2 offenders were sentenced to between 14 – 35 days in prison (20%). An offender who breached the order a second and third time received £150 fine each time and was not sentenced to imprisonment.
- In 2017, of the 33 first time breaches 22 offenders were given a fine ranging between £25 - £150 (66.66%), and 11 offenders were sentenced to between 35 – 56 days (33.33%). Of the 7 offenders who breached the DVPO a second time 5 offenders received a fine of £50, and 5 offenders were sentenced to between 28 – 49 days imprisonment. 3 offenders breached the order a third time with one receiving a £50 fine (3.03%); one a 14 day sentence (3.03%) and the last receiving a 28 day sentence (3.03%).
- In 2018, of the 61 first time breaches 47 offenders were given a fine ranging between £40 - £400 (77.04%), and 14 offenders were sentenced to between 7 - 56 days (22.95%). Of the 10 offenders who breached the order a second time 3 offenders (30%) were given fines ranging from £50 - £200, and

7 offenders (70%) were sentenced to between 14 – 56 days imprisonment. One offender breached the DVPO a third time and received a 14 day prison sentence.

- In 2019, of the 42 first time breaches 30 offenders were given a fine ranging between £50 - £200 (71.42%), and 11 offenders (26.19%) were sentenced to between 14 – 56 days imprisonment. Of the 10 offenders who breached the DVPO a second time, 3 received a fine ranging from £50 - £100 (30%), and 7 offenders (70%) were sentenced to between 7 – 56 days imprisonment. One offender breached the DVPO a third time and received a 21 day prison sentence.

From these findings, it could be argued that the new DAPN has been proposed in order to tackle the evident issues surrounding a lack of consistent penalties for breaching a DVPN. As stated, there is currently no sentencing guidelines with regards to how breaches should be dealt with, and this may be due to the DVPO being a civil rather than a criminal order. By upgrading the DVPO to the proposed DAPN, it would allow for less disparity between the judgements passed, due to set sentencing guidelines and, therefore, ensure that the consequences are not merely viewed as a ‘slap on the wrist’.

3. Domestic Abuse and Police Culture – Have times really changed?

‘Cop culture’ has in the past been criticised for being detrimental to the way that victims of DA are both perceived and treated by the police. A question was posed to the professional participants working in the field of DA to ascertain whether, in their views and experiences, there has been a behavioural or cultural shift in the way that police now view DA in comparison to the time where it was not viewed as ‘*real police work*’ (Reiss, 1971, pp.42). All 7 of the professional participants admitted that in the past there was a negative view of DA. However, the perceived prevalence of police officers who held such negative views differed:

Three out of the seven participants believed officers had no choice but to adapt to the cultural shift in the response to victims of DA. They also argued that due to DA now being a force priority, that officers have also adapted their attitudes to the initial incidents.

“I do know what you’re talking about and I have seen it... the kind of... I’ve worked with some of the old timers where they’ll say oh you know its tit for tat... it’s not really our thing as police officers... I mean I’m talking years ago. So I do agree there was that culture you know... the whole oh its tit for tat, you know we can’t see any injuries it’s off to the next job. But I think the way the police have pushed things ahead... away from that... I think there’s too many steps in place for you not to deal with it. I honestly don’t think it exists anymore.” [Officer Kelly]

“Generally, I think we deal with da incidents pretty good to be honest with you, and I’d be very disappointed if we still displayed those negative thoughts and displayed them to victims when we attend those incident.” [Inspector Polly]

“I think we’ve seen quite a significant cultural shift in domestic abuse views, I think some of that is due to the force priorities on domestic abuse being really high.” [Inspector Freddy]

Three out of the seven participants stated that although there has been a significant cultural shift within NWP, there still remains a small proportion of officers who hold the belief that DA is not ‘real police work’:

“You will always get those individual cases of older officers who are harbour negative attitudes with regards to domestic abuse, I mean I think I have confidence in saying it is a very low proportion of older officers these days that have those negative views nowadays, and their influence on other younger officers are becoming less and less because they are so few and far between.” [Officer Penny]

“I still see it, but not as much anymore. I think maybe their attitudes and thoughts haven’t changed with the times, haven’t kept up with, you know, the change in crimes that we are seeing, or the different priorities that society is having or that the police are having.” [IDVA]

One police officer however argued that the negative opinion of DA can be found in every police station:

“Some police officers, with domestic violence and everything else, and they are out there in every station, genuinely do not give a flying shit. They are... they come to work because it’s a job and it pays them money, they will not challenge behaviour for the sake of challenge and if it’s easier and quicker to not see something and just ignore it, or not do something about it then they’ll do that because they don’t give a shit.” [Officer Terry]

Another common finding during the discussion of police attitude towards DA was that of age and years of service. When discussing DA and ‘cop culture’, 6 of the 7 participants referred to the officers who hold these negative views as:

