

|  |  |   |           |
|--|--|---|-----------|
| <b>E submission coversheet</b>   |  |  |           |
| <b>School of Life Sciences &amp; Education 2017-18</b>   |  |   |           |
| <b>Student Number</b> (8 digits):<br>16028696  |  | <b>Word Count:</b><br>12,124  |           |
| Module Code: SPOR70905-2017-SPG1-2017-SPG2<br>Module Title: Independent Major Project<br>Module Leader: Naomi Ellis<br>Assignment Title (if applicable): Independent Major Project   |  |   |           |
| By attaching this cover sheet you declare that you have read and understand the University's Academic Misconduct Regulations (including plagiarism) available at<br><a href="http://www.staffs.ac.uk/assets/academic_award_regs_1-3%201516_tcm44-84909.pdf">http://www.staffs.ac.uk/assets/academic_award_regs_1-3%201516_tcm44-84909.pdf</a><br>and that the work you are submitting does NOT breach those regulations.                     |  |   |           |
| <b>If you have a Learning Support Agreement (LSA), please complete the boxes below, otherwise ignore.</b><br>Please note: <ul style="list-style-type: none"> <li>➤ not all LSAs recommend the adjustments identified below</li> <li>➤ all information provided will be checked for accuracy before your work is marked.</li> </ul>   |  |   |           |
| <b>Written expression:</b><br>If your LSA recommends that where core award competencies allow, your work should be marked on its content and your knowledge and understanding of the subject and should be identified with an appropriate sticker, please change the Written Expression Allowance on the right hand side from 'No' to 'Yes'.<br>Please note that you must still achieve the module learning outcomes to pass the assignment. |  | Written expression allowance:   | <b>No</b> |
| <b>Extension to submission deadline:</b><br>If your LSA recommends that extensions to submission deadlines should be considered <b>and</b> if you have agreed such   |  | Submission deadline extension:  | <b>No</b> |

|   |  |
|---|--|
| an extension with <b>the module leader</b> prior to the original submission date, please change the Submission Deadline Extension on the right hand side from 'No' to 'Yes' and insert your agreed submission date and time | Agreed submission deadline and time:<br><b>dd/mm/yy<br/>by [insert<br/>time]</b> |
|---|--|

**Question/Assignment Title:**

[Independent Major Project - An analysis of factors influencing victim support for prosecution in male-on-female perpetrated intimate partner violence]

**An analysis of factors influencing victim support for prosecution in  
male-on-female perpetrated intimate partner violence.**

**Maria Perruzza**

**[April 2018]**

**Dissertation submitted in partial fulfilment of the requirements for the MSc Applied  
Research degree**

**Faculty of Law, Policing and Forensics  
Staffordshire University**

## **ABSTRACT**

This study used a mixed-methods design to assess whether victim, offender or offence characteristics were a predictor of disposal outcome in cases of male-on-female intimate partner violence. A binominal logistic regression was conducted using data from police systems comparing cases which had progressed to charge against cases where the victim did not support a prosecution. The model was not found to be able to accurately predict disposal outcome based on the variables provided. A qualitative analysis was conducted on the reasons provided by victims for not wanting to support a prosecution; these varied from victims just wanting their immediate needs resolving, to ending or reconciling the relationship. Victims also reported finding other means of resolving the issues, not wanting to prosecute because the reported offences were historic in nature, or being in fear of the repercussions as reasons for not wanting to support a prosecution.

## **ACKNOWLEDGEMENTS**

Acknowledgements to the following people for their help and support throughout this project.

Mr Mark Abbots and Dr Lauren Metcalfe for their support and guidance throughout this project.

Chief Constable Gareth Morgan for allowing the use of Staffordshire Police data in this research.

Ms Lindsey Cowan for assistance in obtaining the data necessary for this research to be conducted.

Chief Superintendent Simon Tweats, Superintendent Stephen Morrey and Chief Inspector Donna Harvey for their encouragement, knowledge and advice.

## **CONTENTS**

|                        |    |
|------------------------|----|
| Introduction.....      | 7  |
| Literature Review..... | 10 |
| Method.....            | 15 |
| Results.....           | 17 |
| Discussion.....        | 23 |
| Conclusion.....        | 31 |
| References.....        | 33 |
| Appendices.....        | 37 |

## INTRODUCTION

A large amount of academic research has been devoted to studying domestic violence, particularly male perpetrated domestic violence against female victims. This research has focussed on a wide variety of aspects of domestically violent relationships including victim characteristics, offender profiles and aggravating factors such as substance use and mental health. A significant portion of this research has focussed on the role of criminal justice agencies, including the Police, Courts, and Probation Service and the effect of criminal justice interventions on the victims and perpetrators of domestic violence.

There is no statutory or shared definition of domestic violence used by professional agencies in the United Kingdom (Her Majesty's Inspectorate of Probation (HMIP), 2004). Since 2013 the Home Office definition is as follows;

*“Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those ages 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass but is not limited to: Psychological, physical, sexual, financial, emotional.”* (Home Office, 2013).

There is no specific statutory offence of ‘Domestic Violence,’ rather there are many offences which can and do fall under the definition of domestic abuse if they are committed within the boundaries identified by the Home Office definition. It is of key importance to note that ‘violence’ is not limited to physical violence such as assaults or beatings but covers many other abusive behaviours such as stalking, harassment and controlling behaviour. The term ‘domestic abuse’ which is also used by Government agencies is, arguably, a more appropriate descriptor however both terms cover the same range of behaviours.

Police forces in England and Wales are required to record those crimes which are categorised as domestic abuse. Between June 2015 and June 2016, 434,095 domestic abuse crimes were recorded. Within this 12 months, domestic abuse-related crime made up just over 11% of all recorded crime and represented 33% of all recorded crimes that involved assault with injury. The demand for police to respond to incidents of domestic abuse is described by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) as increasing and unrelenting. This increase is particularly marked in cases of sexual abuse which have doubled since 2013 (HMICFRS, 2017).

As of April 2014, forces are also required to record the conclusion of the investigation against the Home Office Outcomes framework. (Her Majesty's Inspectorate of Constabulary (HMIC), 2016). The current framework consists of 21 different outcomes and has replaced the former ‘detections’ framework. The former framework consisted of five ‘sanction detections’ used in circumstances where action had been taken against the offender, and two ‘non sanction detections’ used on Crown Prosecution Service (CPS) decisions not to take further action or in circumstances where the offender had died. (HMIC, 2016)

The detections framework was criticised for failing to provide a transparent picture of all crimes and that it failed to account for informal disposal. It was suggested that the detections framework incentivised officers to pursue some outcomes over others in the goal of meeting targets, rather than pursuing the most appropriate outcome. A proposal was

therefore made for a new framework, the aims of which were to strengthen police discretion, promote a more victim-orientated approach and to increase transparency. It was also thought that a more detailed framework would provide a richer and more detailed picture of crime and police activity. This would enable greater transparency with the public, increase the reliability of the statistics and the extent to which forces could be held to account by the communities they serve (HMIC, 2016).

The result is the current framework which consists of 21 different types of outcomes (See Appendix 3). In 2015, not all forces had switched over to the new framework and, for those that had, it had not been in use long enough to produce enough data for analysis. In 2016 however there was a large enough sample to analyse the results. The data was scrutinised as part of HMIC's inspection of police effectiveness in 2016. In this report, HMIC identified what they classified as "A problem that is of very serious concern to HMIC," (HMIC, 2016, p59).

The problem related to Outcome 16; This outcome is worded as "Evidential difficulties victim based – named suspect identified. The victim does not support (or has withdrawn support from) police action". This is often referred to amongst police officers and staff as 'Complainant Declines to Prosecute' (CDtP). HMIC (2016) identified that between June 2015 and June 2016, 10.6% of crimes were assigned this outcome (although there was a large degree of variation between forces.) Essentially, this outcome is used in cases where the identity of the suspect is known (which is almost universally the case in domestic violence cases).

HMIC (2016) commented that high rates of this outcome were concerning because they felt that it meant a suspect had been identified but not brought to justice. They raised particular concerns about the use of this outcome in domestic violence cases which they described as being used in just over a third of all reported domestic abuse crimes between June 2015 and June 2016. In some forces 50% of crimes were being finalised in this manner. Staffordshire Police was ranked as 16<sup>th</sup> in relation to the number of domestic abuse crimes filed as Outcome 16 and 7<sup>th</sup> highest in relation to the use of Outcome 16 for all crimes. The force raised some concerns however over the accuracy of this rating as, at the time of submitting the data to HMIC, there was a backlog of approximately 12,000 crimes which had not yet been filed and assigned an Outcome. With these files crimes filed and included in the analysis, Staffordshire presented with a rate of 16.1% of crimes being assigned Outcome 16. This figure raises to 47% when relating to domestic crime (Staffordshire Police, 2017).

HMIC (2016) tasked forces with high rates of Outcome 16 to "urgently review this position to understand why this is the case and whether any change of approach is needed," (HMIC, 2016, p.84). The current study uses data from Staffordshire Police and aims to act as a preliminary piece of research to increase understanding the use of Outcome 16 in domestic abuse cases within Staffordshire Police.

The aims of this study are threefold: Firstly, to examine those domestic abuse crimes assigned Outcome 16 for any trends or patterns which may assist in identifying any areas which may benefit from a change in approach or policy, or further research. Secondly, to compare those domestic abuse crimes assigned Outcome 16 with those assigned Outcome 1 (Offender is charged) to assess if there are any differences which could provide further insight as to the characteristics of crimes which proceed to charge against those which result

in Outcome 16. Finally to assess the reasons being given by victims who do not wish to prosecute in order to gain a better understanding of why this outcome is being assigned. In line with the College of Policing aim to develop the use of Evidence Based Policing (EBP) in tackling policing issues, this study aims to use an academic and evidence-based approach, using a mixed-methods design to analyse these issues.

