



Evaluation of Specialist Domestic Violence Courts/ Fast Track Systems

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**CRIMINAL JUSTICE SYSTEM
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List of Abbreviations and Common Terms

ABH – it is an offence under s.47 Offences Against the Person Act 1861 to assault occasioning actual bodily harm.

Advocates/advocacy support: Through victim support workers

Bail – Period of adjournment. Can be imposed by the Court and the Police. Can be conditional or unconditional.

Bindover – specify a sum of money over a specific period of time that requires defendants to keep the peace

CJU – Criminal Justice Unit. This is a term that applies to both the Police and the CPS office that deals with a particular Magistrates Court area.

CJS – Criminal Justice System

Cracked trial – This is a case, which has been set down for trial, but the case has been terminated on the day of trial. Reasons include: a late guilty plea accepted on the day by the prosecutor; a bind-over; an offer of no evidence by the prosecutor; absence of witness. The case will not be adjourned and is dismissed.

CPS – Crown Prosecution Service

D – Defendant/Defence

DCP – Derby City Partnership

DCV letter-direct communication with victims. This is the letter that must be sent to all victims of crime, where the CPS either substantially alter the charge or discontinue a case.

DISCON – Case discontinued, by the Prosecution, by means of a formal letter giving notice to defence and the court.

DNA – did not attend. Indicates that someone did not come to Court, when they should have.

DSM – Case dismissed. This can happen either after the case has gone only halfway or after a full trial.

DV – domestic violence

EAH – Early Administrative Hearing. This is a case where a not guilty plea is anticipated.

EFH – Early First Hearing. This is a case where a guilty plea is anticipated.

FTS – Fast Track System, used in Cardiff to describe their procedures for processing domestic violence cases.

HALT – Help Advice and the Law Team (Leeds)

Ineffective trial – when, on the date of trial, the case cannot proceed and is adjourned to another date. Reasons include prosecution or defence not ready, witnesses for either side (including the defendant) absent, lack of court time.

KI – key informant (interview)
LDVCC – Leeds Domestic Violence Cluster Court
LIAP – Leeds Inter-Agency Partnership
MCS – Magistrates’ Court Service
NEO – No Evidence Offered. This is where a case is listed for trial, but the Prosecution has insufficient/no evidence to put before the court.
NG – Not guilty plea
PNCs – computerised records of a person’s previous convictions, impending convictions, previous custodial sentences, and previous reprimands/warnings/cautions.
PSRs – Pre sentence reports. This is a document prepared by the Probation Service, usually upon sentence, to assist the court in imposing the correct sentence on the offender.
PTR – Pre-Trial Review
s.23 – of the Criminal Justice Act 1988 (first hand hearsay principle), which permits the reading out in court of a statement made by a witness in certain circumstances (such as the witness is in fear).
SDVC – specialist domestic violence court, used to describe the clustering of cases of domestic violence in a particular court room.
ST – Standing Together
SV – site visit
SWP – South Wales Police
V – Victim
VPS – Victim Personal Statements
WLMC – West London Magistrates’ Court
WMP – West Midlands Police
WTH – Case withdrawn and therefore ended.
WSU - Women’s Safety Unit (Cardiff)
WYP – West Yorkshire Police

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Overall, our research indicates the **notable and positive benefits** of Specialist Domestic Violence Courts and Fast Track Systems in three key ways:

- Both ‘clustering’ and ‘fast-tracking’ DV cases **enhances the effectiveness of court and support services for victims.**
- Both SDVC and FTS arrangements **make advocacy and information-sharing easier** to accomplish.
- **Victim participation and satisfaction** is improved and thus **public confidence** in the CJS is increased.

All the courts have created the **infrastructure** necessary for continued improvements in the effectiveness and efficiency in dealing with domestic violence cases. Such courts enable the development of best practice in multi-agency, integrated ways of working that **place the victim at the heart of the process.**

E Executive Summary

Introduction

E1. The evaluation of the effectiveness of specialist domestic violence courts needs to be addressed in the context of the dynamics of domestic violence, which is a complex problem, incorporating emotional and psychological abuse as well as crimes of a physical and/or sexual nature. Victims are often (understandably) reluctant to be witnesses in court because of their own relationship to the defendant and, in relationships where children are present, the defendant's relationship with their children. They are almost always vulnerable and often intimidated.

E2. The work of the criminal justice system (CJS) in addressing domestic violence needs to be evaluated in terms of its effectiveness in providing safety for victims, within a multi-agency framework that works with victims, perpetrators and their children. Thus, the Government's *Safety and Justice* document addressed issues of **prevention, protection and support**.

E3. Jurisdictions or communities that have taken the innovative step of setting up specialist courts should be commended, because they are **enabling domestic violence to be tackled within a multi-agency framework designed with the specific needs of domestic violence victims in mind**. In addition, they also help reinforce the seriousness of the commitment of CJS, statutory and voluntary agencies to reducing domestic violence.

E4. The evaluation research reported here was commissioned by the Crown Prosecution Service (CPS) and Department for Constitutional Affairs (DCA). The Government's 2001 election manifesto included a commitment to consider whether specialist domestic violence courts would offer **more effective protection for victims**. This evaluation aims to assist the criminal and civil justice government agencies to judge the effectiveness of specialist courts and thereby help to inform the government policy debate as to whether and how specialist courts should be developed.

E5. The research also forms a key part of the CPS two-year Domestic Violence Project, established in the summer of 2003. This project seeks to gather evidence on the efficacy of measures in relation to domestic violence cases that would:

- Narrow the justice gap and reduce ineffective trials
- Increase public confidence, including that of black and minority ethnic communities
- Achieve value for money

Research Methods

E6. The research, carried out in November 2003 – January 2004, evaluated five models of Specialist Domestic Violence Courts (SDVC) or Fast Track Systems (FTS) in England and Wales, namely those at magistrates' courts in:

- Cardiff
- Derby
- Leeds
- West London
- Wolverhampton

The five courts are at very different stages of their development – one (Derby) being in operation for six months, and another (Leeds) for four years. Police data indicate widely varying case loads – ranging from 99 domestic violence arrests in one site (West London) over a 3-month period to 853 in another (Leeds) over the same period. They also operate in very different spatial and organisational contexts.

E7. The evaluation adopted a mixed method approach, designed to meet the wide ranging project aims and objectives. Although the research process was reflective and iterative, with regular research team discussions and much learning from the process itself, there were three broad components of the evaluation:

- **Mini-literature review** of relevant literature from the US, Canada and UK
- **Qualitative information** including analysis of existing reports, site visits, interviews with key informants, process maps for each site, and information about costs and benefits of differing SDVC/FTS models, where available.
- **Quantitative analysis** of CPS files for all sites for one comparable period: August – October 2003.

Overview

E8. A review of relevant literature on specialist courts identified their core components as:

- Access to advocacy services.
- Coordination of partners.
- Victim and child friendly court.
- Specialist personnel.
- Even handed treatment.
- Integrated information systems.
- Evaluation and accountability.
- Protocols for risk assessment.
- Ongoing training.
- Compliance monitoring.
- Consistent sentencing.

E9. While the 5 sites evaluated here were in many ways distinctive, some features that were broadly common and contributed to the success of all sites include:

- A focus on criminal (not civil) matters heard in Magistrates' Courts.¹
- Dealing mainly with pre-trial hearings rather than trials,² and using Pre-Trial Review as a tool to facilitate the efficient progression of cases.
- Arrangements in place for identifying/flagging domestic violence cases and thereafter either 'clustering' or 'fast tracking' all domestic violence cases.
- The presence of advocacy support³ and/or police domestic violence officers at court to provide relevant information to the court and to advise and support victims.
- Multi-agency working is both central to, and crucial for the success of, all models.

¹ Although the principles and protocols established at Cardiff did extend to the Crown Court too.

² West London is the only SDVC that deals with trials, but trials are also encompassed within Cardiff's Fast Track System.

³ In Derby these were volunteers, while in other sites they were paid workers from well-established community agencies. All advocates had received training related to supporting victims of domestic violence.

- All courts and agencies recognise that training is a priority issue and must be delivered to everyone involved with cases of domestic violence.

E10. The functions of advocacy support varied between sites and included some or all of the following:

- **Reporting** progress to victim.
- **Informing** courts, on behalf of victims.
- **Supporting** victims.
- **Co-ordinating** information-sharing and the development of protocols.
- Engaging in **outreach** in the community.

E11. Overall, our research indicates the notable and positive benefits of SDVC and FTS in three key ways:

1. Both ‘clustering’ and ‘fast-tracking’ DV cases **enhances the effectiveness of court and support services for victims.**
2. Both SDVC and FTS arrangements **make advocacy and information-sharing easier** to accomplish.
3. **Victim participation and satisfaction** is improved and thus **public confidence** in the CJS is increased.

E12. All the courts have created the infrastructure necessary for continued improvements in the effectiveness and efficiency in dealing with domestic violence cases. Even though three of the five courts have been in existence for one year or less, **significant changes in practice** have occurred.

E13. While the five different courts have illustrated different strengths, one generalisation about “all specialist courts” which can be made is that such courts enable the development of best practice in multi-agency, integrated ways of working that **place the victim at the heart of the process.** Further development is needed to fine-tune court and support systems, and ultimately further reduce attrition rates and repeat victimisation in DV cases.

E14. In relation to issues around the ‘scope’ of the courts, the research also reveals a set of issues for consideration:

- In the interests of consistency and continuity of support, it is desirable that SDVC arrangements should also be applied to trials, although this has clear resource implications for courts and advocates.
- Protocols should be developed to enhance continuity into the Crown Court (again, ensuring consistency of service for victims).
- There was very little positive overlap/linkages with civil courts and this remains an area for future development⁴
- The purposes of ‘clustering’ and ‘specialisation’ were primarily to enhance court and support effectiveness; Fast Tracking is also a system to both streamline the processing of cases and enhance advocacy. Both are workable and beneficial models and it is clearly not the case that ‘one size fits all’ where the development of SDV/FTS courts is concerned.

⁴ A CPS evaluation of an integrated court system – including civil and criminal cases – will commence in Croydon in 2004.

- There are wide variations in court size and volume of cases which the 5 sites were working with: once again, differing models and resources will be necessary to deliver SDVC/FTS models in differing local contexts in England and Wales.
- There remain many problems of information sharing and taking account of civil/family court issues which need to be addressed if SDVC/FTS's are to maximise their potential for a holistic service for victims and survivors of DV and their children.
- Child Protection awareness and initiatives (from bail conditions to court discourses) vary greatly across sites: a strategic emphasis on these issues should underpin future SDVC/FTS developments or roll-out.

Specialist and Non-Specialist Courts

E15. There is little evidence available to enable a comprehensive comparison between specialist and non-specialist courts in processing DV cases. But, where available, information and data on the working of court and support systems prior to the establishment of SDVC/FTS indicate that their introduction does:

- act as a beacon of good practice in terms of victim-centred justice;
- enhance victim satisfaction;
- send a message to the victim that she is being heard;
- send a message to the offender that domestic violence will not be tolerated and that the offence is taken seriously;
- increase public confidence in the criminal justice system;
- provide a catalyst for multi-agency working;
- promote the co-ordination of effort to support the victim.