“... the longer standing officers...” [Officer Terry]

“The old timers...” [Officer Kelly]

“...older officers...” [Officer Penny]

The professional participants were also asked whether they feel the training that officers receive has any impact on the way that DA is viewed in relation to using a DVPN/O. The recurring theme through

all 7 of the interviews is that of a lack of adequate training on how to utilise and fully understand the paperwork process of serving the notices. Each patrol officer interviewed explain that they had received no classroom training when the DVPN legislation was introduced in 2014, but had received e-mails with a basic outline of how to carry out the process. An Inspector stated:

“You know a lot of this training has come from emails... cascading emails, information about the DVPNs and DVPOs... now if you know you’ve got a dedicated role in that process as an inspector or superintendent, you are going to read it aren’t you? You’re going to read it and understand it. Now if it’s cascaded to an officer on the ground that’s responding to incidents that’s thinking, actually I’ve just got to fill in a form, that’s what it means to me, I’m not actually making any ultimate decisions around it, they’re probably not going digest it quite as well or show as much interest in it.” [Officer Penny]

This argument is echoed in the responses of the police officers:

“Some of the trainers that train these new constables are very negative, have got a lot of service and a lot of experience, and they just teach them how to fob things off as quick as possible. All we got was an e-mail about these DVPOs.” [Officer Terry]

“I’ve done a recent DVPN and I’m like arghh... what do I do... I don’t know what I’m doing... what do I do? So I’ve looked at my emails because there’s a guide on an old email I’ve got from ages ago that’s got it... but that’s the only training I’ve had on doing them.” [Officer Penny]

One police officer stated that the lingering, negative views held by some officers is a direct result of a lack of training and adequate support:

“The ones [response officers] that are quite happy to go along with the process [issuing a DVPN] and not question the process, or don’t deviate from the process or try to find another way round of solving the problem, are the majority. That’s down to lack of training and proper support from those above.” [Officer Terry]

Although another Inspector participant agreed that there is a lack of classroom training on the use of DVPOs, he believed that this was not necessary due to the process being complicated.

“You know... it’s very simple, the only... well it’s really not even complicated.” [Inspector Jim]

One Superintendent freely admitted that training in NWP is not where it should be with regards to all aspects of policing not just the use of DVPOs:

“Are they trained enough? No. We could all have more training.” [Superintendent Freddy]

The interviews with victims also highlighted a lack of training in relation to NWP officers dealing with incidents of DA where the victim suffered from a mental health condition. One victim explained

that she believed the police only issued a DVPO to get her “*off their back*” [Jess] because they “*didn’t really want to do anything about what he was doing and just wanted to get out of here*” [Jess]. She further explains that her negative view of the treatment she received by NWP may have been due to her poor mental health:

“I’ve got very bad mental health as it is. I did feel that sometimes because I am... I have an alcohol problem even though I’m not drinking at the moment. You know I do touch and go with it at times and I don’t feel that they take my seriously.” [Jess]

2 further victim also highlighted the need for officers to be more aware of victims’ mental health issues when dealing with instances of DA.

“It’s the way that they speak and... well the first time that the police ever came here I was... well I’ve got EUPD which is Emotionally Unstable Personality Disorder and I was having an episode and I was trying to leave the flat and they had no warrant... nothing to say that I couldn’t leave and I said to them ‘you know I need to get out of here I am having a meltdown’ and instantly one of the male coppers grabbed me by the wrist and said to me ‘you’re not going anywhere, sit down’. And I had like a massive red mark all up my wrist from where he’d grabbed it.” [Jodie]

“I feel that some of them may need... and this is nothing against any of the police officers because some of them were really lovely... but some of them really do need re-training in talking to someone with mental health issues. They don’t handle it very well at all.” [Shelley].

These findings would suggest that alongside the reported lack of training for officers on the use and process of issuing a DVPN, there may be further training required with regards to mental health in DA incidents. Studies over the years have shown that DA in both victims and offenders, is often associated with mental health issues such as depression, Post-Traumatic Stress Disorder (PTSD) and suicidal ideation and being the victim of a domestic incident can also exacerbate psychotic disorders (Trevillion et al, 2012; Campbell, 2002; Golding, 1999). Although officers do undergo training in mental health during their initial probationary period, there does not seem to be any training offered in relation to dealing with victims of DA during a mental breakdown or crisis.