## LITERATURE REVIEW

As stated earlier, a significant amount of literature around domestic violence exists and a large proportion of this focusses on domestic violence between adults in a romantic/intimate relationship. This is sometimes referred to Intimate Partner Violence (IPV). There is an increasing amount of research focussed on same-sex relationships however, traditionally, much of the literature has focused on heterosexual relationships with male perpetrators and female victims. Cases of IPV in same-sex relationships and in relationships where the female is the perpetrator, whilst sharing many characteristics of a male against female abusive relationship, also consist of their own unique characteristics and dynamics. For this reason, the current study uses cases of IPV with male perpetrators in order to analyse the results against the framework of existing literature. As this is the most common type of domestic abuse reported (Crime Survey for England and Wales, 2017), changes in this area have the potential to make the largest changes to policy and policing decisions.

As referenced earlier, there is no specific offence of 'domestic violence', an assault within a relationship is legally identical to an assault between two neighbours for example. Hoyle and Sanders (2000) make the point however that the crimes are sociologically distinct. Not only are intimate partner relationships unique from other types of relationships (including friends and blood relatives) but the nature of the crimes that take place within an intimate partner relationship have their own characteristics, as do the victims and perpetrators.

It is widely recognised that domestic abuse is an under-reported issue. The National Crime Survey for England and Wales (2017) estimate that 79% of victims of IPV did not report this to the police. Of course, by its very nature, under-reporting is very difficult, if not impossible, to assess. Many factors may prevent a woman from reporting abuse, these include fear, shame, loyalty and a perceived dependence on the perpetrator (Epstein et al., 2003). Statistics around domestic violence, particularly police data, must therefore be viewed in the wider context of the issue. The increase in the number of crimes being reported as domestic violence could be due to an increase in the amount of domestic abuse that is occurring, an increase of victims coming forward to report the abuse, the introduction of new offence types, police forces recording domestic abuse more accurately, or a combination of some or all of these factors.

When victims *do* report incidents of domestic abuse to the police, this can be for a number of reasons. It is naïve to assume that because a woman contacts the police it is because she wants her partner arresting, prosecuting, and for the relationship to end. In reality the picture is much more complex than that and this is highlighted by what is sometimes referred to as 'The Justice Gap' – the difference between the number of reported crimes and the number of convictions (Lonsway and Archambault, 2012). This is also demonstrated by the high proportion of domestic abuse crimes finalised as Outcome 16 as referenced earlier in this report.

Some of the reasons given by women for contacting the police (other than wanting a prosecution) include wanting a temporary respite from the aggression, for the police to warn the perpetrator, wanting the police to make a note for future reference and wanting help for their partner. In a study by Hoyle and Sanders (2000), only 31 out of 53 female victims of

IPV who had contacted the police wanted their partner arresting at the time. Even out of those who did want the perpetrator arresting, the majority did not want to prosecute. Hirschel and Hutchinson (2003) found similar results; 29.7% of their respondents wanted the perpetrator arresting, 41% wanted the offender ‘taking away’ and 12.1% wanted the offender warning. Robinson and Cook (2006) found that 50% of their sample retracted their support for a domestic violence prosecution and that 73% of these retractions occurred during the police investigation. This research is certainly reflected in the rates of Outcome 16 reported by Staffordshire Police in relation to domestic abuse.

HMIC (2016) state that the use of Outcome 16 means that offenders are not being brought to justice and victims are being failed by the police. Zoe Billingham, the lead on domestic violence for HMIC is quoted as stating:

*“We need to stop pushing responsibility onto the victim. The police need to be taking their responsibilities seriously and getting on with it. They wouldn’t tell a victim of burglary: ‘Do you want us to do something about this? Would that ever happen? So why should the question be put – and we know it still is – to victims of domestic abuse? This balance between listening to what the victim says and actually getting on and doing your job is clearly being distorted in some areas and leading to all sorts of outcomes. The police have got to their job, they have powers...they need to use those powers.”* (Agerholm, 2017)

Such a statement appears to promote the use of victimless prosecutions as do comments in the Police Effectiveness Report (HMIC, 2016) in which forces are encouraged to “engage well with victims” and “pursue cases on their behalf, even if the victim is unwilling to proceed”. (HMIC, 2016, p14). Victimless prosecutions enable the police to present a case to the CPS without a statement from the victim and even against the victim’s wishes. Such statements reflect comments by Cretney and Davis (1997) that prosecution is pursued in domestic violence cases as if its success is a goal in itself, regardless of the impact this may have on the victim. Cretney and Davis (1997) also state that police ‘support’ is geared towards keeping the victim on board for a prosecution and not necessarily towards protecting her from further violence. Certainly, it is difficult for police to position themselves as supportive of a victim whilst ignoring her wishes with regards to prosecution which appears to be the stance pushed by HMIC. As an aside, the comparison of a domestic abuse case to a burglary, is unhelpful and over-simplistic, ignoring and trivialising the complexities faced by all parties involved when investigating cases of IPV. A burglary victim is unlikely, for example, to be in love with the burglar or perceive themselves as dependent upon him for financial stability.

The effect of victimless prosecutions (also referred to as no-drop prosecutions and evidence-led prosecutions) is one which has received attention in academic literature. Hoyle and Sanders (2000) summarise that such ‘pro-charge’ policies (pressing for a charge regardless of the victims’ wishes and circumstance) are based on several assumptions which they describe as “questionable” (Hoyle and Sanders, 2000, p18.) Firstly, that taking the choice away from victims prevents them from retaliatory and intimidating violence. Secondly, that arrest and prosecution sends out a message to victims and perpetrators that such abuse is socially unacceptable. Thirdly, the criminal justice system is capable of and responsible for deterring crime. And finally, that reasons given by women for ‘non-cooperation’ are invalid or incompatible with keeping them safe.

It is certainly true that taking the decision whether or not to prosecute out of the victim's control is relieving them of choice and potentially the burden of responsibility and it could be argued that the ability for the Police and The Crown Prosecution Service to press charges without the consent of the victim is necessary. As Epstein et al. (2003) state, there must not exist a policy where all charges against domestic violence perpetrators are dropped at the victim's wishes. Such a policy would mean that the abuser only needs to exert enough fear, control, manipulation or coercion over the victim to get them to drop the charges in order to avoid prosecution for their behaviour. This could potentially put those women who had contacted the police at further risk of abuse and harm and may deter them from contacting the police again.

Only pressing charges at the request of the victim is sometimes referred to as the 'victim-choice' approach and, in addition to creating an environment where domestic violence can go unpunished, it ignores the fact that victims of IPV are often victims of isolation, controlling behaviour and perceived-dependence on the abuser. They are therefore not necessarily able to reach a free and fully informed decision as a victim of, for example, a burglary might be. The victim-choice approach also leaves the victim open to manipulation by police investigators who may be able to 'persuade' or 'manipulate' the victim into not pressing charges in order to lessen their own workload. Indeed this is one of the suggestions by HMIC (2016) as to why a force may be experience high levels of Outcome 16 usage.

Epstein et al. (2003) however state that, for many victims of domestic violence, prosecuting offenders creates a greater risk of long-term harm rather than protecting them from abuse. This is particularly true in cases where the victim and perpetrator remain together throughout his imprisonment. The perpetrator may blame the victim for his imprisonment and this could result in further violence. They specifically reference that 'no-drop' prosecutions place the victim at even greater risk of long term harm. Research suggests that the more women feel heard, understood and treated with respect the more likely they are to seek assistance in the future (Epstein et al, 2003). This means that, if a woman feels her wishes are being ignored as the police pursue a prosecution against her wishes, she may be unlikely to seek further assistance on other occasions in the relationship. This may mean she is put at risk of further and escalating violence as time goes on.

Hester (2005) identifies that the key factor in whether or not women decide to remain in the criminal justice process is the ability of the agencies involved to ensure their safety. Studies have demonstrated that women are very strongly able to predict their risk of further harm, perhaps due to their detailed knowledge into the unique factors around their particular domestic situation (Hoyle, 2008; Thompson et al, 2001). Therefore, a victim's assessment that she will be more in danger, or at least stands to lose more than she gains from pursuing a prosecution, may be accurate.

Whilst there are currently no statistics available as to the rates of success in evidence-led prosecutions however, between March 2016 and March 2017, 54% of unsuccessful domestic violence prosecutions were due to victim retraction, victim non-attendance, or the evidence of the victim not supporting the case (Office of National Statistics, 2017b) demonstrating the huge impact that a lack of victim support can have in a case.

Both approaches have positives and negatives associated with them however both arguably have the potential to leave the victim with no choice – either no choice but to drop

the charges or no choice but to have their partner prosecuted. This means that both policies are putting the victim at risk of 'secondary victimisation'. The United Nations (1999) define this as victimisation which occurs as a result of the responses of institutions and individuals to the victim. This could include inappropriate conduct by officers and staff, or investigations and sentences which take insufficient account of the victim's wishes.

A compromise between the two is referred to as the 'victim empowerment' approach proposed by Hoyle and Sanders (2000). The philosophy behind such an approach is for police and other agencies to help change the victim's circumstances in order to free them from coercion and make decisions which would ensure their long term safety appear equally as rational as staying with their partner. This involves tailoring a multi-agency approach to an individual's unique expectations and needs. It has been shown that victims who follow through with prosecution are less likely to experience subsequent violence but *only* if they make the personal choice to participate in the prosecution (Ford and Regoli, 1992). On the other hand, there is some evidence to suggest that victims forced into reluctant co-operation with the prosecution may be less likely to involve the police if they are abused again (Buzawa and Buzawa, 2003). Thus, it is important that victims are supported and encouraged rather than manipulated and coerced into supporting a prosecution.

Birdsall et al. (2017) agree that encouraging victim empowerment (and therefore cooperation) would be beneficial for both the victims and the police. By using this approach, victims would gain confidence and trust in the ability of the police to protect them and listen to them (Tyler, 2004). The police and other agencies would form part of the victim's support network and an effective support network has been identified as vital to helping a woman leave a violent relationship and to help her with the process of pressing charges (Hoyle and Sanders, 2008). It is reasonable to assume then that the introduction of a victim empowerment model would lead to reduced rates of Outcome 16 usage and higher incidents of victims pressing charges. However as Birdsall et al. (2017) state, a more in depth understanding of victimology in relation to police engagement is needed in order for this model to form part of a policing response.