E16. Victim withdrawals continue to be an issue, whether in specialist or non-specialist courts, because of the nature and circumstances of the offence. However, recent research⁵ suggests that a lower proportion of women retract if they are properly supported and fully informed. The focus provided by specialist courts enables a continuity and framework within which this support can be delivered.

Findings: the Benefits of Specialist DV courts and Fast Tracking

E17 Narrowing the Justice Gap

E17.1 Charging: Charging alterations and reductions are infrequent, although when they do occur they are almost exclusively to do with Sect 47 Assault being reduced to Sect 39 Common Assault. Changes in the new Domestic Violence Bill address powers of arrest for common assault.

E17.2 Speeding up the Process: Overall, there has been a worrying lack of existing hard data on the speed of progressing domestic violence cases *across the criminal justice system*. This evaluation thus represents a significant step in understanding the timing of decisions made by key people (e.g., police, prosecutors, magistrates, defendants, and victims). The

⁵ Conducted by HALT and to be published in March. *Draft Executive Summary* seen by the authors in early January 2004.

quantitative data generated by this research provides information about the speed, with which cases progress through the system, which has implications for court resources.

In general, key informants at the sites stated that the SDVCs did speed up the process and that this was facilitated by the presence of a domestic violence officer at court. Respondents also noted the paradoxical issue of whether ‘speed’ is always a positive measure, especially when domestic violence victims may need time to benefit from support.

Keeping in mind that half of victims did not retract at any stage of the process, those that did retract stayed with the process on average until about one month after the charging date. This indicates that *the first month of case progression is vital*, as it is during this time that victims are weighing up the pros and cons of continuing their involvement. The national goal of ‘speeding up the process’ therefore continues to hold merit.

E17.3 Victim Withdrawal: Victim withdrawal is viewed as a key performance indicator by the CPS, and is almost universally viewed by criminal justice officials as a problematic outcome. Our research suggests that victim retractions in domestic violence cases should *not* be used to measure the success, or otherwise, of specialist courts. Although some of the courts have indicated success in supporting victims to come to court, this issue needs to be located within the broader context of aiming to (wherever possible) **build cases using evidence other than that from the victim herself**. Bearing in mind the myriad factors that do (and do not) impact on these choices made by victims, there are further findings with regard to victim retraction that should be highlighted.

A general concern that specialist courts or fast-track systems might be ‘speeding up retractions’ was not supported by the analysis of the case files. For example, in Wolverhampton cases move through the system the fastest, but this did not have any bearing on how often their victims retract. In Leeds victims retract the quickest, but the most infrequently. In Cardiff victims continue with their cases a significantly longer amount of time before retracting, perhaps reflecting the notion of ‘supportive retractions’ whereby the process of retracting takes more time and communication between victims and agencies such as the Women’s Safety Unit.

Given the clear guidance about how to manage victim retraction in the *CPS Guidance on Prosecuting Cases of Domestic Violence* (2001), the quality of victim retraction statements in the case files – like courts nationally – could be significantly improved. Leeds can be considered the exemplar, as in 16 of 17 cases where victims retracted a statement was present in the case file, and none of the statements were perfunctory as the CPS has a standard minute to police stating all the issues to be addressed. Leeds also had the lowest rate of victim retraction across the sites.

The unusual findings with regard to Derby merit attention. Our analyses showed that victims were significantly more likely to retract in Derby, but that cases resulting in no evidence offered (NEO) were less likely and defendants pleading or being found guilty were more likely in the face of this. The qualitative data suggest that the CPS Derby tends to go forward with other evidence, and they are also more likely to summons victims. Pre-Sentence Reports provided by Probation there are also of excellent quality, which could be contributing to these outcomes.

E17.4 Civil/Criminal Interface: There was very little evidence of links with civil courts, and this remains an area for further development.⁶ There remain many problems of information sharing and how best to take account of civil/family court issues. These need to be addressed if specialist courts are to maximise their potential as a key component of a holistic service for victims and survivors of domestic violence and their children.

E18. Bringing the Perpetrator to Justice

E18.1 Evidence: Evidence is vital for successful outcomes to domestic violence cases, yet in all the sites the majority of files contained only the basic components (victim statements, police statements, and police interviews of defendants). Many innovative attempts to increase the collection of evidence were noted (e.g., via training initiatives or the purchase of equipment such as digital cameras). However, the fundamental truth remains that in cases of domestic violence there are **many lost opportunities for evidence collection**. Some good practice initiatives regarding the use of medical statements (West London), case exhibits (Wolverhampton) and forensic evidence (Leeds) should be commended. Promoting good practice with regard to evidence should be continued.

Crucial to the success of a domestic violence case is that there should be effective evidence gathering, which does not depend entirely on the victim. To this end, the development and use of risk assessment tools may prompt police officers to gather and present more appropriate evidence. In all sites the value of photographic evidence of injuries was emphasised, as was the need for training on effective evidence gathering. Once again, the courts provide a crucial focus for raising awareness of this need.

Most adjournments are due to the lack of a full file: the responsibility for this, and the witness non-attendance which is more likely to follow serial adjournments, rests squarely with the CJS agencies. Police resource issues are seen by many to shape the effectiveness of evidence gathering and the timely presentation of cases. For cases of domestic violence, there remains **a pressing need for better evidence from the start**. This is an endemic problem across the criminal justice system.

E18.2 Guilty Pleas: whilst early guilty pleas are preferable to late guilty pleas, it should not be forgotten that late guilty pleas do nonetheless represent successful outcomes in terms of bringing perpetrators to justice.⁷ In cases of domestic violence they may also reflect the slow realisation by perpetrators that the case will be taken seriously by criminal justice agencies and the wider community.

Respondents thought that defendants did not necessarily plead guilty more often, although some evidence from HALT suggests that more guilty pleas are promoted by having better supported victims. One of the key features of SDVCs is their ability to provide timely and comprehensive support to victims.

⁶ The first 'integrated' court, in Croydon, is to be evaluated in 2004/5. Gwent, trialling a different model, is also to be evaluated.

⁷ National monitoring of 'cracked' trials needs to be reconciled with this fact.

E18.3 Bail: It was believed that the SDVCs had certainly made a difference to and improved bail decisions. It was felt important to have good information-sharing practices between the agencies to enable an **informed approach to setting bail conditions**, especially where children were concerned. Some respondents felt, however, that breaches of bail were not taken sufficiently seriously. Effective training of magistrates specifically on the nature of domestic violence cases was seen as essential. Improving communication between civil and criminal courts regarding bail conditions would also be beneficial.

E18.4 Sentencing: Sentencing DV offenders most often takes the form of fines or other monetary penalties. Community rehabilitation orders were used infrequently, despite comments from victims about the need for ‘help’ for their partners. While the qualitative evidence suggests that magistrates are being more imaginative in their sentencing practices, the case files suggest that more guidance is needed for benches in the effective sentencing of domestic violence offenders.

Views about bindovers were contradictory both across and within the sites. They are recorded as being used frequently in some sites but not in others. Bindover orders might be the result of poor evidence-gathering or over-reliance on the victim’s testimony, but were regarded as the best outcome achievable in certain cases. When they *are* used, there is wide variation in the content of the orders themselves. If the CPS documents that victims were consulted (and agreed to) bindovers then it would be better placed to recommend when and how often bindovers are used in cases of domestic violence. Moreover, additional guidance to prosecutors about the use of bindovers in cases of domestic violence is called for.

E18.5 Witness Summons: The use of witness summonses in respect of victims was perceived by many respondents as potentially beneficial in removing from victims the burden of prosecuting the case, but it was recommended that **each case be treated carefully on its own merits**. There is also a strong argument that summonses may be appropriate in domestic violence cases where child protection issues are at stake. However, child protection awareness and initiatives (from bail conditions to court discourses) vary greatly across sites: a strategic emphasis on these issues should underpin future SDVC/FTS developments or roll-out.

E19. Improving Victim Satisfaction

E19.1 Supporting Victims: More women victims of domestic violence are being supported, as SDVC/FTS provide a framework for information, advocacy and support. Evidence suggests victims are highly satisfied with the advice, support and information provided by lay advocates and others in the voluntary and community sectors. Importantly, victim satisfaction surveys point to a **link between supported victims and their participation in the criminal justice process**.

Special measures were available for child witnesses and respondents believed that the rolling out of these for adult victims of domestic violence would make a significant impact on their willingness to testify.

E19.2 Consulting Victims: Consultation with victims about pleas and bindovers rarely took place (except in Cardiff: this can be considered good practice that should be encouraged, to ensure that prosecutors fully evaluate the safety of witnesses within cases). There was some discrepancy between how frequently key informants thought Victim Personal Statements (VPSs) were used and their use in practice. For example, in Wolverhampton they were considered to be used infrequently but the majority of VPSs identified in the case files were from victims in Wolverhampton. Victims had little input into pre-sentence reports, other than in Leeds, where the Probation Service has a policy to **make contact with every victim to seek her input**.

E19.3 Equality and Diversity: There is a paucity of data in relation to ethnicity and disability, which are poorly recorded by most CJS agencies working with the courts evaluated here and noted in research elsewhere. Also noted was a lack of awareness of issues around same sex relationships both in relation to the processing of domestic violence cases and in terms of domestic violence support (which is geared primarily to male on female abuse).

There are significant problems around access to translation and interpreting services – for the police, the courts and in the wider support community. The need for **culturally sensitive decision-making** was noted by some key informants.

E20. Achieving Value for Money

E20.1 Costs: For very modest costs (mainly in terms of staff time to set up specialist procedures), **all courts showed value** in: facilitating good multi-agency working across the CJS; finding ways to begin reducing repeat victimisation; and developing different models to meet the Public Service Agreement (PSA) targets. The main costs incurred were for advocacy, training, allocation of police to the courts and monitoring of cases. Training and monitoring are both essential for good practice and thus should be 'built-in' to the costs of delivering effective DV prosecutions: it can therefore be argued that, irrespective of specialisation/fast tracking, the core elements of training and monitoring should be integrated and mainstreamed.

E20.2 Benefits: Where cost-effectiveness and cost benefits were concerned, it was established that there are **significant financial savings to be made if domestic violence is tackled effectively early**, in order to avoid the trend of violence escalating in severity and frequency over time. A holistic approach to domestic violence, such as that provided by the specialist courts, is beneficial in these respects.

The long term and most far reaching benefits of the specialist courts, in terms of reduction in repeat victimisation, are difficult to quantify (particularly in cases where pilots have not been running long and the data on recidivism is limited). Most sites are reporting a reduction, which represents excellent value for money in terms of the costs of repeat victimisation not only to the criminal justice system but society generally.

E21. Overall Recommendations Arising from the Research

Recommendations within the HMIC/HMCPSI Joint Thematic Inspection of the Investigation and Prosecution of Cases Involving Domestic Violence would help improve the response of the CJS to domestic violence and ensure the streamlining of cases within the courts. **This evaluation supports the recommendations in the Inspectorate Report.**

Following on from the research reported here, we recommend that courts are provided with the strategic drive and resources to implement effective SDVC/FTS arrangements, which are best suited to their needs, and those of the victims and witnesses they serve. Differing models and resources will be necessary to deliver SDVC/FTS models in **differing local contexts** in England and Wales.