4. The Effect of Gender-Role Stereotypes

The criminal justice systems approach to DA has typically been found to be gender stereotyped, perpetuating the archetype that the male perpetrator has been abusive towards their female spouse. However, as I have discussed, DA can happen in *any* relationship, regardless of whether it is prototypical (heterosexual cases) or non-prototypical (gay, male victim, lesbian, transgender). Many

studies over the years have argued that police are more likely to arrest and enforce protective orders in incidents where a male has been abusive towards a female than they are in cases where the male is the victim (Connelly et al, 2000; Renzetti, 1989). There have also been strong arguments to suggest that police have shown sexual prejudice when attending DA incidents where the victim and perpetrator are in a same-sex relationship which resulted in a reluctance to intervene (Renzetti, 1989, Kuehnle & Sullivan, 2003; Hirschel et al, 2007). This suggests that DA cases where there is not a clear prototypical relationship could be treated as less important and less worthy of intervention. This is also argued to be true in wider society. Research on lay-people's perceptions on DA has found that incidents of female-on-male abuse is viewed less negatively than male-on-female abuse (Feather, 1996; Home, 1994; Willis et al, 1996). The participants in these studies stated that they would be more likely to contact the police if they were to witness a male perpetrator and a female victim than they would if the genders were reversed, as they believed that male perpetrators were more deserving of conviction and punishment than their female counterparts (Harris & Cook, 1994).

The one male victim interviewee stated although he was very happy with the way he was treated by NWP on this recent incident where a DVPO had been issued, there had been other instances where he believed he was treated differently as a male victim:

"I feel that they have let me down in some ways. I feel they haven't taken it seriously enough with myself the first few times... they made me feel like because I'm a man that I should just put up with it. I feel that if I was a woman then I would have had better police contact. I don't know if they treat male victims differently to the female but I just feel that... I just wish that they hadn't even of turned up on those occasions." [John]

This finding suggests that although steps have been taken to ensure the support of male victims is as equal and thorough as for female victims (ManKind, 2020), NWP may still have a way to go in recognising the plight of male victims of DA. Historically, the prevalence of DA against men was only recorded in general victimisation surveys such the British Crime Survey. However, many questions were raised during this time as to why there was so little attention paid to the plight of male victims. Suzanne Steinmetz was one of the first researchers to conduct gender-neutral research into DA in American families and provided the following explanation as to why male victims were often overlooked in research;

"...the relative lack of empirical data on the topic, the selective inattention both by the media and researchers, the greater severity of physical damage to women making their victimisation more visible, and the reluctance of men to acknowledge abuse at the hands of women." (Steinmetz, 1977-78, pp.504).

When professional participants were asked what a stereotypical DA incident looks like the overwhelming response (6 out of 8 participants) was that of a female victim and male offender:

“Usually a female victim. Usually male offender.” [Superintendent Freddy]

“You know it is normally... the majority of the cases we see are that of males against a female.”
[Inspector Polly]

“It’s normally females being assaulted by males.” [Inspector Jim]

It was also noted that throughout the interviews with the professionals that when a victim of DA was discussed, they were often instinctively referred to as ‘she’ or ‘her’ which is indicative of the stereotype of the victims being female. Only 2 participants acknowledged that there are other forms of DA which do not fall into the stereotypical male offender/female victim scenario:

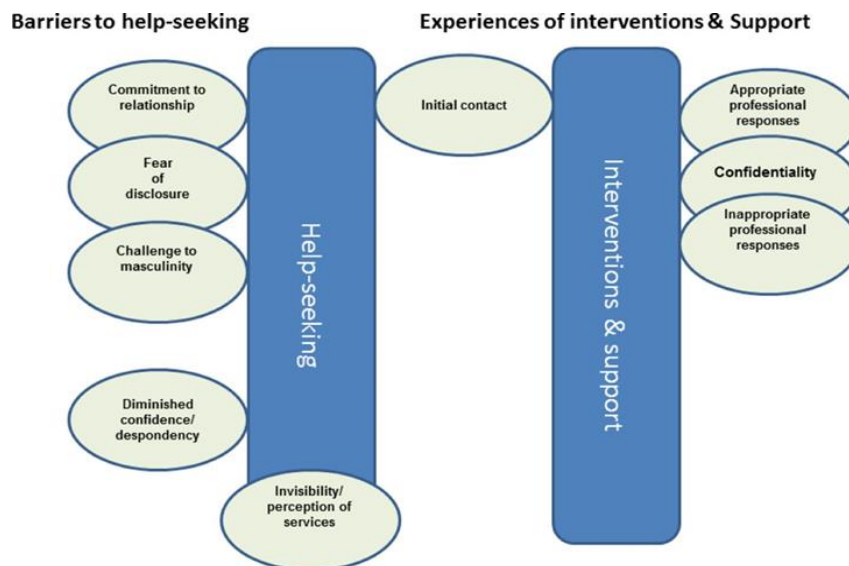
“If there’s a stereotype... that’s what frustrates me about society. Is that they say stereotypical... your stereotypical domestic violence victim is a white, 30-40 year old or 20-40 year old, female that’s this, that and the other. Load of rubbish. They might make up the mass of numbers however, that doesn’t mean to say that they are the only victims, you know, You get victims from an ethnic minority, you’ll get male victims, you’ll get people with learning difficulties, you know there’s all kinds of victims out there and you can’t just go out with there with that stereotypical... because you know, predominantly you’ll go to a job and you will lock up the male if that’s what you thought, because oh yeah that’s the stereotypical or that’s what the female has said. You know, I’ve been to many a job where the female has phoned up and said I’m the victim of domestic violence and then I’ve ended locking her up. Very much so. Because women can lie just as much as men and men can lie just as much as women. So as a police officer, what you’re there for, you’re there to look at the evidence, you’re there to assess the evidence, to see what’s there, to see if the evidence corroborates what they’re saying, if there’s any independent parties. You know, you have to take everything into appreciation and everything into account” [Officer Terry]