There is currently limited research into whether the characteristics of the victim and the crime affect the level of support for prosecution (Sleath and Smith, 2017). Hare (2006) found that older victims and victims who married to the perpetrator were significantly less likely to want charges pressed. Education level, dependent children, ethnicity, level of injury and frequency of previous victimisation were not found to have an impact. In a later study however, Hare (2010) found that increased injury, prior victimisation and increased levels of fear of the perpetrator increased the victims' support for going to trial. Weisz (2002) found that the higher the levels of abuse, the more frequent the episodes and the longer the duration the victim had suffered all increased the likelihood of a victim favouring prosecution. Goodman et al (1999) found that victims who reported high levels of drug and alcohol abuse were three times less likely to co-operate with a police prosecution. High levels of support, having children with the abuser and having children in common with the perpetrator increased the likelihood of victim's supporting the prosecution. Of note, Weisz's (2002) and Goodman et al's (1999) studies included only African American victims and so may not be generalisable in a wider context.

Sleath and Smith (2017) found no difference in offender or victim characteristics between those victims that stayed engaged and supported a police investigation and those who withdrew/retracted. They did find however that victims who retracted were more likely to come from higher deprivation areas and had higher Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH) risk assessment scores. They also found that victims were more likely to disengage in cases where alcohol and drugs were not a factor, when children were present, and when the DASH risk assessment was lower. This study only used offences where physical assaults took place so, again, may not be generalizable in a wider context. Robinson and Cook (2006) found that victims who had made a victim personal statement were 54% less likely to retract in cases of IPV.

This study aims to add to the current understanding of victimology and how it relates to police engagement with a view to informing police policy and decision making, especially with regards to employing a victim-empowerment model.

## **METHOD**

### **Design**

This study used a mixed-methods design. Data was extracted from the force's Crime Management System (CMS). This system records and classifies all crimes recorded within the force area. The system cross references with some other police systems such as STORM (which is the force's command and control system) to catalogue the initial call log and also holds details of the offender, relevant parties' details, aggravating factors and a variety of other information. CMS also provides a recording function where free text entries can be made by police officers and staff to record the progress of the investigation.

This system was interrogated for cases which fit the criteria for this study. All crime types were included in the analysis. Cases flagged as domestic violence from a two year period from the 1<sup>st</sup> December 2015 until the 30<sup>th</sup> of November 2017 were used for the analysis. This resulted in a sample size of 30,176 cases. When filtered to be male perpetrated violence against females the sample size became 19,008 (62.99%). This was then further filtered to only include partners or ex-partners and not other relatives. This resulted in a total number of 15,801 cases. Of these 15,801 cases, 6601 were assigned Outcome 16 and 1914 assigned Outcome 1 giving a total sample size of 8515. Crimes assigned other outcomes were not included as part of the analysis. All crime types were included as part of the analysis.

Variables gathered in relation to the victim and accused were; age at time of reporting, ethnicity and whether or not the victim was a repeat victim of domestic violence. Aggravating factors alcohol, drugs, mental health, and online are flagged on CMS by the police force and were coded as 1 for being present and 0 for not present. As the system only codes whether these factors were present or not and so it cannot be determined from this alone whether the aggravating factors apply to the victim, the suspect or both.

### **Procedure**

#### **Quantitative Analysis**

The majority of variables in this case were categorical variables with only victim and accused age as scale variables. Some variables such as repeat victimisation were dichotomously coded (yes/no) where as others such as ethnicity had multiple categories. A Kolmogorov-Smirnov test of normality was run and the victim age was found to differ significantly from normal,  $D(8432)=0.101$ ,  $p<0.001$  as was the accused age,  $D(8502)=0.110$ ,  $p<0.001$ . Thus non-parametric tests were used due to the data not being normally distributed. Data was analysed using SPSS software.

#### **Qualitative Analysis**

A qualitative analysis was also done on a sample of the 162 most recent cases finalised as Outcome 16 from the sample used for quantitative analysis. As part of this analysis, the most readily available material on police systems was analysed including STORM serials officer reports on CMS, and (where possible) retraction statements and CDtP video accounts. At the time of study, some of the records were still maintained in paper format (handwritten statements / pocket notebooks for example) which made remote viewing difficult. In addition, although CMS does link in with STORM, it does not link in with other systems such as Guardian (which covers public protection matters including domestic

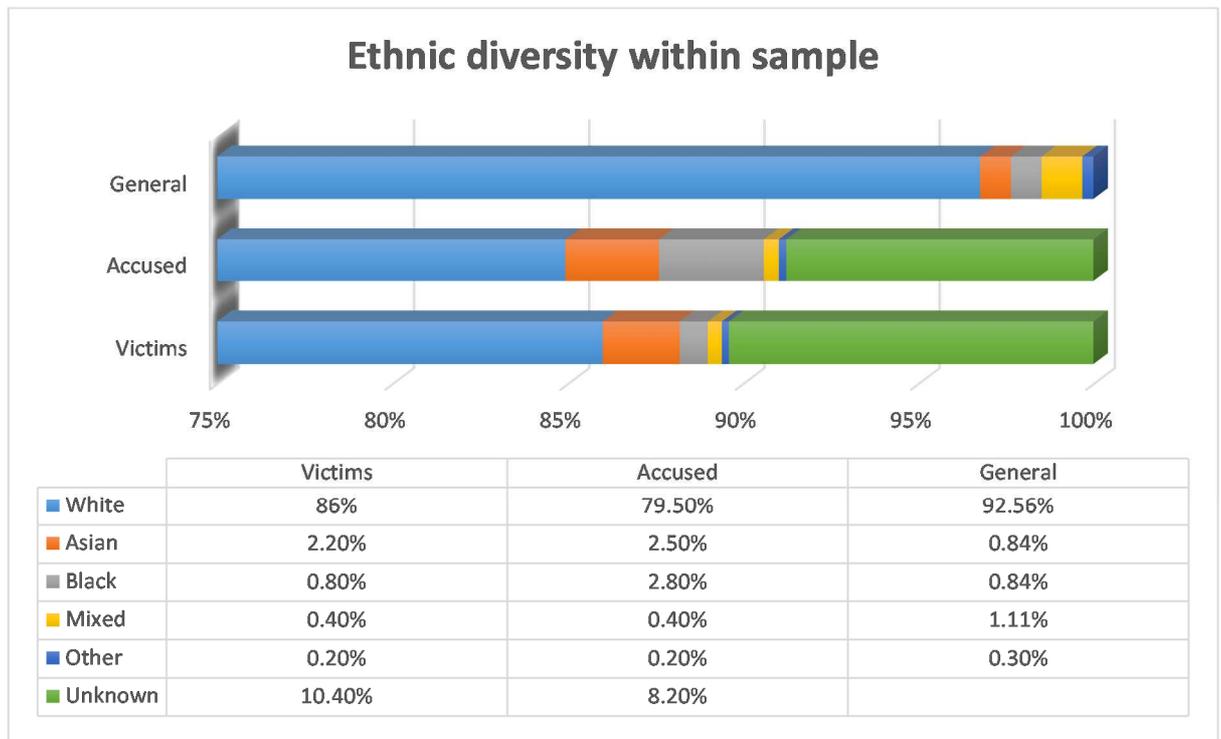
violence). Within force, officers and staff have the ability to take statements and pocket notebook entries electronically with a portable device which then synchronises and uploads the documents in PDF format to the force's shared network drive which can be accessed from any networked computer. Unfortunately, these PDFs are not linked to the CMS record and, in my cases, it was not recorded who had taken the statements (if indeed any had been taken) or in what format that had been obtained.

At the time of analysis, many of the crimes analysed had little or no information recorded on CMS and most provided no rationale beyond 'Victim does not wish to pursue a formal complaint.' The majority of the rationale for why the victim declined to prosecute was therefore gathered from the STORM serials and officers' free text accounts where these were available. As in Sleath and Smith's (2017) study a formal qualitative method was not appropriate due to the fact that, in the vast majority of cases, the victims' wishes were being recorded second hand by the attending officer as opposed to being in the victim's own words. Of the 162 crimes selected, 50 contained enough information about the victims' reasoning for analysis. The principles of Braun and Clarke's (2006) thematic analysis method were used on those cases.