The benefits of SDVC models have been made clear, in terms not only of CJS objectives, but broader social and policy goals. We strongly recommend to the CPS, DCA, ACPO and Home Office that:

- **Further specialist domestic violence courts should be developed**, building on the good practice identified within the five courts evaluated here, and the proposed good practice outlined.
- Consideration to be given to a **national funding programme** for victim advocates supporting victims through the CJS, as their support role is crucial to the success of the courts.

The specific recommendations we make for each type of agency working with victims of domestic violence are outlined below.

E22. Recommendations – All Agencies

1. **Definition:** Development of a unified definition of domestic violence to be used across all agencies.
2. **Extension:** In the interests of consistency and continuity of support, it is desirable that specialist arrangements be applied to trials, and work within the Crown Court. Linkages with civil courts are also recommended to facilitate this.
3. **Multi-agency partnerships:** Meetings of all court agencies (criminal justice, statutory and voluntary sector) to be held to review operations, at least monthly.
4. **Protocols** for each agency within the court system should be developed. Information sharing protocols to cover information to be shared between agencies and between criminal and civil courts are vital.
5. **Monitoring:** Forms to collect details of cases completed by all agencies should be developed and centrally co-ordinated. A dedicated administrator, or budget, for inputting data, and plans for continuous monitoring of SDVC/FTS courts is necessary.
6. **Training:** domestic violence awareness training for all agencies, including equality and diversity issues is a priority issue. Training for each agency on their protocols also needs to be included.
7. **Risk assessment:** Given the significance of domestic violence for individual, family and public protection – most notably for women and children – it is essential that all agencies

engaging with victims, survivors and their families use appropriate and informed assessments of risk. We recommend that the Cardiff model (see Annex 4) is disseminated more widely and the Multi-Agency Risk Assessment Conference (MARAC) model they use is similarly supported, in line with its adherence to the positive multi-agency ethos of SDVCs.

8. **Equality and diversity:** There should be universal collection of ethnic monitoring data in case files for both victim and defendant. There should be advocacy support for victims to address their differing access, cultural, linguistic, religious and social needs. In addition, there is a need for more awareness raising and training on the specific needs of domestic violence victims from a range of minority groups for all agencies.
9. **Language and culture:** There is an urgent need to address the problems faced by women from minority ethnic groups whose first language may not be English. Interpreters and translators must be available for use by both CJS and voluntary support agencies, or at the very least a budget set aside to use Language Line (and Minicom) in all courts. If interpreters are to be used, they must be suitably qualified and independent. Provision should be made for information to be available in different community languages and other requested formats such as large print.

E23. Recommendations – Police

1. **Police attendance:** The attendance of a specialist (and ideally seconded) police officer/s at all domestic violence cases in court is vital to the success of the courts. This facilitates more effective support for victims and informed decision-making at court. Where a court covers more than one police area, resources should be made available to provide equal support from both areas for the court in order to ensure fairness to victims and other service providers.
2. **Evidence:** Photographs should be taken of the victim and scene of crime. Effective evidence gathering could be promoted by templates/checklists for the responding and investigating officers. Training in evidence-gathering techniques helps ensure that cases can be taken forward even if the victim retracts.
3. **Child witnesses:** Consideration should be given to including a requirement for the police to state their reasons for not taking statements. Training on gathering and using evidence from children is needed.
4. **Risk Assessment:** Development (or continued use of) specific risk assessment tools for victims of domestic violence and their children.
5. **Protocols** and minimum standards should be considered for partner agencies (especially police) to share information with other agencies, including for example, ethnicity, sexuality, disability, residency/immigration status, English as a second language, socio-economic circumstances, children in the home, past domestic violence, vulnerable/intimidated witness status, mental health issues, problems with drugs or alcohol⁸.
6. **Victim Care:** Police should ensure that retraction statements and victim personal statements are taken to the recommended standard. This is especially important where there are not existing protocols facilitating getting detailed victim information to the CPS.

⁸ While this will need to be carefully thought through in terms of any potential disclosure to the defence, the sharing of information on victim's needs, within a multi-agency framework, is vital to the effective delivery of support to DV victims and survivors.

E24. Recommendations – Crown Prosecution Service

1. **Specially Trained, dedicated prosecutors** should be used in all SDVCS. All prosecutors should be trained on domestic violence to ensure appropriate flagging of cases. We recommend that agents should not be used in SDVC courts (as this does not send the right message about CPS commitment and agents may not be well informed about CPS or court policy). If agents *are* used, they should be trained in DV and the protocols and philosophy of the SDVC/FTS.
2. **Information sharing about defendants:** This is particularly important with respect to defendants complying with bail conditions. For example, the Cardiff Women's Safety Unit is able to liaise with CPS and subsequently offer information to the court about whether defendants are breaching bail. Courts need to take breaches seriously.
3. **Information sharing about victims:** If victim information is collected by any agency other than the CPS, the CPS should be *proactive* in making arrangements for the sharing of that information. For example, robust information about victims that is collected by police in Leeds and Cardiff is included in all files sent to the CPS⁹.
4. **Communicating with victims:** Implementing structures and protocols for the sharing of information will facilitate improved communication *with* victims. Communication with victims in line with CPS policy must be encouraged.
5. **Retractions:** Compliance with CPS's own policy on victim retraction and proceeding in the absence of the victim must be monitored and enforced. All retractions should have satisfactory statements taken from victims (i.e., be consistent with criteria outlined in CPS instruction document).
6. **Evidence:** The important role of evidence cannot be stressed enough. We suggest that the CPS may benefit from assuming victims will retract, and build the case accordingly. This would lead to better evidence and case building from the start.
7. **Child witnesses:** Consideration should be given to including a requirement that the CPS record reasons for *not* relying on child witnesses. Proper file endorsement and effective evidence gathering could be promoted by templates/checklists for prosecutors.
8. **Summonses:** Victims should only be summonsed where a thorough risk assessment has been conducted within a multi-agency framework.
9. **Monitoring:** A dedicated administrator, or budget, for inputting data, and plans for continuous monitoring of SDVC/FTS courts. This could assist in more effective identifying or 'flagging' of domestic violence cases into courts. A related issue is the need for systematic forms to collect the following information: case outcomes; all date information; and communication between agencies. Improved quality of endorsements on file jackets, and consistent endorsements across prosecutors and sites would enable more effective monitoring case outcomes.

E25. Recommendations – Courts

1. **Court accommodation:** We recommend that support is provided for courts seeking to: enhance the facilities they offer to victims and witnesses; overcome the problems associated with poor (often older) court accommodation/facilities; assisting the

⁹ As above.

implementation of special measures; and training security guards and all court staff in domestic violence issues and SDVC protocols.

2. **Childcare facilities:** A large number of cases involve children, and even if they are not witnesses, women may struggle to find childcare to attend court. The provision of childcare at court or close by can be used as an opportunity for outreach work with children (see US examples in section 3 of the report).
3. **The criminal/civil interface:** Information from the civil courts is necessary for informed decision-making in the criminal courts, and vice versa. A related issue ties into the 'one-stop-shop' philosophy of making the courts accessible to victims when they are dealing with both civil and criminal matters (e.g., integration or at least physical proximity of courts¹⁰).
4. **Discount for early guilty pleas:** In order to reduce both defence 'delay tactics' and late guilty pleas in DV cases, it needs to be made much clearer that sentences may be discounted for an early plea by the defendant¹¹.
5. **Bindovers:** The view that bindovers are a negative outcome is not universally held. Training and court protocols need to be further developed around the appropriate use of bindovers in domestic violence cases.
6. **Domestic Violence Perpetrator Programmes**¹² as a sentencing option are not widely available. If they *are* believed to be appropriate and effective, their use should be encouraged and the availability of programmes expanded, but only with close monitoring for compliance and completion by perpetrators (and this requires multi-agency commitment and support).
7. **Court clerks** have a vital role to play in terms of keeping court dates available for trial easily accessible, logging the progress of cases, and cross-referencing information from the civil court. In addition, they need to be encouraged to raise concerns about the conduct of defence solicitors when necessary (for example, where the defence is able, unchallenged, to provide information to the court about the victim, retractions, and bail issues unchallenged).
8. **Special measures:** Evidence of support and planning for the implementation of Special Measures for adults would be very welcome, as they will be of particular value to victims of domestic violence.

E26. Recommendations – Advocates

1. **The involvement** of advocates is recommended in all specialist DV court settings in order to: provide support and access to services for victims; ensure victims receive regular updates on their cases and information from the CJS; help co-ordinate information sharing; and help advise on the development of the courts. The involvement of advocates is essential if summonses are to be considered in domestic violence cases.
2. **Training** for advocates on legal issues to ensure they give accurate information to victims is very important. Specific needs and the appropriate support of victims from black and

¹⁰ The Warwickshire Victim and Witness Information Portal (VIP) a Home Office funded pilot is a useful exemplar.

¹¹ The new provisions of the Criminal Justice Act 2003, will place credit for early pleas on a statutory basis which may remove any ambiguity

¹² Integrated Domestic Abuse Programme (based on the Duluth model) received provisional accreditation in autumn 2003 and is likely to receive full accreditation in March 2004.

minority ethnic and other minority communities should be included in training curriculum.

E27. Recommendations – Probation

1. **Pre-sentence reports:** The Probation Service should contact all victims of domestic violence to see if they are willing to contribute to pre-sentence reports on defendants.

1 Introduction to the Research

1.1 Background to the Study

1.1.1. The evaluation research reported here was commissioned by the Crown Prosecution Service (CPS) and Department for Constitutional Affairs (DCA). The Government's 2001 election manifesto included a commitment to consider whether specialist domestic violence courts would offer more effective protection for victims. This evaluation aims to assist the criminal and civil justice government agencies judge the effectiveness of specialist courts and thereby help to inform the government policy debate as to whether and how specialist courts should be developed.

1.1.2. The research also forms a key part of the CPS two-year Domestic Violence Project, established in the summer of 2003. This project seeks to gather evidence on the efficacy of measures in relation to domestic violence (DV) cases that would address the CPS's PSA (Public Service Agreement) targets to:

- Narrow the justice gap and reduce ineffective trials
- Increase public confidence, including that of black and minority ethnic communities
- Achieve value for money.

1.1.3. More specifically, the CPS domestic violence project aims to:

- Gather evidence on the efficacy of measures which would:
 - reduce attrition rates
 - bring more offenders to justice
 - improve victim and witness satisfaction and safety
 - address the equality, diversity and discrimination issues in relation to both victims and perpetrators
 - integrate the needs of children as victims and witnesses
- Inform and develop policy and good practice within the CPS and CJS, based on the findings of the two year project
- Inform Government Spending Reviews
- The overall project will also inform and develop the revised CPS Domestic Violence Policy and Guidance, which was launched in 2001¹³.

1.1.4. In order to meet the above aims, one key objective of the CPS domestic violence project was to review and research Specialist Domestic Violence Courts and Fast Track Systems (SDVC/FTS) in England and Wales, and this research seeks to meet that objective.

1.1.5. However, it is important to recognise that this evaluation research, and the CPS domestic violence project, are situated in a rapidly changing policy context as a number of distinct (but often related) initiatives are re-shaping the criminal justice system (CJS) and its processes.