“I... it’s a difficult questions to answer... because then that kinda means that I’m stereotyping people then doesn’t it... erm. I think... I can say what other peoples stereotypes are... I mean what you tend to hear from other people around DA is that it’s normally the females that are assaulted by the males, and all that, but you know having been in the police for 19 years you know it can be anyone who’s been a victim of DV at the hand of anyone, you know it could be mother being abuse abused or controlled by a son.” [Inspector Jim]

In 2001 the first charity to support male victims of DA was registered in Great Britain; The ManKind Initiative. This charity was the first in the UKs history to provide support and services for men who have been victims of domestic abuse, and since then they have been at the forefront of campaigns to ensure that male victims have a ‘voice’ (ManKind, 2020). Early research on DA has been gender-biased; it focuses exclusively on the victimisation of females at the hands of their abusive male partners (see Dobash & Dobash, 1979; Pagelow, 1981).

Although the absence of research into male victims of DA was highlighted in the late 1970's, there is still a lack of academic research on the subject even today, with awareness mostly being raised through charities, the media and journal articles. 'Coronation Street' was the first television soap opera to create a storyline surrounding a male victim and female perpetrator in 2007; 5 years after 'Eastenders' depiction of male-on-female DA in 2002 which sparked outrage by viewers in the UK (Cozens, 2002). For gay men the prevalence of physical DA in one research study from 2000, ranged from 11% to 47% (Turrell, 2000). In the UK only a small number of research studies have been conducted in order to explore DA in same sex relationships however these have been criticised for having small samples and a lack of contextual exploration (Henderson, 2003; Stovold et al, 2005). The earliest study into DA in same sex relationships was that of Stonewall (1995) which focused on homophobic DA and found that 38% of gay and lesbian people were victims to DA from their parents and family members. A later survey by Henderson (2003) found that 29% of gay men and 22% of lesbian women were emotionally, physically or sexually abused at the hands of their same sex partner. These studies were once again criticised for their quantitative focus and lack of qualitative exploration into the impact the DA had on the individuals involved.

As mentioned above, DA is commonly perceived to be more serious if it is perpetrated by a male towards a female (Seelau et al, 2003) and a variety of further studies have demonstrated similar findings. Sorenson and Taylor (2005) conducted a study into the 'social norms' of female aggression towards male intimate partners which was based on a sample of 3769 participants in California. This research study concluded that men who are being abused by the female counterparts would not require intervention as it was judged that the abuse perpetrated by the female was less likely to be illegal. They also found that males were more likely to be blamed for their victimisation when they are abused by a female perpetrator (Sorenson & Taylor, 2005). There have been many theoretical explanations for these judgements; perceptions of a man's strength and power in comparison to a woman's suggest that the stereotypical violence stems from the males aggression which can lead to more serious injury. Once again, gender-based stereotyping plays a role in influencing the common social perceptions of masculinity and femininity; males are more dominant and therefore more likely to be aggressive which fits in with the role of the abuser, whereas females are weaker and more vulnerable which is more compatible with the role of a victim (Gerber, 1991; Seelau et al, 2003). However, when a male becomes a victim of DA at the hands of a female, the social norms of masculinity are argued to be violated (Scarduzio et al, 2017).



(Huntley et al, 2018).

Huntley et al (2018) conducted a systematic review of 12 qualitative studies in the UK, USA, Sweden and Portugal which explored the help-seeking by male victims of DA. The objectives of the study was to thematically synthesise the findings from each study in order to provide a mixed methods review into the barriers faced by male victims who are attempting to access services. Huntley et al (2018) concluded that there were 5 themes which are argued to cause a barrier to victims before initial disclosure;

Fear of disclosure: One of the most pressing themes from this study was that of the male victims feeling ashamed and/or being in denial about the abuse. Frierson (2014) states that the victims are often going through an internal struggle where they know the abuse is happening but are unable to psychologically process the notion that they are a victim of abuse. Victims also often feel that they would not be believed by formal or informal support networks and there was a strong belief that they could be falsely accused as being the perpetrator rather than the victim (Machado, 2017). Fear of losing children was another common theme amongst male victims, as was fear of retaliation from the abuser (Hines & Douglas, 2010).