## RESULTS

### Quantitative Analysis

Figure 1 – Bar Graph of Ethnic Diversity Within Sample

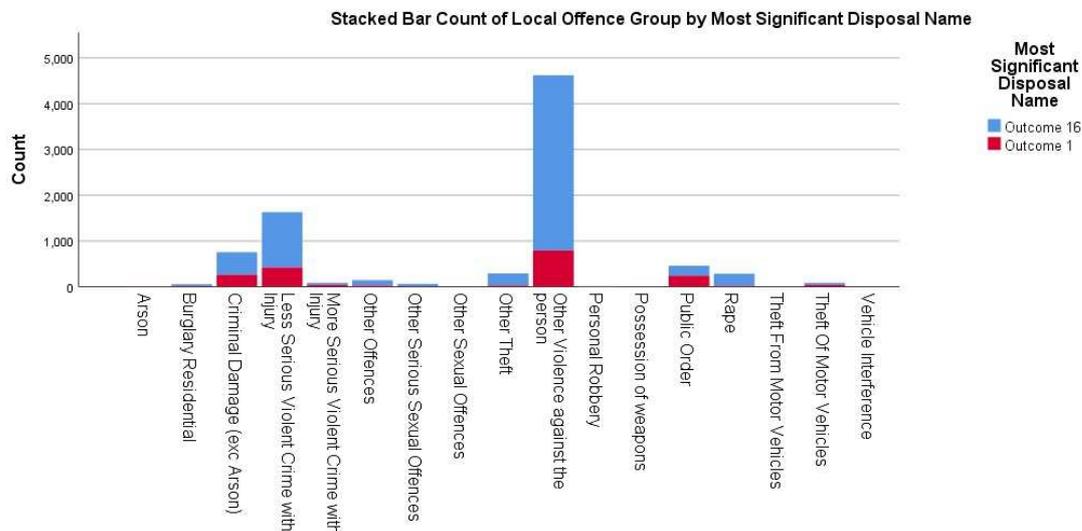


In relation to the ethnic demographics in the study, 86% of victims and 79.5% of offenders were White, 2.2% of victims and 2.5% of offenders were Asian, 0.8% of victims and 2.8% of offenders were Black, 0.4% of victims and offenders were of Mixed ethnicity, 0.2% of victims and offenders were of Other ethnicity, and 10.4% of victims and 8.2% of offenders were of Unknown ethnicity. Current data suggests that the ethnic breakdown of Staffordshire is 92.65% White, 1.11% Mixed, 2.78% Asian, 0.84% Black and 0.3% Chinese (categorised under 'Other' in this study) (The Guardian, 2016) (See Figure 1)

The age of the victims at the time of reporting ranged from 16 – 99 with a mean age of 32.59 (SD=11.201). The youngest age of an accused at the time of reporting was recorded as 6, assuming this is an error, the ages ranged from 16 to 100 with an average of 34.78 (SD=11.622). A Spearman's rank-order correlation (Spearman, 1910) was run to determine the relationship between the victim age and the accused age. There was a strong significant correlation between the two ( $r_s = 0.787$ ,  $p < .001$ ) suggesting that the victim and offender tended to be similar in age.

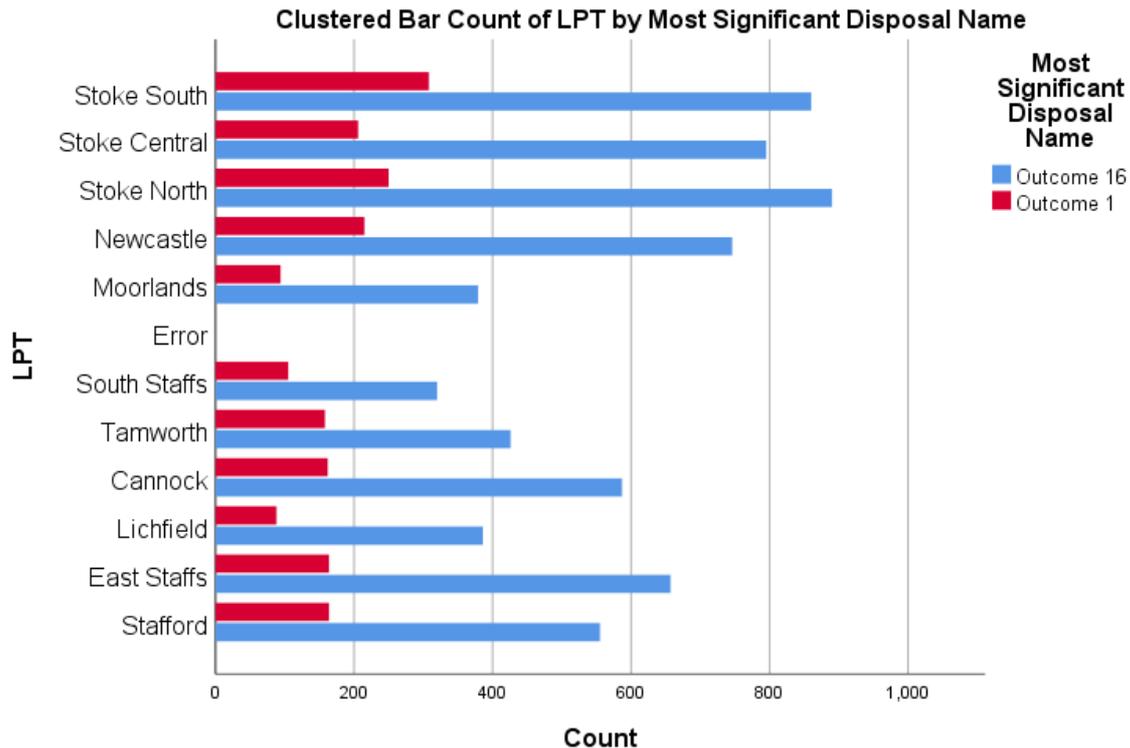
Victims were categorised as being repeat victims of domestic violence in 37.2% of cases. Amongst those repeat victims 75.5% were in cases finalised as Outcome 16 and 24.5% of the repeat victims proceeded to charge (Outcome 1). Amongst those victims who were not repeat victims, 78.7% were in cases finalised as Outcome 16 and 21.3% were in cases finalised Outcome 1. A Pearson's Chi-Square test (Pearson, 1900) was conducted and revealed a significant association between whether a victim was a repeat victim or not and the finalisation outcome;  $-X^2$  (DF=2) = 12.540,  $p < .01$  with repeat victims more likely to be in crimes assigned Outcome 1 than non-repeat victims.

**Figure 2 – Bar Graph Showing Number of Offences and Proportion of Disposal Outcome**



In relation to the types of offences reported, 54.4% of offences were categorised as “Other violence against the person” representing 41.5% of all of Outcome 1 disposals and 58.5% of all Outcome 16 cases. Within this category, there were 2419 instances of cases of common assault, 390 finalised Outcome 1 and 2029 assigned Outcome 16. Common Assault as an offence represented 20.37% of all crimes finalised Outcome 1 and 30.73% of all crimes finalised Outcome 16. The second most common offence in this category was Malicious Communications with a total of 1010 cases, 44 were assigned Outcome 1 (Forming 2.29% of all crimes assigned this outcome) and 1010 were assigned Outcome 16 (Forming 15.3% of all crimes assigned this Outcome). Assault with Injury was the second most common offence, falling under the category of ‘Less serious violent crime with injury’; 1666 (19.56%) of all crimes were in this category with 431 assigned Outcome 1 (22.51% of all crime assigned this outcome) and 1235 assigned Outcome 16 (18.7% of all crimes assigned all this outcome). Cumulatively then, Common Assault, Malicious Communications, and Assault with Injury formed 60.82% of all Outcome 16 disposals (See Figure 2).

**Figure 3 – Bar Graph of Number of Crimes and Proportion of Disposal Outcome, Organised by LPT.**



In relation to which are the crimes were committed in (coded under Local Police Team (LPT)), a significant association was found between LPT and Outcome disposal -  $X^2$  (DF=22) = 8545.972,  $p < .001$ . Of note, one LPT was entered incorrectly in the data and is therefore assigned 'Error'. The highest proportion of crimes (13.7%) occurred in Stoke South, followed by Stoke North (13.4%) and Stoke Central (11.8%). The fewest crimes (5%) occurred in South Staffordshire and South Staffs and Lichfield (5.6% each). The highest rates of Outcome 16 occurred in Lichfield with 81.4% of crimes occurring there assigned Outcome 16. Second highest was the Moorlands with 80.1% rates of Outcome 16 and East Staffs with 80%. The lowest proportion of crimes assigned Outcome 16 was in Tamworth where 72.9% of crimes occurring there were assigned Outcome 16. The second lowest proportion of crimes assigned Outcome 16 was in Stoke South where 73.6% of crimes were assigned Outcome 16. Third lowest was South Staffs with rates of 75.3%. (See Figure 3)

A significant association was found in relation to drugs,  $X^2$  (DF=2) = 19.544,  $p < .001$ , which were only marked as an aggravating factor in 1.8% (153) of cases. Of these 153 cases, 62.7% were finalised Outcome 16. In the cases where drugs were not marked as an aggravating factor, 77.8% were assigned Outcome 16. A Kruskal-Wallis H test showed that, in cases where drugs were an aggravating factor, victims were significantly likely to be younger than in crimes where drugs were not an aggravating factor,  $U=2678517.500$ ,  $z=-2.620$ ,  $p < .01$ . The same was also true for the accused,  $U=2330922.000$ ,  $z=-3.214$ ,  $p < .01$ .

A significant association was found between the presence of alcohol as an aggravating factor and disposal outcome,  $X^2$  (DF=4) = 9.820,  $p < .05$ . Alcohol was present as an aggravating factor in 1752 (20.6%) of cases. In those cases where alcohol was present as an aggravating factor, 75.5% were assigned Outcome 16, compared to 78.1% of cases where alcohol was not marked as an aggravating factor.

A very significant association was found between the presence of ‘Online’ as an aggravating factor and disposal outcome,  $X^2 (DF=2) = 18.354, p<.001$ . ‘Online’ was recorded as an aggravating factor in 544 (6.4%) cases. Of these 544 cases – 462 (84.9%) were assigned Outcome 16 and 82 (15.1%) were assigned Outcome 1.

Mental health was marked as an aggravating factor in 6.6% of cases. In cases where this aggravating factor as present 77.9% were in cases finalised Outcome 16. There was no significant association between the presence of mental health as an aggravating factor and disposal outcome.  $X^2 (DF=7) = 0.707, p>.05$ .

A binary logistic regression was used on the outcome variable of disposal category. Predictor variables entered into the model were local offence group, LPT, victim ethnicity, offender ethnicity, whether victims were repeat victims or not and all aggravating factors. The logistic regression model was found to be statistically significant  $X^2(44) = 787.891, p<.001$ . The model explained 13.6% of the variance in disposal outcome (Nagelkerke  $R^2$ ) and correctly classified 78.2% of cases. The model however was only able to accurately predict 12.8% of cases assigned Outcome 1 in comparison to 97.3% of cases assigned Outcome 16 and therefore the model was not successful in predicting cases for this outcome.