¹³ Available at www.cps.gov.uk

1.2. The Policy Context

1.2.1. The Auld Report – Review of the Criminal Courts

Although Sir Robin Auld considered a number of calls for specialist courts in England and Wales, his *Review of the Criminal Courts* made no recommendations for domestic violence courts. The Review noted that there was wide variation in what is meant by a specialist court. Sir Robin identified at least three senses in which the term specialist court is used:¹⁴

- (1) To refer to courts where specialist knowledge is required because the decision-making requires particular expertise, or sentencing regime requires access to specialist support workers.
- (2) Courts that depart from the traditional adversarial model and focus on a problem solving approach
- (3) Concentrated listing of particular types of cases (as a matter of convenience)

Sir Robin Auld examined the arguments for both drugs and domestic violence courts. He acknowledged that it is argued that there are some features of domestic violence offences that make them unsuitable for conventional courts. He referred to a pilot of a domestic violence court in Calgary that aims to bring as many agencies as possible together to discuss appropriate treatment. While he acknowledged that full evaluation of the pilot was not available he concluded:

*‘like other ‘restorative’ approaches that I saw in North America, its success appears to be, not so much in devising alternative procedures, but in gathering together the resources of a number of concerned agencies and focusing minds on the issue’.*¹⁵

In relation to the courts response to domestic violence in England and Wales, Sir Robin noted that efforts were already being made to improve inter-agency working and urged ‘the need for all agencies to match their stated policies with action’. He saw the Leeds court as an example of bringing together a wide range of statutory and voluntary agencies and noted clustered listing to allow for greater background information to inform the magistrates’ decision-making. While urging that immediate efforts be focused elsewhere, Sir Robin Auld left open the question of specialisation. The issue of court specialisation did not move off the agenda. ‘Justice For All’, the Government’s White Paper for criminal justice reform stated ‘we will consider the scope for introducing a greater degree of specialisation within the criminal court system’. Its proposed strategy was to see if there are advantages to handling domestic violence cases together in a particular court. The White Paper stated:

*‘Specialisation could increase the throughput of cases, secure more effective outcomes, allow more convenient and less burdensome arrangements to be made for victims, witnesses and lawyers, and use court time more effectively. But it does depend on having sufficient cases to justify the special arrangements, and on the availability of suitably trained judges, magistrates, and staff.’*¹⁶

¹⁴ Chapter 9, paras 26-30, p.375-6.

¹⁵ p.379.

¹⁶ Justice For All paras 4.45-4.48 p.78.

1.2.2. The Emphasis on Victims and Witnesses

*Justice for All*¹⁷ set out a wide-ranging programme of reform for the criminal justice system (CJS) in England and Wales and at its heart was the following commitment:

‘...We will put the victims, who suffer most from crime, at the heart of the system and do everything we can to support and inform them, and we will respect and protect the witnesses without whom the CJS would not function.’

Three months later the framework paper *Narrowing the Justice Gap*¹⁸ was published, based on the premise that the ‘justice gap’ arises from perpetrators being brought to justice in only a fifth of crimes recorded by the police. One aspect of a three-pronged approach to narrowing the gap is focused on enhancing the criminal justice processes, to encourage better practice and inter-agency co-ordination at local levels: it is these reforms which impact on victims and witnesses.¹⁹

The report *No Witness – No Justice*²⁰ points to *Witness Satisfaction Surveys* (WSS),²¹ which recommend that:

- More information should be given prior to going to court;
- Courts should provide for the separation of prosecution and defence witnesses;
- There should be more information and help from the police and CPS during the case;
- Waiting times should be reduced;
- Witnesses should be informed about the outcome of the case.

A ‘strategic approach’ across CJS agencies was therefore set out, aiming to make it easier for witnesses to give evidence, obtain information, support and protection and to ensure they give evidence on the day they are called. Although it was acknowledged that implementation would take time and resources, the priorities identified were:

- extending the use of live TV links which would result in witnesses not having the trauma of appearing in court, or having to travel long distances to court;
- improving witness warning arrangements;²² trial effectiveness; and the information given to witnesses.
- Tackling intimidation was seen as a high priority.²³ (WSS found that 25% of those attending court feel intimidated by an individual).

¹⁷ CM 5563 available also via www.cjsonline.gov.uk which has many of the documents available online

¹⁸ By The Justice Gap Taskforce, www.cjsonline.gov.uk.

¹⁹ The other two parts of the strategy being: to tackle particular types of offences and to tackle particular types of offender (with a focus on Street Crime, Domestic Violence and Persistent Young Offenders).

²⁰ Available via the CJS website at www.cjsonline.gov.uk.

²¹ Which are conducted by questionnaire with those who actually do attend court

²² ‘Witness Availability and the Witness Warning Process’ has since been published to establish a national set of standards and guidance.

²³ See Chapter 8. A strategy paper “Tackling Intimidation” was published as part of the report.

These principles are also embedded in *A New Deal for Victims and Witnesses – National Strategy to Deliver Improved Services*²⁴. Here it was also acknowledged that witnesses may withdraw for a number of reasons including poor communication, delays or discouragement after turning up in court only to see the case postponed, and apprehension about being cross-examined in court. Clearly all of these issues have resonance for Specialist Courts/Fast Track Systems, which are attempting to address the specific needs of victims and witnesses in domestic violence cases.

1.2.3. CPS and DCA Policy and Practice

In November 2001 the CPS launched a revised policy for dealing with cases involving domestic violence. This document made explicit the CPS definition of domestic violence as:

‘any criminal offence arising out of physical, sexual, psychological emotional or financial abuse by one person against a current or former partner in a close relationship, or against a current or former family member.’

The guidelines subsequently also outlined the tests the CPS would apply when making the decision to prosecute and the standards to be applied when deciding on charges, bail and binding over. At the same time, the CPS established a network of domestic violence Co-ordinators with specialist expertise to:

- Take forward the new policy.
- Exchange information and best practice.
- Develop links with the voluntary and community sector.

Additionally, the report into the HMIC/HMCPSI Thematic Inspection conducted late last year is to be launched in February 2004.

Across Government, an Inter-Ministerial Group was set up to co-ordinate action on domestic violence across all the key departments, followed by the publication of *‘Safety and Justice’* in June 2003 (see 1.2.4. below). Policy and practice initiatives taken specifically by DCA in relation to domestic violence include:

- Setting up a Domestic Violence Advisory Group of police, lawyers, judges, social workers and other agencies to inform policy and to ensure a joined-up approach to tackling domestic violence;
- Changing the law so that the Adoption and Children Act 2002 now makes clear that when a court is considering whether a child has suffered, or is likely to suffer harm, it must consider harm that a child may suffer not just from domestic violence, but from witnessing it;²⁵
- The publication of *‘Domestic Violence – a guide to civil remedies and criminal sanctions’* in February 2003: a guide to assist professionals and service providers to advise victims on their options for effective protection for them and their families – especially their children.

²⁴ by the Home Office Communication Directorate, also available via the CJS website.

²⁵ This is yet to be implemented, pending the identification of the necessary resources.

1.2.4. 'Safety and Justice'

The Government's consultation paper on domestic violence published in June 2003 raised the issue of court specialisation again. The paper noted:

'At present, courts deal with domestic violence and its consequences in a range of settings, both civil and criminal. The government believes that domestic violence requires focused attention, and made a manifesto commitment to consider whether specialist domestic violence courts would offer more effective protection for victims'.²⁶

The paper referred to the four pilot domestic violence courts in operation in criminal courts in England and Wales²⁷ and states:

'The Government wants to build on the experience of these early specialist courts to develop concrete proposals for the future of specialist domestic violence courts'

The Government requested respondents to comment upon what measures should be taken to build on specialist courts and how their success should be evaluated. The Government also sought views on how a specialist court could deal with criminal and civil domestic violence issues and address problems like the different rules of evidence.

In addition to the proposal to review the way forward for court specialisation in domestic violence cases the consultation paper included a wide range of other proposals that are likely to impact on court processes regardless of any further steps taken towards specialist courts. Some of these proposals have now been incorporated in the Domestic Violence, Crime and Victims Bill.

1.2.5. Joining Up Initiatives

Within this dynamic policy context, a range of other specific initiatives are currently underway which are designed to improve the criminal justice process. These, too, will have an impact upon witness care and witness attendance in domestic violence cases:

- *CPS led Witness Care Pilots*: established in various parts of the country over the past year or more, these schemes offer support and information to victims and witnesses.
- *Glidewell co-locations*: (where CPS and Police share accommodation) while these are still not completed, there are some sites which are providing models of good practice in terms of inter/multi-agency working.
- *CPS Direct Communications with Victims*: this initiative, first launched in January 2002, offers a basic framework for the enhancement of services for domestic violence victims.
- *The Charging and Case Progression pilots*: are facilitating improvements in both processes, which may well benefit domestic violence victims in the medium and longer term.
- The proposal to roll out *Special Measures* provisions in the Magistrates' Courts to vulnerable and intimidated adults (in 2004/5) may encourage domestic violence victims to proceed.

²⁶ Part 3, para 19-20, pages 28-29.

²⁷ The Derby court was not operational at the time the consultation was written.

- The *Domestic Violence, Crime and Victims Bill*, announced in the Queen's Speech in November 2003, proposes:
 - Civil changes which will have impact on specialist courts – breaches of non-molestation orders will be criminal offences (and same sex couples and cohabitees will be eligible for non-molestation/occupation orders); and the right to make representations in court if variation of the order is sought.
 - Common assault will be an arrestable offence.
 - Courts will be able to impose restraining orders when sentencing for any offence and on acquittal
 - Domestic Violence Homicide reviews
 - Establishing a Code of Practice for victims
 - Setting up of a Commissioner for Victims and Witnesses, and an Advisory Panel for Victims.

Non-legislative measures (which may be addressed by Government)

- Common definition of DV.
- Performance indicators across CJS.
- Training across CJS.
- Helpline for DV victims/survivors.
- Sentencing guidance
- Special measures being implemented in Magistrates Courts for vulnerable and intimidated adults.
- Register of civil orders.

Given the wide ranging, and overlapping, initiatives outlined here, it is clear that one of the many challenges which faced the research team in evaluating SDVC/FTS's was understanding and disentangling the consequences of these varied initiatives, as applied to the processing of domestic violence cases in:

- **Cardiff**
- **Derby**
- **Leeds**
- **West London**
- **Wolverhampton.**

It is to the methodology adopted to address these issues – and many others central to the comparative evaluation of these five differing SDVC/FTS's – that we now turn.

2 Research Aims, Methods and Issues Arising

2.1. Research Aims

Set in the overarching context of the CPS Domestic Violence Project (see section 1.1.2) this research has four key aims:

1. To compare Specialist Domestic Violence Courts (SDVC) and Fast Track Systems (FTS) with non-specialist courts
2. Compare different models of FTS/SDVCs in their ability to:
 - Increase effectiveness and efficiency in dealing with DV cases with due expedition
 - Improve co-ordination of work across CJS and with external statutory and voluntary agencies
 - Increase victim and witness participation in cases
 - Increase victim and witness satisfaction
 - Reduce attrition rates
 - Reduce repeat victimisation
3. Determine best practice between courts and good practice initiatives within each court.
4. Determine the costs and benefits of the systems and initiatives.

2.2. Research Methods and Elements

2.2.1. In relation to the first aim, a **mini-literature review** was undertaken to learn from existing research and best practice. The review examined the literature on the criminal justice response to domestic violence in England and Wales and the literature on specialist courts in other jurisdictions, in particular the US.