Challenge to masculinity: The perception that male victims would not be believed by support services has been closely linked to the masculine traits that men are stereotypically viewed to have. There is a strong societal assumption that abuse in relationships is mainly physical, and this can deter a male victim from reporting abuse if they are physically bigger or stronger than their female partner. A participant in Hogan's (2016) study stated;

“They won’t believe me you know, I mean I’m taller than my wife, you know I’m a big built fella you know, if I call up and say this is not, you know they just wouldn’t believe that” (Simon). (Hogan, 2016)

Commitment to relationship: A common held belief amongst male victims is that things will return to ‘normal’ as it once was in the beginning of the relationship. They are emotionally invested in their relationship and thus feel obligated to ensure the safety of their abusers which they deem as more important than their own. They state that they wish the abuse would stop but are in fear of their relationship also coming to an end should they seek help (Hines & Douglas, 2010). This was highlighted in the interview with the male participant:

“They did ask me on a few occasions to press charges but what it is... But because she didn’t... you know... she was going through hell with our grandchildren but I’m not a punch bag like I told the police, but I didn’t want her to go to jail. On top of this with the grandchildren... It would have killed her. We would have got through it I think when all the stuff with the grandchildren was over.” [John]

Diminished confidence/Despondency: It is evident that emotional abuse can have a significant impact on the self-confidence of victims, which in turn can hinder the need to seek help. Some abused men feel that they deserve the way that they are being treated and start to believe that they are not worthy of help. During an interview with a victim, when discussing why ‘John’ phoned for police assistance during the incident in question, he stated:

“I wouldn’t have done it years ago but since I’ve had my history of illnesses, I’m just too weak and vulnerable. She took care of me mostly... I know she didn’t mean to do it...”

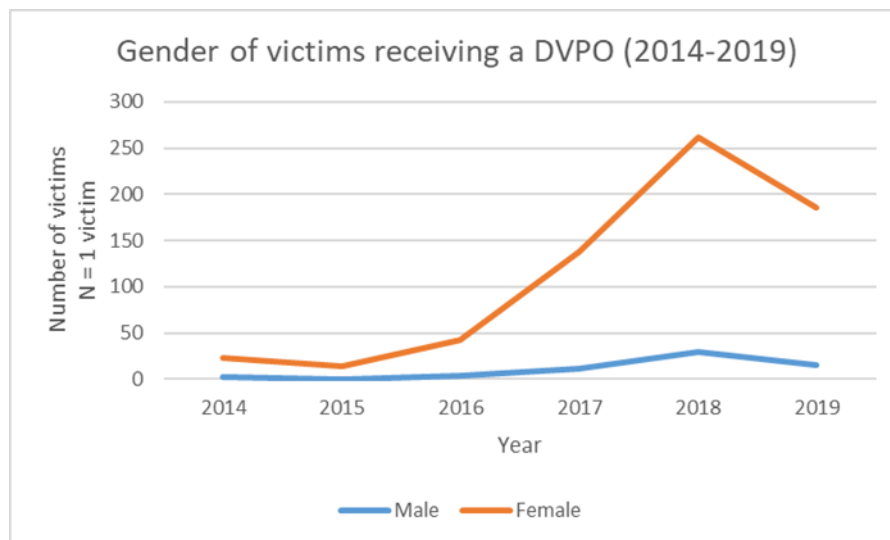
This statement confirms Tsui et al’s (2010) argument that older men who had been subjected to long term abuse are believed to become complacent and accepting of the abuse (Tsui et al, 2010).

Invisibility/perception of services: It was found that male victims were either unaware of the services available to them or perceived them as being for female victims only. DA support services have in the past been largely aimed towards females and children this has led to male victims feeling that they are unable to approach such services as they did not deem them as appropriate (McCarrick, 2016).

The perceived level of crisis also plays an important factor on whether male victims of DA attempt to seek help, either through the police, a family member or a third sector service. Simmons et al (2016) described that a;

“...a sense of urgency to seek help and feeling ready to talk about one’s victimisation were strong factors that tipped the balance towards a high likelihood of disclosing victimisation, whereas a low perceived need for help tipped the balance towards a low likelihood of disclosure.”

In relation to the use of DVPN/DVPOs in North Wales the graph below highlights the trend in male victims since the legislative implementation in 2014. In this study, 1 male victim participated, with the other victim participants being female.



(NWP Dataset, 2020).

The table below illustrates the number of female and male victims of DA where a DVPO has been issued.

- In 2014, 8% of victims were male and 92% were female
- In 2015, 100% of the victims were female.
- In 2016, 8.6% were male and 91.4% were female.
- In 2017, 8% were male and 92% were female.
- In 2018, 10.2% were male and 89.8% were female.
- In 2019, 7.9% were male and 92.1% were female.