### **Qualitative Analysis**

A qualitative analysis was done on a sample of the 162 most recent cases finalised as Outcome 16 from the sample used for quantitative analysis. As part of this analysis, the most readily available material on police systems was analysed including STORM serials officer reports on CMS, and (where possible) retraction statements and CDtP video accounts. At the time of study, some of the records were still maintained in paper format (handwritten statements / pocket notebooks for example) which made remote viewing difficult. In addition, although CMS does link in with STORM, it does not link in with other systems such as Guardian (which covers public protection matters including domestic violence). Within force, officers and staff have the ability to take statements and pocket notebook entries electronically with a portable device which then synchronises and uploads the documents in PDF format to the force’s shared network drive which can be accessed from any networked computer. Unfortunately, these PDFs are not linked to the CMS record and, in my cases, it was not recorded who had taken the statements (if indeed any had been taken) or in what format that had been obtained.

Table 1 – Breakdown of Themes Identified in Qualitative Research

| <b>Theme</b>                          | <b>Description</b>  | <b>Frequency</b> |
|---------------------------------------|---|------------------|
| <b>Immediate resolution</b>           | Victims wanting police action to fix immediate needs or goals but not wanting to pursue a formal complaint or charge. | 15               |
| <b>Dissolution of relationship</b>    | Victims ending or planning to end the relationship with the perpetrator.  | 10               |
| <b>Recommencement of relationship</b> | Victims resuming or continuing their relationship with the perpetrator.   | 8                |

|                              |   |   |
|------------------------------|---|---|
| <b>Alternative measures</b>  | Victims finding other means to resolve the issue.   | 6 |
| <b>Historic offences</b>     | Victims raising historic offences that they did not want to prosecute due to the length of time which had passed. | 4 |
| <b>Fear of repercussions</b> | Victims reporting that police action would re-ignite the situation or make matters worse.                         | 3 |

Within the data that was available however, six key themes emerged as rationale for victims not wanting to prosecute the offender (See Table 1).

The most prevalent theme (present in 15 cases) was that of the victims wanting police action to fix their immediate needs but not wanting to pursue a formal complaint or charge. This was particularly prevalent in cases of malicious communications where victims were receiving unwanted calls and text messages (usually from ex-partners). In these cases, the women used phrases such as “Just want police to tell him not to contact me anymore,” and “Just want the police to warn him.” Other examples fitting into this category were instances where the women just wanted the offender removing from the property or wanted police to retrieve their belongings. This theme also appeared in cases where no crime had occurred but the victim still wished for police intervention.

The recommencement or dissolution of a relationship were both given as reasons for a victim not wanting to prosecute. Many (10) victims reported that they had ended the relationship with the offender - victims tended view this as a way of resolving the issues their partner had been creating and did not see the need for further police involvement. In 8 cases the victims reported that they were planning to or had already resumed a relationship with the offender. Most of the records did not elaborate on why the relationship had resumed but there were some instances of victims reporting that they had contacted police ‘in the heat of the moment’ and, after having time to consider, had decided to work things out with their partner.

A third theme identified was one of victims finding alternative measures by which to resolve the issues whilst the police investigation was underway. In 5 instances this was a non-molestation order and in 1 instance the victim was working through the family court process. Interlinked with this was a sub-theme whereby women would ring up to ‘make police aware’ or situations which were not necessarily criminal, sometimes in order that this could be used in civil proceedings, or so that the incidents were logged in case things got worse.

An unexpected theme which presented was one which surrounded historic offences. On 3 occasions this theme occurred when officers were completing the DIAL form. With victims. The DIAL form is the Domestic Incident Abuse Log which is the local equivalent of the DASH risk assessment discussed earlier. Staffordshire Police policy is that a DIAL form is to be completed at every domestic incident attended by officers. As part of this assessment, victims are asked whether the offender has been abusive in the past and, in these three instances, the officers completing the DIAL with the victim reported disclosures about

previous incidences of abuse which victims had never reported to the police before. As a result of these disclosures, a separate crime record would be created as it is a new and separate offence to the one which had resulted in the initial police attendance. The length of time since these historic offences had occurred ranged from a couple of years to over thirty years. In these instances, victims cited the length of time which had elapsed since the offence as a reason not to prosecute, stating that they could not remember specifics about what had happened due to the length of time which had passed. This theme was also present in one other occasion where a woman rang up to report an instance of criminal damage by her partner four years ago in order to obtain a crime number to provide to the housing association so they would fix it.

A small number (3) of women reported that they felt further police involvement would “*re-ignite the situation,*” or “*make matters worse,*” although not enough detail was provided to establish exactly what was meant by this. No women reported fear of going to court or anything similar in this sample as a reason for not pressing charges.

Of note, a portion of those crimes finalised as Outcome 16 appeared to be cases where actually no crime had in fact happened. An example was where a female had called to report that her ex-partner had moved into a street near her which was making her nervous and she wanted police to be aware. In another example, a female reported that her husband had stolen their dogs however cancelled this report when the dogs were returned later. This was also sometimes the case in situations reported by a third party (for example neighbours or concerned friends/relatives). In many cases, when the ‘victim’ was spoken to, they would state that no offences had happened. In some cases, the victim would be seen by officers to have injuries and it would seem obvious that an offence *had* happened but the victim did not want to disclose. On other occasions, the victim would state that no offences had happened there had just been a ‘heated argument’ or nothing had happened at all and there was no evidence to suggest otherwise.

## DISCUSSION

When considering the findings of this study, it is important to consider that the results are based solely on police data. In the introduction it was discussed how the statistics reported in the PEEL effectiveness survey (HMIC, 2016) were not actually fully representative of Staffordshire's rates of CDtP, a very relevant example of how Police Data can be misleading or inaccurate at times. 'Under-flagging' has been identified as an issue within police forces and their crime data (Hanmer, Griffiths and Jerwood, 1999) and examples of this in other forces will be discussed during this report. Accuracy of data is always a limitation when analysing secondary data however the data required for this study was only available from police systems and so no other method of data collection was possible.

The decision whether or not to apply a domestic violence marker to a crime/incident is the responsibility of the staff managing the Crime Management System and is therefore susceptible to human error or a lack of understanding about the nature of a domestic incident. During the qualitative analysis of this study it appeared as though some incidents which were not actually crimes, had been logged and finalised as Outcome 16. The present study did not investigate this in enough detail to be able to comment on the extent to which this was occurring however, it is possible that this may be one reason why Staffordshire presents with higher rates of domestic violence CDtP than in other forces. This is potentially an area of further research for the force in order to establish the extent of this and whether further training may be required in this area for administrative staff and supervisors filing off crimes on the system.

Of note, a number of descriptive tags were used to describe the offender/victim relationship, many of which overlapped with each other. Examples of such descriptors include 'Partner', 'Husband,' 'Current partner,' 'Ex/estranged common law husband/partner,' 'Boyfriend,' and many others. As only one descriptor could be added per crime, a wide range of these descriptors were used, some far more specific than others. A more precise range of descriptors could potentially make for easier analysis in future studies. This categorisation method meant that it was not possible to compare those offences where the victim and perpetrator had been in a relationship at the time of the offence against those where the relationship had ended.

According to HMIC (2016b) Staffordshire Police currently operate at a 91% data integrity level. In their inspection however HMIC did note that the crime audit staff lacked capacity and resilience to review risk assessments from reported incidents of domestic abuse ensure all crimes listed within them were recorded however they did not comment on specific rates of under-reporting in relation to domestic violence.

The present study attempted to make data integrity comparisons with the forces reporting the lowest rates of Outcome 16 in domestic violence cases, however data was not available for all forces at the time of writing. Comparisons have therefore been made based on the available data at time. The force reporting the lowest rates of Outcome 16 in domestic violence cases was Durham (HMICFRS, 2017b) - in their crime integrity inspection it was found that 63 out of 318 (19.81%) domestic abuse crimes had not been recorded. The sixth lowest rates of Outcome 16 use in domestic violence cases was in Greater Manchester Police, no comment was made with regards to domestic abuse recording rates however they were graded overall as 'Inadequate' for accuracy of crime recording (HMIC, 2016c). The next

available force with data relating to domestic abuse recording was Northumbria who reported the fifth lowest use of Outcome 16 in relation to domestic abuse. Northumbria were found to have not recorded 11 out of 178 (6.17%) domestic crimes (HMIC, 2016d).

However, when looking at the higher-ranking forces, Kent who were third highest for rates of Outcome 16 usage in domestic crimes, had 98 out of 446 (21.97%) domestics not recorded (HMIC, 2017). Cheshire were 10<sup>th</sup> highest and found to have not recorded 80 out of 340 (23.5%) domestic abuse crimes (HMIC, 2017b). South Wales were 11<sup>th</sup> highest and had not recorded 33 out of 213 (15.49%) domestic abuse crimes (HMICFRS, 2017c).

Further research, once all data is available, would be needed to explore this association in more detail however from this brief analysis, the forces with highest rates of Outcome 16 usage in relation to domestic abuse appear to be less accurate in recording their domestic crimes than the lower ranking forces. Based on this information, it does not appear that a high level of data integrity would result in higher rates of Outcome 16 being reported although this is an area which could be explored with further research.

Although police data can have its flaws, as referenced earlier, there is limited academic research to compare rates of CDtP against. As discussed in the literature review earlier, general findings appear to be the majority (over 50%) of women do not want to press charges in cases of IPV (Robinson and Cook, 2006, Hoyle and Sanders, 2000, Hirschel and Hutchinson, 2003). This would suggest that forces reporting rates of CDtP significantly lower than 50% (for example North Wales, Durham, Greater Manchester and Derbyshire who all report rates of under 10%) may not be reporting accurately or have highly effective policies in place to enable the use of other outcomes. These constabularies could be a target for further research to identify whether there are any policies or practices in place which contribute to their low usage of Outcome 16 which could be implemented in Staffordshire and other forces.