2.2.2. A **comparison of SDVC's with Non-SDVC systems** was to be accomplished by three means:

1. By drawing on the literature review and its wide range of research on the processing of DV cases within and outside SDVC settings
2. By drawing on existing evaluations of the 5 sites in question, where these evaluations existed and where information was given in terms of the situation 'before' and 'after' SDVC implementation (see sections 4.5. and 5).

Unfortunately, such 'baseline' data against which to compare the 'specialist' DV court with previous (non-specialist) arrangements at the 5 sites was not equally available and so we sought to plug the gaps by:

3. Addressing the issue of SDVC/Non SDVC comparison with the 'key informants' we interviewed from all 5 sites, to access their views (and the views of DV victims and survivors they engaged with) on how the SDVC arrangements had impacted on the processing of DV cases 'on the ground' (see 2.2.5.-2.2.7. below).

2.2.3. Given the existence of both disparity and 'gaps' in available information we reviewed the scope and nature of the information available at each site. The CPS had provided a list of 57 'measures' which could be used to evaluate the success of SDVC/FTS and thereby fulfil the aims of the study and then sought to identify whether the data for these measures was available, on a site-by-site basis. But in further developing our research plan for the project,

we undertook an exercise to determine which measures *were* available from each of the five research sites, and which were not. This exercise revealed that 17 of 57 court process measures were available for all sites (see Annex 1).

2.2.4. Consequently, our methodology also involved **process mapping** and **filling the gaps** by gathering new data and information, to supplement the existing measures available.

2.2.5. We gathered this data through:

- **Visits and observations** at all five sites.
- **Semi-structured interviews** (either face to face or over the telephone), with identified representatives from all sites (see 2.2.6. below).
- These two methods enabled us to develop **process maps** to describe and understand the operation of the five differing SDVC/FT Systems.
- **Quantitative analysis of CPS files** was undertaken for DV cases completed by the SDVC/FTSs between August and October 2003. This provided robust, quantitative data which was directly comparable for all five sites (see 2.3. below).

2.2.6. In relation to the site visits and interviews, the CPS nominated contacts at each site who facilitated our contact with key staff from the following agencies:

- CPS
- Police DV Units
- Magistrates Court Chief Clerk
- Witness Service/Victim Support
- Advocacy/Support – based at the magistrates court
- Advocacy/Support – community based and/or outreach

2.2.7. The research team had considered at some length the issue of how best to access the **views of victims and survivors** of domestic violence on the effectiveness or otherwise of SDVC/FTSs. Given the time constraints of the project²⁸, any direct consultation would have been impressionistic. Our response to this problem was threefold:

1. We felt that **advocacy representatives** at the sites – who engage with victims/survivors at court and within their communities – would have a clear understanding of their clients' views and perspectives, and that we could access these from our interviews with them.
2. Similarly, **Witness Service and Victim Support** staff we were to interview had an added understanding of the issues raised by the DV victims they engage with.
3. **Existing evaluations** had already assessed the views of victims and survivors in Cardiff²⁹, Leeds³⁰, West London³¹ and Wolverhampton³² and a victim evaluation was due to be submitted from Derby: it would not be sensible to repeat such exercises.

²⁸ The research commenced November 3rd 2003 and completed 30th January 2004

²⁹ The Cardiff sample of 222 women were asked for their evaluations of the police and the Women's Safety Unit, but not the CPS or fast-track system. Robinson, A. (2003) *The Cardiff Women's Safety Unit: A multi-agency approach to domestic violence*, University of Cardiff.

³⁰ Grundy, M.(2000) 'Final Evaluation Report of the Leeds Domestic Violence Cluster Court.' University of Huddersfield.

³¹ Standing Together (2003) 'Heard Not Judged.' And also 'One Year On' (November 2003)

³² A total of 32 women, victims and survivors of domestic violence were interviewed in the evaluation of the Wolverhampton SDVC. Some had experiences of the CJS both before and after the launch of the SDVC in the City. Cook, D. (2003) *Evaluation of Wolverhampton Specialist Domestic Violence Court*, RRI, University of Wolverhampton.

2.2.8. The category of variables which represented '**Bringing the Perpetrator to Justice**' did not have any measures which were consistently available across all five sites (see Annex 1) and so the measures implicit in this theme were incorporated into the coding scheme for our analysis of CPS files at all sites. The case file analysis (described fully in 2.3.below) was vital for understanding how, when and why specialist courts/fast-track systems are able to bring perpetrators to justice: in addition we supplemented the quantitative data in relation to this theme through interviews with key informants at all sites.

2.2.9. The information relating to '**Good Practice of Agencies**' was also incomplete across sites. Issues such as training, information sharing, implementation of agreed protocols, and how 'success' was measured were not, therefore, consistently available from existing evaluations and reports. We addressed this by incorporating questions relating to these issues into our site visit and key informant interview schedules. In this way would be able to provide an account of which sites had developed practices that should be rolled out to other specialist courts/fast-track systems.

2.2.10. Finally, measures describing '**Evaluation of Effectiveness and Costs**' are perhaps the most problematic, as none of the sites have complete information. This area was one of the key aims of the evaluation, as one outcome is to provide cost information to inform the Government's Spending Review in February 2004. We planned to assess cost-effectiveness across sites in as many ways as is possible, using data from existing reports as well as interviews to enhance our understanding.

2.2.11. We aimed to provide a qualitative and quantitative assessment of how different specialist courts/fast-track systems use resources effectively, how they can be better managed, and how these systems should be implemented in other communities. Cost effectiveness does not necessarily require that allocation to the specialist courts saves money when compared with non-specialist courts, rather it is necessary to evaluate whether the specialist court is **good value**. Whether the specialist courts represent 'good value' is partly a subjective judgement. In some respects the consequences of the specialist courts can be established using quantitative data available from an analysis of pre-existing compiled data from all 5 courts, for example on the length of time taken to process a case.

2.2.12. However, assessing whether the specialist courts give value for money also required qualitative data as to users' views (both professional users and victims) of the beneficial consequences of specialisation. Linking the costs and the impact of the specialist domestic violence courts was invariably problematic: specialist courts may have **different benefits** for different subgroups of users. In addition, the benefits of the specialist courts may be long term (e.g., reduction in recidivism) and difficult to quantify (particularly when the pilot projects have not been running for long and the data on repeat victimisation and reconvictions may be limited). Qualitative data obtained through interviews and data obtained from analysis of case files from August – October 2003 will also be used to assist with the analysis and estimate the costs of examples of good practice which we identified.

2.3. Quantitative Analysis of CPS Case Files

2.3.1. The CPS undertook to make available all **DV case files** completed in the 5 sites between 1st August and 31st October 2003. Coding instruments were designed for use in coding a sample of 50 domestic violence cases files at each of the sites, giving a total sample of 250 cases. The sampling strategy was designed to enable comparisons to be drawn across the sites, each of which processes a different amount of domestic violence cases per month. Research assistants undertook file coding at the sites and thereafter the data was inputted into an SPSS database for analysis.

2.3.2. The **coding instrument** was an adapted version of that designed by one of the researchers in her evaluation of the Cardiff FTS. It was updated specifically for the purposes of this research and further amended after a pilot exercise in the first weeks of the project. It is described in greater detail in section 6 (and located in Annex 4).

2.3.3. In order to ensure **consistency of coding across researchers**, the team ran a half day training session attended by the four research assistants.³³ A pilot sample of CPS files was provided and all research assistants coded each file using the instruments and then discussed the process, by file, in order to achieve a consensus. This facilitated consistent coding both within and across researchers.

2.3.4. To gain an understanding of the characteristics of victims, defendants, case progression and outcomes, a **descriptive overview** of the following categories of variables was provided:

- Background Characteristics of Victims and Defendants.
- Special Circumstances of Victims and Defendants.
- Offences Charged and Charging Alterations.
- Plea and Bail Information.
- Case Progression Information.
- Case Outcomes and Sentences.
- Victim Retraction.
- Key Decision Points.
- Evidence.
- Criminal Justice History of Defendants.
- Aggravating Factors.
- Mitigating Factors.
- Civil Courts.
- Child-Related Information.

2.3.5. Since the overall aim of the evaluation is to compare and contrast the five specialist courts/fast-track systems, **bivariate analyses** are conducted on the above categories of variables across the five research sites. This provides an understanding of how the sites are different or similar in terms of the variables listed above. Statistical analyses are performed to assess whether any observed differences between sites are meaningful.

³³ Two staff from Cardiff CPS attended for part of the session and provided valuable insight into the case files, the coding instrument, and the prosecution of domestic violence.

2.3.6. Logistic regression analyses are performed to determine which variables significantly impact four key issues: victim retraction, cases discontinued due to NEOs, late guilty pleas, and the use of bindovers. These findings provide more detailed information about how and why cases progress in the five research sites. In particular the multivariate analyses aim to identify factors that are successful at narrowing the justice gap, and increase the likelihood of bringing the perpetrator to justice.

2.4. Issues Arising

2.4.1. The exceptionally **tight timescale** of the study meant that the case files had to be identified by CPS staff, pulled and made available to fieldworkers, and the fieldworkers travelled to the 5 sites and coded all files within the first 6 weeks of the study (i.e., before the Christmas holidays). In addition, the sites had to assist in arranging site visits and participating in key informant interviews during this same time. This would enable both the qualitative and quantitative data to be cleaned, analysed and interpreted during the month of January. This was an ambitious goal, and one that was accomplished, albeit with some hiccups.

2.4.2. One major issue in relation to accessing the CPS files sample was that the implementation of the **COMPASS** computer system earlier in 2003 meant that the identification of domestic violence case files was not always a straightforward task for CPS staff. COMPASS is a new case monitoring system that was implemented nationwide in May 2003. The sites were at various stages of switching over to the new system, meaning that there were in some cases dual systems being used to input case information. In Cardiff for example, case file numbers had to be pulled off both the new and old systems. In addition, some sites were experiencing a backlog of putting case information onto *any* computer system. Not surprisingly, this impacted on the timeliness with which sites were able to identify and pull case files to be coded by the fieldworkers. It also contributed to confusion about the volume of cases progressing through a particular site actually was. For example, some of the sites underestimated the number of cases finalised during the 3-month period. This delayed locating the files for the fieldworkers.

2.4.3. In addition to these pressures, the sites also had to respond to **other inspections and audits** during this period. For example, the month of October is the national CPS dip-sample month for domestic violence cases, so the same files were being pulled for another research exercise, and one that also had to be completed quickly.

2.4.4. Another issue was that the nature of the case files meant that, despite participating in the training session, the fieldworkers needed to have access to prosecutors at the sites in order to **decipher file endorsements**. Often the file jackets contained acronyms and codes that would only be known to prosecutors working at that particular site. While a logical timesaving device for those prosecutors, it often made the coding more difficult than originally anticipated.

2.5. Summary

The evaluation adopted a **mixed method approach**, designed to meet the wide ranging project aims and objectives. The research was designed broadly in three parts (as indicated below), although the research process was reflective and iterative, with regular research team discussions and much learning from the process itself. The subsequent sections of the report will broadly reflect these three broad components of the evaluation:

Part1:

- Mini-literature review of relevant literature from the US, Canada and UK.