Year	DVPOs Issued	Female Victim	Male Victim
2014	25	23	2
2015	14	14	0
2016	46	42	4
2017	150	138	12
2018	292	262	30
2019	202	186	16

(NWP Dataset, 2020)

The small rise in male victims was also alluded to in my interview with an IDVA who stated:

“I didn’t have many male victims, but that did increase though actually in the latter months... years of my IDVAing. Yeah that definitely increased that sort of male victim side of things” (IDVA participant).

Although DA in heterosexual relationships has been studied extensively both in the UK and internationally, research into DA in LGBT relationships is very limited, and the focus tends to be on lesbian couples (McClennen, 2005). In this study, the interview with ‘Jade’, who was in a same-sex relationship, she stated that the abuse was mostly physical during her relationship with the perpetrator:

“... she was attacking me and spitting at me... again...” [Jade]

From the small and purposive samples used in the few research studies into same sex DA it became apparent that the incidence and prevalence vary significantly. Turrell (2000) conducted a review of American literature on same sex relationships and DA and found that in lesbian relationships the prevalence of physical violence varied from 8% to 69%; sexual violence ranged from 5% to 50%; and, emotional abuse ranged from 65% to 90%.

Chapter 5– CONCLUDING REMARKS AND RECOMMENDATIONS

This research was conducted in order to gain a better understanding of the DVPO process in North Wales since its implementation in 2014. It also set out to better comprehend the impact of DVPOs on both victims and perpetrators of DA, as well as explore the professional views, experiences and beliefs of professionals who work in the field of DA. The literature review demonstrated that, although there is a vast array of research into DA both in the UK and internationally, there is a lack of research which focuses solely on the use of DVPN/Os, especially in North Wales. There is also a lack of research into its effects on the individuals who receive such an order. While this under-researched area requires much further analysis, it is nevertheless my hope that my study has added some value and direction for further research to take place.

This research comprised a mixed-methods study into the use of DVPOs in North Wales; using quantitative research to analyse the use of DVPOs in North Wales whilst also illustrating the contextual impact the DVPOs have, not only on the victims and perpetrators but also on NWP officers who arrive during or in the immediate aftermath of a domestic incident.

As outlined in the introductory chapter, there were 5 key orienting research questions which this research sought to answer.

The first question related to welfare checks and whether these were conducted by NWP to ensure the wellbeing and safety of all victims who received a DVPN/DVPO. However, through this research it was concluded that this is in fact not the case and there was a clear difference in opinion from the professional participants on who the responsibility of the welfare checks should fall upon. One high-ranking police professional, Superintendent Freddy argued that welfare checks are not solely a policing responsibility and that third sector agencies need to take a more pro-active role in this area. Inspector Polly argued that the responsibility should sit with the Domestic Abuse Officers rather than the response officers, whilst Inspector Jim stated that it was fundamentally important that NWP officers carry out welfare checks in order to ensure the safety and well-being of the victims. A recurring theme whilst discussing welfare checks was that of a lack of capacity for officers to conduct checks, with 6 out of the 7 professional participants stating this was a contributing factor to the lack of routine welfare checks on both victims and perpetrators of DA. The national ‘Uplift Operation’ launched in 2019 was aimed to increase police officers in the UK by 6,000 and in North Wales by 62 by the end of 2021 (NWP, 2019) and this may well impact positively on the ability of response officers being able to carry out more regular checks. However, as suggested above, a decision needs to be made on who exactly this responsibility should fall upon as there is currently no legal obligation for NWP officers to carry out welfare checks.

The second and third questions asked if support services were available to support both victims and offenders of DA (to address some of the underlying, and often co-existing, issues such as alcohol and substance misuse). It was found that support were offered to all victims, routinely, both during and after issuing of the DVPN/O. In relation to offenders, all of the professionals, victim and perpetrator agreed that there was very little in terms of support for the perpetrators after an incident of DA. Whereas support for the victim is a priority for NWP and third sector agencies, participants often made comments referring to the perpetrators often being forgotten which poses a question surrounding the effectiveness of the DVPO in terms of reducing reoffending. The research demonstrates that there is an evident lack of monitoring of offenders who have been issued with a DVPO. Although NWP clearly, and quite rightly, focus their attention on the victim to ensure their safety, I would suggest that greater attention is paid to the perpetrators. The new Domestic Abuse Protection Notice (DAPN), if passed, should make this task easier in that an electronic tag will be fitted on the perpetrator, allowing the police to monitor their whereabouts and ensure that no breaches or further crimes are being committed. In the mean time I would suggest that if officers are unable to carry out a visual welfare check on the victim, perhaps the home of the perpetrator can be the next option. There also appears to be very little available, in terms of support, for the perpetrators of domestic abuse. Whilst NWP and third sector agencies are offering and provided support to victims, both during and after the incidents of domestic abuse, I would recommend that support for the perpetrators is also offered and provided (such as anger management classes and substance misuses programmes).