In relation to the quantitative analysis, when inputted as part of a logistic regression the predictor variables submitted (offence category, ethnicity, LPT, and aggravating factors) were not able to accurately predict the disposal outcome. This suggests that, if there are any variables which have a significant impact on whether a victim supports a police prosecution or not, they are different to the variables analysed as part of this study. As discussed earlier, there are currently mixed findings in relation to what, if any, characteristics of a domestic violence case influence whether a victim proceeds to charge or not. The findings in this study match findings by Hare (2006) who found ethnicity had no impact on whether or not victims proceeded to trial. Hare found conflicting findings between her two studies (Hare, 2006 and Hare, 2010) with regards to the impact of previous victimisation on victims' support for going to trial. This study support's Hare's (2006) finding that prior victimisation was not a significant predictor of disposal outcome.

As referenced earlier, the aggravating factors recorded on CMS were non-specific in nature. That is, they could have applied to victim, perpetrator or circumstance and there was no details provided as to the nature or frequency of these aggravating factors. The accurate recording of aggravating factors in this study was dependent on several factors: A – The information being provided by the suspect and/or victim and this information being truthful and accurate, B – This information being recorded and shared by the attending officer, and C – This information being flagged on CMS by the Crime Audit Unit staff. There is the chance

that victims and perpetrators may underplay or overplay the presence of certain risk factors in order to manipulate a certain response out of police or other agencies. There is also the possibility that aggravating factors can be counterbalanced by protective factors. For example, high levels of social support have been found to be a protective factor which can reduce a woman's risk of experiencing domestic violence and increase the likelihood of her going to trial against an abusive partner (Jewkes, 2002, Goodman et al, 1999). At present, protective factors are not recorded on CMS so the impact of protective factors on the victims' support for prosecution could not be analysed using this study's methodology but is a consideration for further research.

Again, the labelling of these aggravating factors is dependent on the relevant professionals recording these on CMS and so, as with all such data, there is a risk of inaccuracy. As such, caution should be exercised when interpreting the findings in relation to these aggravating factors. In relation to the aggravating factor of mental health, this study found no significant association between mental health and disposal outcome as also found in Goodman et al's (1999) study.

The findings in this study correlate with those of Sleath and Smith (2017) who found no difference in offender and victim characteristics and victim support for the police investigation. Of note however, Sleath and Smith (2017) only used cases involving physical violence whereas this study included all offence types. Sleath and Smith (2017) did find that victims who retracted were likely to have high DASH scores and this may be an area for further research for Staffordshire Police. Once DIAL data is better integrated into force computer systems (for example, recorded on the CMS system) analysis could be done on whether this is a predictor of disposal outcome in Staffordshire. It is possible that other factors not considered in this study or others could be predictors of disposal outcome. Robinson and Cook (2006) found that victims of IPV were 54% less likely to retract if they had made a Victim Personal Statement. Again, data on this was not available for comparison but could be an area for further research.

In relation to offence location, Stoke North, South and Central LPTs have the most potential to influence the CDtP rates as the highest proportion of crimes occur there. The lowest (proportionate) rates of Outcome 16 (when compared against Outcome 1) are occurring in Tamworth, Stoke South and South Staffs so could be areas to look for examples of good practice

At the time of this study, Staffordshire Police was in the process of developing and implementing a new protocol around CDtP whereby a form was to be filled in explaining the victim's reasons for not wanting to prosecute and, with the victim's consent, an account from the victim was to be captured on body worn video by the attending officer. At the time of the present study, the new CDtP forms were completed by hand and filed with the other crime paperwork and sent to the archives. It was not therefore possible to retrieve these records and perform a qualitative study on the CDtP forms due to the workload this would place on the archive staff. There are plans for the force to move to electronic storage for CDtP documents which would make retrieving and reviewing these much easier and is a consideration for future work (See Appendix 1 and 2)

In addition to these documents and policies, Staffordshire Police is also introducing a procedure for all crimes finalised as 'no further action' (NFA) – this includes crimes finalised

under Outcome 16. The policy is for supervisors to include key phrases in their final rationale on CMS dependant on the reasons for NFA. This will hopefully make for easier thematic analysis in future.

The present study attempted to establish the reasons behind victim non-support in the qualitative aspect of the study. Unfortunately, as referenced earlier, methodological difficulties made a detailed analysis difficult. Thus the findings from this study need to be taken in the context that they are a police officer summarising the explanation given by the victim rather than the victim giving a direct explanation herself. This means that the victim's words could potentially be subject to misunderstanding or even manipulation by reporting officers, as with any third party account. It is also important to consider that victims may not provide genuine reasons for retraction, this may be due to several reasons, perhaps fear of the perpetrator, shame, or a wish to portray a certain image to professional bodies such as the Police or social services. Improved crime recording as referenced earlier in this study may help with providing more detailed information in future research and, ideally, interviews could be conducted with the victims themselves to discuss their reasons for not wanting to prosecute. There was no evidence that police officers or staff were attempting to manipulate victims into not pressing charges or using Outcome 16 as a convenient category to get cases filed. It would be surprising to find this given then the majority of the information used in the study was written by police professionals and, if there are legitimate concerns that this is occurring then direct contact with victims would be necessary to establish if they felt this was the case. The video recording of victim CDtP statement should assist in reducing this behaviour if it is occurring within force.

The most common reason (30%) victims gave in the qualitative analysis for not wanting to support police action was that they only wanted their immediate needs met. This matches existing research from both the United Kingdom and the United States which suggests that the motivation for most women phoning the police is that they want immediate protection, usually the offender removing from the scene (HMIP, 2004). The phrases described in Hoyle and Sanders' (2000) study such as wanting the offender 'warned' and 'make him leave me alone' echo phrases used by women in this study. Lewis et al (2000) explain this pattern that, in the initial stages of an abusive relationship, women usually only want the police for immediate protection. As the violence continues and even escalate, women then begin to consider arrest and prosecution. Within this consideration, women perform a cost-benefit analysis, where they consider the potential benefits of a prosecution such as seeking justice, access to legal resources and protection, and protection from violence. These benefits are then weighed against the perceived costs of prosecution such as a potential increase in violence as a result, the 'hassle' of attending a trial, disconnection from the resources provided by the perpetrator, and others.

Research suggests that domestically violent relationships tend to worsen in severity and frequency over time (Browne, 1987) and so empowering women to seek prosecution at the earliest opportunity will hopefully prevent them from remaining in an abusive relationship and waiting until they become victims of severe abuse before they proceed to prosecution. It is important then that officers and staff speaking with domestic violence victims attempt to understand their perceptions of a prosecution and (along with other agencies) attempt to support the victim in a way that increases the benefits to her proceeding with prosecution and reduces the perceived costs.

In this study, 20% of victims reported that they had ended the relationship with the offender and therefore felt they did not require police assistance. It is important that police officers and staff exercise caution when victims provide this as a reason for not supporting a prosecution. It is vital that professionals investigating crime do not simply accept that because a victim states she has ended the relationship then this means she is now safe from domestic violence. Research shows that whilst the termination of a relationship may end the violence for many victims, for some victims it risks an escalation of violence and abuse (Walbly and Myhill, 2001). Richards (2004) found that, in more than half of the serious domestic violence cases reported to the Metropolitan Police, the partners were separating at the time. Piipsa (2002) states that the most dangerous time for a domestic violence victim is the period in between deciding to leave and actually leaving. Recent statistics support this; The ONS (2017b) report that between March 2014 and March 2016, 85% of murdered females were killed by an ex-partner or ex-spouse. 49% of these were killed within less than one month after separation, 79% had been killed within 6 months of separation and 90% had been killed within a year. So whilst it is undeniably positive for a woman to be leaving an abusive relationship, this does not mean that the woman is automatically safe. Where this is given as a reason for a woman not pursuing a complaint, consideration should be given to alternative safeguarding measures which can protect the victim from future harm, this may involve referral to other more specialist agencies.

16% of victims reported that they did not want to support a prosecution as they were planning to resume their relationship with the offender. This is slightly lower than the 27% of victims who gave this as a reason for retraction in Robinson and Cook's (2006) study. This finding also correlates with Sleath and Smith's (2017) study who describe reconciliation as one of the main reasons behind victim retraction. This clearly presents a worrying trend where women are potentially returning to or remaining in an abusive relationship. It could be argued that, such circumstances where the victim is remaining with the abusive partner are perhaps the most appropriate situations for a victimless prosecution to be used because an arrest and charge of the perpetrator may enable the police and court to put protective measures in place such as bail conditions, custodial sentences or treatment programmes therefore reducing the risk to the victim. On the other hand, as referenced earlier, there is research to suggest that victimless-prosecutions can put victims who remain with the perpetrator in greater danger of domestic violence. As such, a blanket policy for all such cases would not be appropriate and this study suggests that instances such as this should be considered on a case-by-case basis, again supported by agencies other than the police where appropriate.

There was minimal information in the data used for this study as to why the victims had decided to recommence the relationship however research suggests that abused women return to abusive relationships for a multitude of reasons including continued attachment to the abuser, fear of increased violence if they leave, economic pressures and lack of social and practical support (Griffing et al., 2002, Fleury et al., 2000). Whilst it could be argued that assisting women in addressing these issues is a role for social services as opposed to criminal investigators, this paper would argue that the police as an agency have an important and unique role to play in this situation. Police have the advantage of arriving in a situation during the 'heat of the moment' when women have called for assistance and are, potentially, more likely to be receptive to professional support. They may be more willing to discuss the

situation at this time than with social services or healthcare professionals at a later date. The more time goes on, the more opportunity women have to minimise the abuse in their minds and be persuaded or coerced by their partner. As such, police should attempt to gather as much information as possible and generate a good rapport with the victim on their first attendance. This may include asking more questions than are included on the DIAL risk assessment and it may be beneficial to consider a list of questions or prompts which attending officers or staff could use when a woman gives reconciliation as reason for not wanting to prosecute. Understanding a victim's reasons for returning to an abusive partner may enable professionals to work with the woman to address these and empower her to leave the relationship permanently and perhaps encourage her to proceed with a prosecution. This would fit with research findings by Hammer and Griffiths (2001) who found that co-ordinated multi-agency interventions addressing the victim's needs and reducing the risk of repeat victimisation were considered the most promising approach to reducing re-victimisation. The information gathered by police on arrival could, in the very least, be used to assist other agencies who may become involved with the woman's safeguarding needs even if police involvement ends with the victim declining to prosecute. Epstein, et al (2003) have developed an ecological model with five different levels which may influence a victim's engagement level with criminal justice system. This explains the complexity of factors involved in a victim's decision making process and may be useful to refer to when considering what information would be useful for the victim.