Part 2:

- Analysis of existing reports.
- Site visits.
- Key informant interviews.
- Process maps for each site.
- Cost benefit analysis.

Part 3:

- Quantitative analysis of CPS files for all sites August – October 2003.

3 Literature Review

3.1 Introduction

This literature review was carried out to inform the evaluation of the five specialist domestic violence courts (SDVCs) currently operating in England and Wales. The scope of the review was to examine the literature on the criminal justice response to domestic violence in England and Wales and highlight any issues relevant to the evaluation of specialist courts. In addition the review was to consider the growing literature on specialist courts in other jurisdictions, most notably the United States of America, to highlight any lessons that might be learned from models of domestic violence courts in other jurisdictions. It was anticipated that the literature on court specialisation in other jurisdictions might yield useful comparisons for the five sites in this study and also provide guidance on good practice and how to overcome some of the obstacles to setting up and successfully running specialist courts. However it was also recognised that the social and legal contexts of specialist courts in other jurisdictions would be very different to England and Wales and therefore comparisons and guidance would inevitably have to be qualified to take into account these different contexts. This review will summarise the key implications of the findings of the literature review for evaluating the five sites in the study, noting where appropriate the strengths and weakness of comparisons with other models.

3.2. Current research on The Criminal Justice Response

In recent years the criminal justice response to domestic violence in England and Wales has received a great deal of attention. Research has tended to focus on the police and prosecution response to domestic violence, with more limited examples specifically directed at examining the response of the criminal courts (usually focusing on sentencing). A significant part of the literature on responses to domestic violence was reviewed in reports produced for the Home Office in the *What Works in Reducing Domestic Violence?* series.³⁴ The literature review carried out for the HMIC and HMCPSI *Joint Thematic Review of the Investigation and Prosecution of Cases Involving Domestic Violence* provides another useful summary of the existing research on criminal justice responses to domestic violence in England and Wales.³⁵ Both the literature review and the Inspectors' report will be drawn upon in this review.³⁶ The Inspectors' report is an invaluable source of information on the current response of the police and CPS, and identifies a range of issues relating to specialisation of prosecution and court systems in domestic violence cases. Themes emerging from the general literature on the criminal justice response that are particularly relevant for evaluating SDVCs will be considered below.

3.2.1 Defining 'domestic violence'

The issue of multiple definitions of domestic violence is a consistent theme across the literature. Different agencies work with different definitions, 'a fact that hampers consistent

³⁴ Home Office (2000) *Reducing Domestic Violence...What Works?* Policing and Reducing Crime Briefing Notes, Home Office, London. See also Taylor-Browne, J. (ed) (2001) *What works in reducing domestic violence: A comprehensive guide for professionals*, Whiting & Birch, London.

³⁵ Paradine, K. and Wilkinson, J. (2003) *Protection and Accountability: The Reporting, Investigation and Prosecution of Domestic Violence Cases*, National Centre for Policing Excellence, Centrex.

³⁶ HMIC and HMCPSI (2004) *Violence at Home: Joint Thematic Review of the Investigation and Prosecution of Cases Involving Domestic Violence*. Referred to throughout this review as the Inspectors' report.

research, evidence-gathering and policy formulation'.³⁷ CPS and police definitions of domestic violence are not the same,³⁸ and these definitions are often different from those used by other agencies that may support victims of domestic violence in criminal cases. The implications for effective partnership working are spelt out in the Inspectors' report. The implications for SDVCs are not specifically noted but multiple definitions are perhaps no less problematic in this context than any other. Whether multiple definitions of domestic violence are problematic in SDVCs can be explored across the five sites.

Agencies working to different definitions may disagree on the appropriate remit of the SDVC. There may be gaps in the support offered to some victims of domestic violence if the court operates according to a more extensive definition than partner agencies. These possible implications of multiple definitions are explored across the five sites.

It is hoped that the Inter-Ministerial Group proposal to adopt one single definition across Government will tackle inconsistencies.

3.2.2 Identification of domestic violence cases

It is important that cases that meet the agency's definition of domestic violence are correctly flagged as such. Police systems for flagging domestic violence are variable.³⁹ The CPS also utilise different forms for identifying cases, some of which create confusion.⁴⁰ The level of flagging/identification of cases was commented upon in the Inspectors' report, which found that the CPS were able to identify some DV cases that had not been correctly flagged by the police but still there were a significant minority of cases in a file sample which were not correctly identified as DV.⁴¹ If cases are not identified by the police and CPS as domestic violence this has implications for their inclusion in the SDVC. Inclusion will be dependent on the court or other agencies bringing the DV status of a case to attention and ensuring the case is listed in the SDVC. It is probable that failure of the police and CPS to flag/identify all appropriate cases as DV will lead to some cases being listed outside of the SDVC inappropriately.

The extent to which domestic violence cases get listed outside of the SDVC and the reasons for this are significant issues for evaluation of the five sites. Evaluation of the SDVCs can also assess whether the existence of a specialist court has improved identification of DV by the various criminal justice agencies.

3.2.3 Effective evidence gathering

Home Office Circular 19/2000 encourages police forces to develop policies that emphasise the value of gathering evidence in addition to the statement of the victim so that the

³⁷HMIC and HMCPSI (2004) p.8.

³⁸ ACPO and many police forces use the Home Office definition. The CPS definition is more extensive as it includes child abuse (HMIC and HMCPSI (2004) p.8).

³⁹ HMIC and HMCPSI (2004) p.31.

⁴⁰ HMIC and HMCPSI (2004) p. 83.

⁴¹The Inspectors' report notes that 46/407 (11.1%) were not identified as DV by the police or CPS (HMIC and HMCPSI (2004) p.84).

prosecution is less dependent on the victim's testimony. This approach, once referred to as 'enhanced' evidence gathering, is perhaps more accurately described as 'effective' evidence gathering.⁴² The approach has apparently been successful in other jurisdictions, enabling prosecutors to continue with so-called 'victimless' prosecutions.⁴³ The Home Office briefing notes *What Works in Reducing Domestic Violence?* describe the early attempts by several police forces to move towards gathering more supportive evidence, for example photographic evidence of injuries at the scene.⁴⁴ However the Inspectors' report comments that knowledge and understanding of the effective evidence gathering policy is not widespread within police forces.⁴⁵ The file sample taken in the six areas selected for in-depth study found few examples of supporting evidence such as photographs of injuries, although key informant interviews emphasised the importance of such evidence.⁴⁶ Furthermore particular problems were noted in relation to obtaining medical evidence from hospitals and a possible solution of sending forensic medical examiners to the scene was suggested.⁴⁷ Another significant issue is the impact of domestic violence upon children and their possible use as child witnesses in criminal matters.

One key question for the evaluation of SDVCs is whether there is a better quality of evidence/more effective evidence gathering in cases destined for the SDVC. It might be hypothesised that the existence of a SDVC will have an impact on the preparation of cases, but the extent to which it impacts upon the investigation can usefully be documented and compared across the five sites. Are child witnesses used in prosecutions in SDVCs, and if so what facilities are available for such witnesses?

3.2.4 Deciding the charges

The level of charges and the prevalence of charge reduction in domestic violence cases is an interesting issue on which there is relatively little research. However some studies have suggested that there may be under-utilisation of potentially useful charges such as offences under the Protection from Harassment Act 1997 (PHA).⁴⁸ The Inspectors' report confirms that opportunities are being missed to utilise the PHA due to incomplete understanding of the legislation.⁴⁹ However in most cases in the file sample the charging standards had been

⁴² HMIC and HMCPSI (2004) p.38.

⁴³ See Ellison, L. (2002) Prosecuting Domestic Violence Without Victim Participation, 65 *Modern Law Review* 834; Ellison, L. (2003) Responding to Victim Withdrawal in Domestic Violence Prosecutions, *Criminal Law Review* 760. The Inspectors' report notes that 'victimless' prosecution is a misnomer-there is always a victim even if the prosecution proceeds without her evidence (HMIC and HMCPSI (2004) p.43).

⁴⁴ Edwards, S. (2000) *Reducing Domestic Violence...What works? Use of the criminal law*, Policing and Reducing Crime Briefing Note, Home Office, London; Edwards, S. (2001) 'New Directions in Prosecution' in Taylor-Browne, J. (ed) (2001) *What works in reducing domestic violence: A comprehensive guide for professionals*, Whiting & Birch, London.

⁴⁵ HMIC and HMCPSI (2004) p.39.

⁴⁶ Ibid. Other recent studies confirm the rarity of photographic and other supportive evidence. See Hester, M., Hanmer, J., Coulson, S., Morahan, M. and Razak, A. (2003) *Domestic Violence Making it Through the Criminal Justice System*, International Centre for the Study of Violence and Abuse, University of Sunderland and the Northern Rock Foundation, p.12.

⁴⁷ HMIC and HMCPSI (2004) p.40.

⁴⁸ Edwards, S. (2001) p.225-230.

⁴⁹ HMIC and HMCPSI (2004) p.74

applied correctly by the police and CPS.⁵⁰ In addition the decisions to reduce charges were regarded as being appropriate in four fifths of cases.

The Inspectors' report suggests that there is potential for more creative charging practice, but this is an area which may be impacted by reforms shifting responsibility for charging to the CPS.⁵¹

What are the level of charges (and charge reduction) in cases going through the SDVCs?
Are there any examples of particular types of charge being used differently in any of the sites?

3.2.5 Specialist police officers

Specialist domestic violence officers (DVOs) have a potentially important role in specialist courts. The Inspectors' report recommends that the responsibilities and line management of DVOs be more clearly defined and the administrative functions of the DVOs should be reviewed.⁵² These recommendations may have significant implications for SDVCs with DVOs. It is important to assess the potential impact of any changes to the DVO role, both on the models that are in existence in the five sites now, and in terms of possible implications for new SDVCs that might be developed. If involvement in the SDVC (particularly weekly attendance at court) falls to DVOs, what would be the implications of the civilianisation of the DVO role, as currently being considered by ACPO? The extent to which DVOs use their police powers within the SDVC is one issue, but the practical significance of the presence of a police officer must be assessed. As the role of the DVO is reviewed another crucial issue in terms of their involvement in SDVCs is the question of whether they should adopt a more proactive role by assuming responsibility for investigations.⁵³ This links back to the question of effective evidence gathering and whether, given the current division of responsibilities between investigating officers and DVOs, the existence of a SDVC has any impact upon the quality of evidence gathered.

Consideration needs to be given to the role of DVO within a specialist court across the five sites and possible implications of changes to roles and responsibilities.

3.2.6 Keeping victims informed

There is a growing body of research on what victims of domestic violence think of the services that they receive.⁵⁴ In general it seems that victims of domestic violence are now more satisfied with the police response than they were a decade or more ago, reflecting significant developments in practice over that time. However the police response is more

⁵⁰ HMIC and HMCPSI (2004) p.63.

⁵¹ HMIC and HMCPSI (2004) p.45.

⁵² HMIC and HMCPSI (2004) p.52. The Inspectors' found that domestic violence officers perform a range of duties and that their workload and responsibilities are not clearly defined.

⁵³ HMIC and HMCPSI (2004) p.52.