The fourth hypotheses suggested that the earlier recognised ‘cop culture’ had developed within the priorities of NWP to include DA as an important and often overwhelming part of police demands. Each professional participant agreed that whilst there was once a belief that domestic incidents were not a policing matter, since DA has become a priority for NWP there has been a cultural and behavioural shift amongst the officers in the force. However, this shift was found to be variable; whilst some participants stated that it is now impossible for officers to not act upon domestic incidents, others argued that there is still a disregard for DA although this is believed to be the minority not the majority and was argued to be a found in longer standing and older officers. There appears to be very little training into the use of DVPOs. Rather than cascading e-mails outlining the use of DVPOs, I would suggest regular classroom or NCALT training for officers, especially for those who work in more rural locations and may not use the orders as much as officers from more central locations.

The final question surrounded the severity of the penalties issued for breaching a DVPO. It was found that, as the DVPO is a civil and not a criminal offence, that the penalties for the initial incident of DA as well as for any further breaches of the DVPO were not severe enough. This research study found that of the 7 professional and 8 victim participants, 11 (73.3%) participants believed that the sanction

for breaching a DVPO was not sufficient. The implementation of the new DAPN, should it be passed, aims to provide more stringent and stricter penalties for individuals who breach the criminal order. It was also highlighted that there is a lack of sentencing guidelines for the current DVPO which may impact on how breaches are dealt with, and what penalties are issued by the Magistrates Court. It could be suggested that NWP could be clearer on the possible consequences of breaching a DVPO when dealing with perpetrators, ensuring that they are fully aware that there is a possibility of a prison term should they breach the order. Although only 1 perpetrator participant was interviewed, he stated that the prison term had much more of a profound effect on him than the numerous fines he had received previously for breaching the DVPO.

There were three main findings throughout this research in relation to these questions, all of which pertained to the perpetrator: a lack of clear guidance on the sentencing imposed for a breach of the DVPN; the severity of consequences for breaching a DVPO; and, welfare checks and support services for the perpetrator. The suggested overhaul of the DVPN/DVPO process that has been proposed in the 2020 Home Office Policy Paper aims to tackle some of these issues. Primarily, the change of name from DVPN/O to DAPN/O opens a much larger spectrum of DA which can be addressed using this order. By nature, the very name of the current notice ‘Domestic Violence Protection Notice/Order’ can be argued to cause uncertainty with regards to when it can be imposed. ‘Domestic Violence’ suggests that some sort of physical violence must be apparent in order for the DVPN to be issued, however the inclusiveness of the proposed DAPN/O (Domestic Abuse Protection Notice/Order) allows a much easier translation; the order can now be seen to be utilised for all forms of abuse, including non-physical, emotional, financial and coercive. Although the proposed DAPN process will remain very much the same as the current DVPN, should the new DAPO Bill be passed, breaches of the orders will be classed as a criminal offence. This allows for harsher penalties to be imposed on the offenders who breach the order, up to a maximum of 5 years imprisonment. With regards to the concerns of all participants involved in this study, the new DAPO would also require all offenders to be electronically ‘tagged’ thus allowing authorities to ensure they are where they should be and not within the prohibited area of the victim. The Bill has also suggested better support for the offenders in terms of mandating courses such as substance misuse programmes which coincide with the DAPO, this again echoes the views and opinions of the participants in this study. From a research perspective, I endorse the passing of this new Bill, although clearer guidance is required as to where the responsibility of monitoring these offenders should fall.

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APPENDICES:



Bangor University's 'Code of Practice for the Assurance of Academic Quality
and Standards of Research Programmes' (Code 03)
<https://www.bangor.ac.uk/ar/main/regulations/home.htm>

COLLEGE OF ARTS, HUMANITIES AND BUSINESS

**"Exploring the impact of Domestic Violence Protection Notices on
victims and perpetrators of domestic violence"**

Participant Consent Form

Researcher's name: Bethan Jones

Please tick each box;

1. I have been briefed to my satisfaction on the research for which I have volunteered. ☐
2. I understand I have the right to withdraw from the research at any point up until 1st June 2020. ☐
3. I agree to having the interview audio-recorded for transcription purposes. ☐
4. I understand that my rights to confidentiality will be respected unless the researcher is given immediate cause for concern for my safety, her safety or the safety of others. In such a case the matter will be discussed before deciding the best cause of action. ☐
5. I have been given 2 copies of this consent form to be signed with one copy remaining with myself and the other copy retained by the researcher. ☐
6. I give my fully informed consent for this interview to continue. ☐

Signature of participant

Date

Participant Information Sheet

Research Title: Exploring the impact of Domestic Violence Protection Notices on victims and perpetrators of domestic abuse.

I would like to invite you to take part in a research study. Before you decide you need to understand why the research is being done and what it would involve for you. Please take the time to read the following information carefully. Ask questions if anything you read is not clear or you would like more information. Take your time to decide whether or not to take part, as this interview is voluntary. Withdrawing from this study will not affect any standard of care you receive, and your wishes will be respected at all times.