Epstein et al.'s (2003) ecological model describes the multiple contexts which influence a woman's thinking, behaviour and decision making with regards to prosecuting abusive partners. They describe the contexts as a series of concentric circles with the first representing the individual level, that is the woman's mental and physical health. The second level represents the relation level, eg. The woman's relationship with her friends, relatives and her partner. The third level represents the community including neighbourhood, religious, ethnic or work-related. The fourth level is the institutional level - that is the woman's perceptions of the police, court, CPS and other agencies. The final level represents larger cultural identity and beliefs. All these factors play a role in influencing a woman's decision, motivation and ability about supporting a prosecution or not and will be unique to every victim. Epstein et al. (2003) recommend that a 'prosecution-in-context' approach requires professionals to consider all of these factors when working with victims of domestic abuse. The factors discussed in Epstein et al.'s. (2003) ecological model are a good basis for establishing a question-set which would help police and other agencies to identify which type of support a victim would benefit from.

Some of the women had retracted their statements because they had found alternative measures of resolving the issue, usually via civil proceedings. Examples of this include Non-Molestation orders which protect a named person for specific behaviour by an abuser (for example, banning the abuser from communicating with a victim). An Occupation Order can manage the abuser's attendance at the family home and Prohibited Steps Orders can prevent individuals from taking a child which is a threat sometimes used in domestic abuse situations (College of Policing, 2018). Such options may be preferable to women who do not want police involvement. Whilst the College of Policing advise that police officers and staff cannot give detailed advice on these orders, they should make victims aware of these options and refer them as quickly as possible. Such actions clearly present a compromise between the all-

or-nothing approach of charge versus no further action and it is important for officers and staff to be sufficiently knowledgeable these in order to advise victims who do not want to support a prosecution. Of note, even if a victim had pursued this course of action, the outcome of the investigation would still be recorded as Outcome 16. Again, this demonstrates that the interpretation that high rates of Outcome 16 mean that victims are not being protected or any actions being taken may not be accurate. It may be possible that the victim has found a less stressful and more appropriate means of resolving her situation than a criminal investigation.

A small number of victims reported fear of repercussions from supporting a prosecution. It is positive to note that this represented only a small portion of victims, similar to in Sleath and Smith's (2017) study. There was no data expanding on this however such cases are a cause for concern. As discussed earlier, women in abusive relationships are usually accurately able to predict their level of risk (Hoyle, 2008; Thompson et al, 2001) and therefore may be correct in this prediction. In such cases, serious consideration must be given to safeguarding such victims and, again, victimless prosecutions or a Domestic Violence Protection Notice (DVPN).

A DVPN can be used where a suspect is over 18, has been violent or threatened violence against an associated person and a DVPN is necessary for protecting the associated person from this violence. It can include conditions which prevent the suspect from residing in an address, coming near an address, contacting a victim and other conditions depending on the circumstances. Within 48 hours of a DVPN being issued, an application for Domestic Violence Protection Order (DVPO) must be made which is heard at a Magistrates court. A DVPO can put conditions on the suspect for up to 28 days. The Home Office (2016) state that this gives the victim 'breathing space' to consider their options and obtain support. This can be done without the victim's consent and even against the victim's wishes and so carries with it all the issues as evidence-lead prosecutions which have previously been discussed. A DVPO is, arguably, more empowering than a victimless prosecution however as it is a temporary measure, lacking the permanence of a criminal charge. It is important however, that support is put in place for the victim during this 28 days. In order to reduce Outcome 16 rates, a multi-agency approach should be used to empower victims and use this time to increase their confidence in pressing charges.

Overall, the safety and security of the victim and her friends and family must be the number one priority for all agencies involved in the prosecution and management of domestic violence. The safety of the victim must not be lost amongst the figures, statistics and other performance evaluators discussed at length in this study. In fact, Hester (2005) states that the main reason victims choose to remain within the criminal justice system is the ability of the agencies involved to ensure their safety. Thus, if a victim's safety is prioritised then hopefully convictions for the offender will follow. As Epstein et al. (2003) describe, the victim's long-term wellbeing needs to be as important a prosecutorial goal as offender accountability.

The present study then has identified a number of topics for discussion and consideration when developing a strategy for reducing rates of Outcome 16 in domestic violence. There is, however, one final topic for discussion when considering these findings; HMIC (2016) present the notion of high rates of Outcome 16 as bad or a failure and low rates of Outcome 16 as a success and good. This can be problematic for many reasons. Firstly, it

could potentially encourage unethical/inaccurate recordings of Outcomes (although the same could be argued of any evaluation method). The topic of domestic violence brings with it particular concerns in this regard and has been discussed in the surrounding academic literature. Ford and Regoli (1992) state that the characterisation of dropped charges in domestic violence cases as a ‘problem’ from criminal justice agencies is a relatively new issue. Robinson and Cook (2006) state adamantly that retractions in domestic violence cases should *not* be used as criminal justice performance indicators. They argue that, in some cases, a retraction can still result in a positive (or at least more positive than pressing than pressing charges) outcome for a victim and can save criminal justice agencies time and money. Victims can also benefit from what Robinson and Cook (2006) describe as a ‘supported retraction’. In their 2006 study they found that a supported retraction was one way of ensuring that victims received the advice, support and opportunities they might need.

Ideally however, if domestic violence cannot be prevented, then it should be prosecuted in a manner which keeps the victim safe whilst helping her to feel strong and empowered, reducing her risk of re-victimisation. At the same time it should reduce the likelihood of the offender being violent in the future. This should be the focus and aim of agencies involved in the reduction of domestic violence and of those studying it

A victim may withdraw support for a prosecution at any point of the investigation; from initial police attendance up until the referral to CPS (retractions made after CPS charging decision would not count as Outcome 16). With this in mind, police should attempt to build the strongest case possible, which does not solely rely on the victim’s support. Hester (2005, p82.) identifies that police generally view victim support for a prosecution as ‘crucial’. Despite this, there are officer actions which have been shown to increase the likelihood of a successful prosecution. Nelson (2012) found that obtaining photographs, arresting the accused, obtaining an emergency protective order, locating additional witness statements, and listing more than one charge on the police report all significantly increased the likelihood of a charge. In keeping with Epstein et al’s (2003) prosecution-in-context approach however, the wishes of the victim should also be taken into account. Victim’s may not feel comfortable having injuries photographed or neighbours spoken to for example. Such actions should be taken (wherever possible) as part of any criminal investigation however it is clear that these can be especially important in cases of domestic violence where they remove some of the burden of evidence from the victim testimony. Although Nelson’s study was completed in America, it is reasonable to assume that such evidence gathering strategies would increase success rates in the United Kingdom. A thorough investigation also has the benefit of showing the victim, offender, and society in general that domestic violence is taken seriously by the authorities.

## CONCLUSION

This study certainly reflects the existing academic literature that the reasons behind victim's decision to support a prosecution or otherwise are multiple and complex. Thus, to reduce the issue down to the notion that Outcome 16 is 'bad' and Outcome 1 is 'good' is to grossly oversimplify the issue and is unhelpful when attempting to develop strategies police can use to help and support women experiencing domestic violence.

In this study, no victim, offender, offence, or circumstance was found to be an accurate predictor of disposal outcome. Thus, if a strategy is to be put in place to reduce CDtP rates in domestic violence cases then it needs to be generalisable across all crime types and applicable to a wide variety of victims. This may mean that interventions cannot be as targeted and specific as they would be if only relating to a specific type, it may be beneficial in that a model could be developed with enough flexibility to be employable in cases of same-sex domestic violence and female against male domestic violence which has not been discussed in the present study.

For officers and staff attending reports of domestic violence, in cases where victims are initially willing to make a statement then they should also be supported to make a victim personal statement as this has been shown to reduce retraction rates. A thorough investigation incorporating additional statements, photographs and interview of the suspect should be conducted where appropriate to increase evidence basis for a prosecution, this may help the victim feel supported to pursue a conviction and should increase the likelihood of a conviction/guilty plea at court. This will also assist in increasing the likelihood of charge and prosecution if the victim does retract and a victimless prosecution is deemed appropriate.

An ability to build rapport with victims and gain an understanding of their personal circumstances and relationship situation will help officers and staff work with victims to achieve the best possible outcome in relation to their safety and achieving justice. Epstein et al.'s (2003) ecological model could provide the basis for a training package to inform officers and staff of areas which may impact on a victim's motivation and ability to press charges and provide insight into the types of questions attending officers or staff could ask the victim to assist the police and other agencies in helping her the most. A multi-agency approach to considering these issues could form the basis of a package which could inform officers and staff of the services and agencies available to assist domestic violence victims. This would ensure that officers and staff are able to give useful information to victims to increase their safety and increase their likelihood and motivation to press charges.

If the aim is to reduce rates of Outcome 16 then attention should be paid to the offences of Common Assault, Malicious Communications and Assault with injury which formed 60% of all Outcome 16 disposals. The Stoke LPTs had the highest amount of crimes occurring and so, a potential further research project focussing on these offences in these particular areas has the potential for the largest reduction in Outcome 16 rates in the Staffordshire force area.

Improvements in data recording and storing should make further research easier. In order to get the most accurate picture of victim's thoughts, feelings and reasoning, it may be beneficial to survey or question victims directly as opposed to relying on officer accounts or

statements. It may be possible that other, unexplored factors may be predictors of support or non-support for prosecution and these should be explored in further research.