⁵⁴ Some of this literature explicitly addresses the issue of why involving service users in policy development is important. See for example, Hague, G., Mullender, A. and Aris, R. (2003) *Is Anyone Listening? Accountability and women survivors of domestic violence*, Routledge, London.

positively evaluated in some areas than others and improvements are not consistent across all groups of service users.⁵⁵ The Inspectors' report identifies one of the main needs that victims have of the police is to be kept informed of significant developments in their case.⁵⁶ The responsibility for keeping victims informed has, in policy terms, to some extent shifted to the CPS under the direct communications initiative.⁵⁷ However the Inspector's report notes that there is currently a lack of awareness in practice about who has responsibility for keeping victims informed.⁵⁸ Consideration of who is best placed to collate and pass case specific information to victims has implications for the SDVC, where different models for keeping victims up to date may be in place than those operating generally.

In evaluating SDVCs it is therefore important to consider who is formally responsible for keeping victims informed, what mechanisms are in place to do this, and who in practice keeps victims informed and how effectively they do so.

3.2.7 Bail decision-making

The safeguarding of victims in the pre-trial phase is dependent at least partially on appropriate use of bail by the police and the courts. The practice of the court in turn is influenced by the representations of the CPS. This is an area where the Inspectors' report found that inadequate file endorsement hindered their evaluation, but in 69.7% of cases in the file it was found that appropriate bail representations had been made.⁵⁹ The Inspectors' recommended better file endorsement and a more proactive approach to ensuring the court are informed about civil and family matters. It was also recommended that prosecutors should be more proactive in ensuring that victims are kept informed about bail decision-making.⁶⁰

Specialist courts were given as an example of good practice in keeping victims informed about bail decision-making. However in the specialist court visited by the Inspectors' this good practice was specifically related to the role of the DVO: 'At the specialist courts, there was a domestic violence officer present, and a record was made of all results, to notify the victim'.⁶¹

Whether there is good practice in bail decision-making in the SDVCs, and whether the arrangements for keeping victims informed of bail decisions are as satisfactory as the Inspectors' visits to selected SDVC sites suggest, will be evaluated across the five sites.

⁵⁵ Hanmer, J. and Griffiths, S. (2001) 'Effective Policing' in Taylor-Browne, J. (ed) (2001) *What works in reducing domestic violence: A comprehensive guide for professionals*, Whiting & Birch, London.

⁵⁶ HMIC and HMCPSI (2004) p.58.

⁵⁷ HMIC and HMCPSI (2004) p.115.

⁵⁸ HMIC and HMCPSI (2004) p.60.

⁵⁹ HMIC and HMCPSI (2004) p.98.

⁶⁰ HMIC and HMCPSI p.99-100.

⁶¹ HMIC and HMCPSI p.100.

3.2.8 Civil/family/criminal interface

A recent study of attrition in domestic violence cases found that reference to contact with children was likely to lead to more lenient outcomes in bail decision-making and sentencing. The researchers concluded that without a closer relationship between the criminal and civil systems children would continue to be an important point in attrition in the criminal justice response to domestic violence.⁶²

The interface between the criminal and family/civil law systems was a main feature of the consultation proposals in *Safety and Justice*. It is also one of the main arguments for a criminal/combined domestic violence court based on some of the models currently operating in the US, as considered below.

How the SDVCs currently manage the interface between civil/family and criminal matters in the absence of a combined court is evaluated across the five sites.

3.2.9 Responses to victim withdrawal

A recent study of attrition in domestic violence cases observed that 'The police and criminal justice agencies tended to view those who are victimised as being key to attrition'.⁶³ However the study by Hester et al noted that the police and prosecution did not always pursue cases to the extent possible or always offer victims with the support that they needed to proceed.⁶⁴ Thus it was argued that victims were not necessarily responsible for attrition even when they withdrew.⁶⁵ The revised CPS policy on prosecuting domestic violence issued in 2001 contained amendments to the procedure for managing victim withdrawal to reflect, amongst other things, what came to be regarded as previously poor practice of prosecutors on occasion calling victims into the witness box to retract their statements under oath.⁶⁶ However the Inspectors' report found that not all retraction statements were being managed in accordance with the revised CPS policy.⁶⁷ As a consequence further recommendations have been made to improve the response to victim withdrawal.⁶⁸ The Inspectors' report notes the tension between on the one hand ensuring retraction statements are taken in an appropriate and supportive environment, and on the other hand avoid unnecessary adjournments and delay. The report states: 'This provides some general support

⁶² Hester et al (2003) p.15.

⁶³ Hester, M., Hanmer, J., Coulson, S., Morahan, M. and Razak, A. (2003) *Domestic Violence Making it Through the Criminal Justice System*, International Centre for the Study of Violence and Abuse, University of Sunderland and the Northern Rock Foundation.

⁶⁴ The victim's willingness to cooperate is the biggest single factor in attrition in early police decision-making (whether to submit a crime report and whether to charge (HMIC and HMCPSI (2004) p.76. There is still significant under recording of domestic violence crimes (HMIC and HMCPSI (2004) p.75).

⁶⁵ Hester et al (2003) p.5

⁶⁶ Cretney, A. and Davis, G. (1996) Prosecuting 'Domestic' Assault, *Criminal Law Review*, 162.

⁶⁷ In the sample of relevant cases the withdrawal statement conformed with the CPS policy on 63.6% of cases (HMIC and HMCPSI (2004) p.87). The most common deficiency was the statement did not address the issues of whether the original complaint was true or whether withdrawal was under duress. Some prosecutors also continue with the old practice of asking the victim to explain to the court why they did not wish to proceed (HMIC and HMCPSI (2004) p.88).

⁶⁸ HMIC and HMCPSI (2004) p.89.

for the development of domestic violence cluster courts, in which experienced magistrates, clerks and prosecutors manage cases actively, within a clear specialised framework'.⁶⁹

It is important to evaluate how the process of victim retraction is dealt with in the specialist court setting. It might be hypothesised that in a SDVC, where all the participants are more aware of the dynamics of domestic violence, practices such as calling the victim into the witness box to retract will not take place. The presence of the police in the specialist court setting may improve arrangements for taking retraction statements and perhaps provide more effective channels for the police to communicate their views to the CPS about whether the case should proceed and if so by what means. These are matters that the evaluation of the five sites informs.

3.2.10 Consideration of alternative ways to continue prosecutions

The practical use and acceptability of witness summonses, witness warrants, and compelling victims of domestic violence to testify when they have withdrawn their complaints has attracted much comment.⁷⁰ Research has shown that historically prosecutors have been reluctant to compel witnesses, also that little use has been made of Section 23 of the Criminal Justice Act 1988 which provides for a victim's statement to be admitted in evidence if she is in fear.⁷¹ The CPS revised policy statement on prosecuting domestic violence requires prosecutors to consider all relevant options before deciding whether a case should be continued when the victim has withdrawn. The Inspectors' report found that this policy was being complied with in 60.8% of the relevant cases in the file sample studied, but in the large minority of cases where all options were apparently not considered 'there was clearly scope for more positive decision-making'.⁷² The report notes that some victims may welcome being summonsed and that their views should be sought via the police. Where summonses were used in the case sample studied they were found to produce mixed results but in one Area the good flow of information between the CPS and the supporting voluntary agency which attends the cluster court, helps to ensure a positive outcome when a witness summons is used.⁷³ This finding may suggest that there is potential for constructive use of witness summons in SDVCs.

It is important to consider the use of witness summonses across the five sites and key informants views on the acceptability and practical use of the approach. The key informant interview schedule was designed to explore these issues across the five sites.

The further steps of obtaining a witness warrant and compelling victims to testify are frequently thought to be counterproductive and the Inspectors' report found that in general prosecutors were reluctant to obtain warrants, 'but the option needs to be addressed'.⁷⁴

⁶⁹ HMIC and HMCPSI (2004) p. 96.

⁷⁰ See Paradine and Wilkinson (2003) Chapter 6 for an overview.

⁷¹ Cretney, A. and Davis, G. (1997) The significance of compellability in the prosecution of domestic assault, 37 *British Journal of Criminology*, 75.

⁷² HMIC and HMCPSI (2004) p.90.

⁷³ HMIC and HMCPSI (2004) p.92.

⁷⁴ HMIC and HMCPSI (2004) p.92.

The key informant interview schedule also included questions on the use of witness warrants and attitudes towards them, to enable exploration of these issues across the five sites.

The Inspectors' found that Section 23 of the Criminal Justice Act 1988 was rarely used, prosecutors seemingly put off by the likely attitude of the courts. However it was observed that prosecutors could have been more proactive in seeking material from the police to satisfy the requirements of Section 23. A range of agencies may be able to provide information/give evidence that the victim is in fear and this evidence needs to be gathered.⁷⁵ However the problem may be more in succeeding in adducing the evidence in court rather than gathering it. The potential of SDVCs to overcome some of the obstacles in using Section 23 is not specifically explored in the Inspectors' report. However, one of the key features of SDVC is multi agency partnership and improving communication between the criminal justice agencies and others who are providing support to the victim.

It may be hypothesised that multi agency partnerships within SDVCs could facilitate effective sharing of information and evidence about victims who are kept away from court due to fear. This could perhaps open up opportunities for greater use of Section 23 as envisaged by the Inspectors. Whether Section 23 is considered a more viable option in the SDVC setting is a matter that evaluation of the five sites addressed.

3.2.11 Outcomes of prosecution

The conviction rate in domestic violence cases and sentences imposed on conviction are crucial in terms of the policy objective of bringing perpetrators to justice. The Inspectors' report found, in common with other research that only a small proportion of domestic violence incidents result in charges. However, of those who were brought into the judicial process about half were convicted, mainly following a guilty plea. The acquittal rate following contested trial for cases in the file sample was slightly above the national average, but the number of cases was small for comparative purposes.⁷⁶

The discontinuance rate in domestic violence cases was found to be 28.2% in the file sample studied by the Inspectors', which again as previous research has shown, is significantly higher than the national average for all offences, a fact mainly attributed to prosecutorial responses to victim retraction.⁷⁷ Interestingly, the Inspectors' report shows that in 59 cases (14.1%) the defendant was bound over to keep the peace.⁷⁸ The revised CPS policy for prosecuting domestic violence cases does allow for a bind-over to be applied for/accepted in appropriate cases.⁷⁹ It is recognised that the dynamics of domestic violence are such that sometimes a bind-over may be an excellent result. However the acceptance of binding over to some extent conflicts with other policy initiatives aimed at narrowing the

⁷⁵ HMIC and HMCPSI (2004) p.94-95.

⁷⁶ HMIC and HMCPSI (2004) p.74-77.

⁷⁷ Phillips, C. and Brown, D. (1998) *Entry into the Criminal Justice System*, HORS 185; Crisp, D., & Moxon, D. (1994). *Case screening by the Crown Prosecution Service: How and why cases are terminated*, HORS137.

⁷⁸ HMIC and HMCPSI (2004) p.78.

⁷⁹ See paragraph 9 of the *Revised CPS Policy Statement on Prosecuting Cases of Domestic Violence* (2001).

justice gap and the quantitative measures used to evaluate the success of some criminal justice agencies.⁸⁰ The Inspectors' report notes that binding over was used inconsistently across the areas studied and some prosecutors would not consider it. The report states 'There should not be automatic cases for binding over, but it should be considered as an option in appropriate circumstances'.