What is the purpose of this study?

This research aims to assess the scale of use of Domestic Violence Protection Notices (DVPN) in North Wales, and explore what impact issuing these notices has on victims and perpetrators. This research will allow North Wales Police to reflect upon their current practices when dealing with cases of domestic abuse and allow them to share findings with other police services. I am an unbiased researcher who is conducting research with the support of North Wales Police as part of my Masters by Research Degree (MAREs) in Bangor University. All information gathered throughout this study will be presented in a thesis at the end of 2020.

Why have I been invited?

You have been chosen for this study as you are currently living in North Wales and have been issued a DVPN by North Wales Police. I will be interviewing 10-15 victims of domestic abuse; 10-15 perpetrators of domestic abuse; Independent Domestic Violence Advisors (IDVAs), Women's Aid Representatives; probation professionals and police officers. This is to gather information and evidence to present to North Wales Police with the aim of developing practices which will reduce further victimisation and serious harm to victims of domestic abuse.

Do I have to take part?

No. This interview is completely voluntary. I have verbally described the study to you, given you this information sheet and will now hand you a consent form to be signed, if you so wish. This consent form confirms that you have freely consented to take part in this interview, and that you have consented with knowledge and understanding of the aims and

objectives of this research. You are under no obligation to complete this interview even after signing the consent form, and you have the right to withdraw consent and participation at any time up until June 1st 2020 when the findings from this research will be written up. Should you wish to withdraw from this study at any time prior to then, please either verbally tell me during the interview that you wish to stop, or contact me on the information provided at the bottom of this sheet. I am also more than happy to provide you with a copy of the finished research after it has been reviewed in September 2020.

What will happen if I take part?

Your interview will last as long as you would like. It is an opportunity for you to tell me how your experience with North Wales Police and the issuing of the DVPN has affected you personally. If at any time you would like to take a break, please stop me. If you find that during or after this interview you would like to talk to someone about any of the issues raised, please find attached contact information for professionals who are trained to assist with incidents of domestic violence.

Confidentiality

All information you provide will be kept strictly confidential and fully anonymised. To ensure confidentiality, personal information such as names, addresses and any identifiable information will also be redacted (removed) from the thesis before submitting. The interviews will be audio-recorded in order to enable me to transcribe (type the interview) and record any findings. These audio-recordings along with any personal information will be encrypted (password protected) in a safe location on the University's server, before being deleted at the end of the study. I must advise you that I have a duty of care during this interview and should you disclose any information that causes concern of a risk of harm to either yourself or myself then I will pause the interview to discuss the matter with you.

Please take your time to digest the information provided in this sheet, and feel free to ask any questions. If you wish to proceed then please let me know and I will ask you to sign the consent form before beginning the interview.

Thank you very much for your time.

Contact Details

Researcher: Bethan Jones

E-mail: Sou9ab@bangor.ac.uk

Supervisor: Bethan Loftus/Martina Feilzer

E-mail: b.loftus@bangor.ac.uk/m.feilzer@bangor.ac.uk

Useful contacts:

Welsh Women's Aid – 0786 007 7333 (info@livefearfreehelpline.wales)

Finding Legal Options for Women Survivors (FLOWS) – 0203 745 7707
(FLOWS@rcjadvise.org.uk)

Men's Advice Line – 0808 801 0327 (info@mensadviceline.org.uk)

Mankind Initiative – 0182 3334244 (admin@mankind.org.uk)

National Centre for Domestic Violence – 0800 970 2070 (www.ncdv.org.uk)

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Do I have to take part?

No. This interview is completely voluntary. I have verbally described the study to you, given you this information sheet and will now hand you a consent form to be signed, if you so wish. This consent form confirms that you have freely consented to take part in this interview, and that you have consented with knowledge and understanding of the aims and

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What will happen if I take part?

This interview will be carried out in one session and is your opportunity to tell me your professional views and experiences of DVPN/Os; for example: how you feel they have impacted the personal and family lives of victims and perpetrators; the rates of repeat victimisation and any offending you may have witnessed. I am also interested to hear about any recommendations you have that I highlight in my research.

Confidentiality

All information you provide will be kept strictly confidential and fully anonymised. To ensure confidentiality, personal information such as names, addresses and any identifiable information will also be redacted (removed) from the thesis before submitting. The interviews will be audio-recorded in order to enable me to transcribe (type the interview) and record any findings. These audio-recordings along with any personal information will be encrypted (password protected) in a safe location on the University's server, before being deleted at the end of the study. I must advise you that I have a duty of care during this interview and should you disclose any information that causes concern of a risk of harm to either yourself or myself then I will pause the interview to discuss the matter with you.

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E-mail: Sou9ab@bangor.ac.uk

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