## REFERENCES

- AGERHOLM, H. (2017). Police told to 'stop pushing responsibility' for domestic violence prosecutions onto victims. *The Guardian*. [Online]. 30<sup>th</sup> April 2017. Available from: <https://www.independent.co.uk/news/uk/home-news/domestic-violence-pushing-responsibility-prosecutions-victims-convictions-hmic-zoe-billingham-a7706446.html> [Accessed: 5<sup>th</sup> April 2018]
- BIRDSALL, N., KIRBY, S. and MCMANUS, M. (2017). Police-victim engagement in building a victim empowerment approach to intimate partner violence cases. *Police Practice and Research*. 18(1). P75-86.
- BRAUN, V. and Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*. 3. P77-101.
- BROWNE, A. (1987) *When Battered Women Kill*. New York: The Free Press.
- BUZAWA, E. S. and BUZAWA, C. G. (2003). *Domestic Violence: the Criminal Justice Response*. 3<sup>rd</sup> ed. Sage Publications: California.
- COLLEGE OF POLICING. (2018). *Major investigation and public protection. Arrest and other positive approaches*. [Online] Available from: <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/#civil-orders> [Accessed: 5<sup>th</sup> April 2018].
- CRETNEY, A. and DAVIS, G. (1997). Prosecuting Domestic Assault: Victims Failing Courts or Courts Failing Victims? *Howard Journal of Criminal Justice*. 36. P146
- EPSTEIN, D., BELL, M. E. and GOODMAN, L. A. (2003) Transforming Aggressive Prosecution Policies: Prioritizing Victims' Long-Term Safety in the Prosecution of Domestic Violence Cases. *Journal of Gender, Social Policy & the Law*. 11(2). P465-498.
- FLEURY, R. E., SULLIVAN, C. M. and BYBEE, D. J. (2000). When ending the relationship does not end the violence: women's experience of violence by former partners. *Violence Against Women*. 6(12). P1363-1383.
- FORD, D. A. and REGOLI, M. J. (1992). The Preventive Impacts of Policies for Persecuting Wife Batters. In BUZAWA, E. S. and BUZAWAW, C. G. (eds). *Domestic Violence: The Changing Criminal Justice response*. P181-204.
- GOODMAN, L., BENNET, L., and DUTTON, M. A. (1999). Obstacles to victim's co-operation with the criminal prosecution of their abusers: the role of social support. *Violence and Victims*. 14(4). P427-444.
- GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2016) *PEEL: Police effectiveness 2016*. London: HMIC.
- GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2016b) *Staffordshire Police: Crime Data Integrity inspection 2016*. Online. Available from: <https://www.justiceinspectors.gov.uk/hmicfrs/publications/staffordshire-crime-data-integrity-inspection-2016/> [Accessed 15<sup>th</sup> February 2018].

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2016c). *Greater Manchester Police: Crime Data Integrity Inspection 2016*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/greater-manchester-crime-data-integrity-inspection-2016/> [Accessed 17<sup>th</sup> April 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2016d). *Northumbria Police: Crime Data Integrity inspection 2016*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/northumbria-crime-data-integrity-inspection-2016/> [Accessed 17<sup>th</sup> April 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2017). *Kent Police: Crime Data Integrity inspection 2017*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/kent-crime-data-integrity-inspection-2017/> [Accessed 17<sup>th</sup> April 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary. (2017b). *Cheshire Constabulary: Crime Data Integrity inspection 2017*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/cheshire-crime-data-integrity-inspection-2017/#what-next> [Accessed 17<sup>th</sup> April 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service. (2017). *A progress report on the police response to domestic abuse*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/progress-report-on-the-police-response-to-domestic-abuse.pdf> [Accessed 8th March 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service. (2017b). *Durham Constabulary: Crime Data Integrity inspection 2017*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/durham-constabulary-crime-data-integrity-inspection-2017/> [Accessed 25th March 2018].

GREAT BRITAIN. Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service. (2017c). *South Wales Police: Crime Data Integrity inspection 2017*. Online. Available from: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/south-wales-crime-data-integrity-inspection-2017/> [Accessed 17<sup>th</sup> April 2018]

GREAT BRITAIN. Her Majesty's Inspectorate of Probation. (2004). *Domestic Violence: A Literature Review*. Online. Available from: <http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/inspectorates/hmi-probation/docs/thematic-dv-literaturereview-rps.pdf> [Accessed 7th March 2018].

GREAT BRITAIN. Office for National Statistics. (2017). *Crime in England and Wales: year ending September 2017*. Online. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingseptember2017> Accessed 9th March 2018.

GREAT BRITAIN. Office for National Statistics. (2017b). *Domestic abuse in England and Wales: year ending March 2017*. Online. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2017#crow-prosecution-service-prosecutions-and-convictions> Accessed 9<sup>th</sup> March 2018.

GREAT BRITAIN. The Home Office. (2013). *Guidance. Domestic Violence and abuse*. Online. Available from: <https://www.gov.uk/guidance/domestic-violence-and-abuse> Accessed 8th March 2018.

GREAT BRITAIN. The Home Office. (2016). Domestic Violence Protection Notices (DVPNs) and Domestic Violence Protection Orders (DVPOs) guidance. [Online] Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575363/DVPO\\_guidance\\_FINAL\\_3.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575363/DVPO_guidance_FINAL_3.pdf) [Accessed 5th April 2018]

GRIFFING, S., RAGIN, D. F., SAGE, R. E., MADRY, L., BNIGHAM, L.E., and PRIMM, B. J. (2002). Domestic violence survivors' self-identified reasons for returning to abusive relationships. *Journal of Interpersonal Violence*. 17(3). P306-319.

HARE, S. C. (2006). What do battered women want? Victim's opinions on prosecution. *Violence and Victims*. 21. P611-628.

HARE, S. C. (2010). Intimate partner violence. Victims' opinions about going to trial. *Journal of Family Violence*. 25. P765-776.

HANMER, J., GRIFFITHS, S. and JERWOOD, D. (1999). Arresting evidence: Domestic violence and repeat victimisation. Police Research Series Paper 14. London: Home Office. Online. Available from: <https://pdfs.semanticscholar.org/baaa/8382c3f1c18cca7b2c9fcb478061a625d77c.pdf> [Accessed 2th March 2018]

HESTER, M. (2005). Making it through the Criminal Justice System: Attrition and domestic violence. *Social Policy & Society*. (5)1. P.80-90.

HIRSCHEL, D. and HUTCHINSON, I. W. (2003). The Voices of Domestic Violence Victims: Predictors of Victim Preference for Arrest and the Relationship Between Preference for Arrest and Revictimization. *Crime & Delinquency*. (49)2. P313-336.

HOYLE, C. (2008). Will she be safe? A critical analysis of risk assessment in domestic violence cases. *Children and Youth Services Review*. (30). P323-337

HOYLE, C. and SANDERS, S. (2000). Police Response to Domestic Violence. From Victim Choice to Victim Empowerment? *British Journal of Criminology*. 40. P14-36.

JEWKES, R. (2002). Intimate partner violence: causes and prevention. *The Lancet*. 359(9315). P1423-1429.

LONSWAY, K. A. and ARCHAMBAULT, J. (2012). The "Justice Gap" for Sexual Assault Cases: Future Directions for Research and Reform. *Violence Against Women*. 18(2). P145-168.

NELSON, E. L. (2012). Police controlled antecedents which significantly elevate prosecution and conviction rates in domestic violence. *Criminology and Criminal Justice*. 13(5). P526-551.

- PEARSON, K. (1900). On the criterion that a given system of deviations from the probable in the case of a correlated system of variables is such that it can be reasonably supposed to have arisen from random sampling. *Philosophical Magazine*. 50(5). P157-175.
- PIIPSA, M. (2002). Complexity of patterns of violence against women in heterosexual relationships. *Violence Against Women*. 8(7). P873-900.
- RICHADS, L. (2004). 'Getting away with it': A Strategic Overview of Domestic Violence, Sexual Assault and 'Serious' Incident Analysis. London: Metropolitan Police. Online. Available from: <https://www.dashriskchecklist.co.uk/wp-content/uploads/2016/09/Getting-Away-with-It.pdf> [Accessed 26th March 2018].
- ROBINSON, A. and COOK, D. (2006). Understanding victim retraction in cases of domestic violence: Specialist courts, government policy, and victim-centred justice. *Contemporary Law Review*. 9. P189-213.
- SLEATH, E. & SMITH, L. L. (2017). Understanding the factors that predict victim retraction in police reported allegations of intimate partner violence. *Psychology of Violence*. 7(1). P140-149.
- SPEARMAN, C. (1910). Correlation calculated with faulty data. *British Journal of Psychology*. 3. P271-295.
- STAFFORDSHIRE POLICE. (2017). *A review of Crimes with suspect(s) attached – filed No Further Action*. Internal Document.
- THE GUARDIAN. (2016). The ethnic population of England and Wales broken down by local authority. *The Guardian*. [Online] Available from: <https://www.theguardian.com/news/datablog/2011/may/18/ethnic-population-england-wales#data> [Accessed: 5<sup>th</sup> April 2018]
- THOMPSON, M. P., SALTZMAN, L. and JOHNSON, H. (2001). Risk factors for physical injury among women assaulted by current or former spouses. *Violence Against Women*. 7(8). P886-899.
- TYLER, T. (2004). Enhancing police legitimacy. *The Annals of the American Academy of Political and Social Science*. 593. P84-99.
- UNITED NATIONS OFFICE FOR DRUG CONTROL AND CRIME PREVENTION. (1999). *Handbook on Justice for Victims*. New York: Centre for International Crime Prevention.
- WALBY, S. and MYHILL, A. (2001) Assessing and managing risk. In TAYLOR-BROWNE, D. (ed). *What Works in reducing domestic violence? A comprehensive guide for professionals*. London: Whiting and Birch.
- WEISZ, A. N. (2002). Prosecution of batterers: Views of African American battered women. *Violence and Victims*. 17. P19-34.