The use of binding over in SDVCs is a significant issue. The extent to which binding over is used and the attitudes of key informants towards binding over is compared across the five sites. The discontinuance rate for cases in the SDVCs is also compared across the five sites.

As part of the CPS file examination the Inspectors' were able to compare the outcomes of cases going through one SDVC with the outcomes of domestic violence cases in that area as a whole. It was noted that 'Fewer cases in the specialist court resulted in discontinuances and bind-overs. There was a greater proportion of not guilty pleas in the cluster court as compared with the Area as a whole. However, a higher proportion of those not guilty pleas resulted in convictions than in the rest of the area'.⁸¹ (The Inspectors' report states that DV in SDVC is being compared to DV outside the SDVC, so this would seem to control for the higher proportion of not guilty pleas in domestic violence cases generally).

Comparative non SDVC data was not available to explore whether the different outcomes found by the Inspectors' in one SDVC are to be found in all five sites. In so far as possible (where baseline data is available) the outcomes of cases pre and post implementation of the courts in the five sites are examined.

3.2.12 Sentencing practice

Sentencing practice in domestic violence cases has been subjected to considerable criticism, as not reflecting adequately the seriousness of the offences concerned.⁸² Studies carried out in the mid-nineties and more recently show that fines and conditional discharges are the most common sentences, community penalties and imprisonment are rare. In relation to domestic homicide the sentences imposed have tended not to reflect the seriousness of the crime. The Court of Appeal recently rejected an invitation (as part of an Attorney General Reference) to state that domestic violence should be regarded as an aggravating feature when sentencing for manslaughter upon provocation.⁸³ Domestic homicides are obviously not dealt with in SDVCs that operate in the magistrates' jurisdiction, but it has been suggested that judicial guidance for this type of crime sets the trend for offences of lesser seriousness. An interesting study of magistrates' attitudes to domestic violence and sentencing options asked sixty seven magistrates for opinions on six sentencing vignettes.⁸⁴ Qualitative analysis of the data found that the magistrates treated domestic violence very

⁸⁰ See HMCPSI (2003) *Report of the Thematic Review of the Justice Gap*, which shows that overall 2% of cases in 2001-2 in the magistrates court overall resulted in a bind-over.

⁸¹ HMIC and HMCPSI (2004) p.111.

⁸² See Paradine and Wilkinson (2003) p.56-59.

⁸³ Burton, M. (2003) Sentencing Domestic Homicide Upon Provocation, *Feminist Legal Studies*, 279.

⁸⁴ Gilchrist, E. and Blisset, J. (2002) Magistrates' Attitudes to Domestic Violence and Sentencing Options, 41 *Howard Journal of Criminal Justice*, 348.

differently from stranger violence and tended to identify certain aspects of the victim's behaviour as reducing the culpability of the defendant. However certain factors, like the presence of children, were regarded as aggravating features, although some magistrates reclassified such incidents as family matters.

The impact of SDVCs on magistrates' approaches to sentencing domestic violence needs to be evaluated and compared across the five sites.

The approach to sentencing in SDVCs in the US, as noted below, favours referral to perpetrator programmes and in some models there is active judicial monitoring of compliance. The availability and effectiveness of perpetrator programmes, and the advantages of moving to sentences that include mandated participation in perpetrator programmes have been much debated in recent years.⁸⁵ There are a variety of different programmes, operating on different models, some of which are regarded as representing better practice than others. Reliable evaluations of the effectiveness of perpetrator programmes are however, at present, limited.

The extent to which SDVCs assess the suitability of defendants for perpetrator programmes (through PSRs), make appropriate referrals to perpetrator programmes and monitor the outcomes can be usefully compared across the five sites. Key informants attitudes towards the whole range of sentencing outcomes available and used in their site can also be explored.

3.2.13 Prosecutors with domestic violence specialism or expertise

The Inspectors' report found that CPS DV coordinators and prosecutors with domestic violence specialism or expertise help to provide higher standards of review and a more consistent drive to progress cases through to conviction. However in general, prosecutors with domestic violence specialism or expertise were not used for domestic violence trials, nor were they considered necessary in cases where a witness summons was used. The Inspectors' report notes a difference between the general position and that found in two of the specialist courts visited for the inspection. In relation to the SDVCs it was found that prosecutors with domestic violence specialism were used and were 'significantly better prepared and more professional than the norm'.⁸⁶ There is a degree of ambivalence in the Inspectors' report about the need for prosecutors with a domestic violence specialism. Although specialisation was acknowledged to have produced the best practice, it was thought there was no reason why every lawyer could not replicate good practice if given the proper training and support.⁸⁷ In this respect the Inspectors' recommendation for development of a national training package for prosecutors may have implications for SDVCs.

The degree to which prosecutors who are used in SDVCs have domestic violence specialism or have appropriate domestic violence training is a matter for useful

⁸⁵ Mullender, A. and Burton, S. (2001) 'Dealing with Perpetrators' in Taylor-Browne, J. (ed) (2001) *What works in reducing domestic violence: A comprehensive guide for professionals*, Whiting & Birch, London.

⁸⁶ HMIC and HMCPSI (2004) p.107.

⁸⁷ HMIC and HMCPSI (2004) p.120-124.

comparison across the five sites. The benefits of having prosecutors with domestic violence specialism or expertise prosecuting cases in the SDVC can be explored with key informants across a range of agencies. Key informants may also have views on the advantages for SDVCs of training all prosecutors with a national training package on domestic violence.

3.2.14 Views on the development of SDVCs

The Inspectors' report observes that 'in some areas the development of domestic violence cluster courts are having a positive impact on the delivery of successful outcomes.'⁸⁸ While it appeared to the Inspectors' that 'cases were handled more professionally and with an appropriate degree of seriousness' in the SDVC, they noted that more evaluation needed to be undertaken to identify best practice'.⁸⁹

The Inspectors' report stated that the evaluation of all the SDVCs in operation in England and Wales 'should inform the national consideration of the setting up of those courts more widely'. That is one of the key objectives of this study.

The Inspectors' report also noted that developments in the US pointed to the benefits of integrated domestic violence courts and the potential benefits and overall costs of such an approach might merit research.⁹⁰ This review will now consider key insights provided by the literature on SDVCs in other jurisdictions.

3.3. Specialist courts in other jurisdictions – what lessons can be learned?

The development of specialist courts occurred much earlier in some other jurisdictions than is the case in England and Wales. In the United States of America domestic violence courts have been running in some instances since the early 1980's. Domestic violence courts have also been developed in parts of Canada.⁹¹ These courts have developed according to a variety of different models some of them handling both civil and criminal cases, others dealing with criminal matters in a dedicated session for domestic violence. The courts have been subject to their own individual evaluations in many instances, and also included in overview reports that are designed to review and encourage best practice. This review will draw upon individual evaluations and overview reports for insights into how to evaluate and develop specialist courts in England and Wales. This comparative approach can be useful in identifying lessons to be learned if the trend towards developing specialist courts in other jurisdictions is to be followed.⁹²

⁸⁸ HMIC and HMCPSI (2004) p.111.

⁸⁹ HMIC and HMCPSI (2004) p.7

⁹⁰ HMIC and HMCPSI (2004) p.111.

⁹¹ Ministry of the Attorney General Ontario (1998) Domestic Assault Court Projects Old City Hall and North York Evaluation Report; Ministry of the Attorney General Ontario, The Evaluation of the Domestic Violence Courts: Their Functioning and Effects in the first eighteen months of operation 1988-9; Women Abuse Council of Toronto (2003) Women's Court Watch Project.

⁹² Walsh, C. (2001) The trend towards specialisation: West Yorkshire innovations in drugs and domestic violence courts, *The Howard Journal*, 40(1), 26-38.

3.4 Court specialisation in the US

Court specialisation in the US has not always been just about improving the court processes for victims of domestic violence, it has sometimes been grounded in promoting particular approaches to domestic violence; ‘problem-solving’ or ‘therapeutic intervention’. It is therefore important to scrutinise the different models of domestic violence courts in US to identify the benefits and limitations of the various approaches.

3.4.1 The criminal cluster court model

One of the first domestic violence courts to be developed in New York was the Brooklyn Felony Domestic Violence Court launched in June 1996.⁹³ The key elements of the Brooklyn model are dedicated listing of domestic violence felony cases (i.e. clustering) and the allocation of cases to a trained and dedicated judge/advocate team for the duration of the case. This court has the benefit of judicial oversight. Victims of domestic violence not only have access to independent advocacy support provided by ‘Safe Horizon’, they also have specialist support from a counselling services unit located within the District Attorney’s office. The evaluation of this court concluded that the specialist support both *within* and outside the criminal justice agencies increased the likelihood of the victim remaining committed to the prosecution and enhanced the quality of information available to the prosecution. The specialist court was found to have a positive impact on the management of cases, by reducing the overall amount of time taken and the number of hearings to finalise a case.

The Brooklyn court saw an increase in the percentage of cases where the defendant pleaded guilty. Interestingly, however, the conviction rate in the specialist court did not go up. In other words, there was increase in the number of defendants who, having initially pleaded not guilty, changed their plea to guilty before the trial. These cases would, in all probability, have resulted in convictions. Thus, it is the method of disposition (plea instead of trial), rather than the outcome, that has changed. The evaluators are unclear about the reasons for this change. There seems to be some evidence of greater use of plea-bargaining in the court, which may or may not be related to better evidence. In the U.S. there is greater incentive to plea-bargain, there is better support for the victim and more effective evidence gathering. It is speculated that the better support for victims may have enhanced the quality of evidence and information available to the specialist court, which then translates into a higher guilty plea rate. The researchers concluded that the reduced time taken to process cases in the specialist court was an effect of the higher rate of guilty pleas, rather than a contributor to it.

Sentencing practices in the Brooklyn SDVC did not become more punitive or treatment based than pre implementation.⁹⁴ Defendants were marginally more likely to be imprisoned in cases dealt with before the court came into operation. Although there was no increase in convicted defendants sent to perpetrator programmes it was speculated that this might have been due to many of them already having attended such programs as a condition of pre-disposition release.

⁹³ L. Newmark, Rempel, M., Diffily, K., and Kane, K.M. (2001) *Specialized Felony Domestic Violence Courts: Lessons on Implementation and Impacts from the Kings County Experience* (Urban Institute Justice Policy Center).

⁹⁴ Newmark et al p.65-7.

In terms of evaluating SDVCs in England and Wales the criminal cluster courts in US provide the closest comparative model in the sense that they concentrate on criminal matters. There are clearly differential features to the models however, notably the power that the Brooklyn court has to mandatorily refer defendants to perpetrator programs in the pre-trial stages. Participation in a perpetrator programme may be made a condition of pre-trial release.

3.4.2 Civil court model

Some of the specialist domestic violence courts in the US operate in the civil setting, dealing with requests for protective orders and their enforcement. One such court is the Quincy District Court, Massachusetts.⁹⁵ This court was set up to cope with the demand for restraining orders by prioritising domestic violence over other civil matters. The court has two dedicated sessions every day (morning and afternoon) for dealing exclusively with restraining orders. There is a separate restraining orders office at the court staffed by a Domestic Abuse Clerk who will assist victims to fill out the paperwork to apply for a restraining order. Specialised advocacy is provided for women (usually by student volunteers) and women are referred to daily briefing sessions at the District Attorney's office where they can get legal advice and support. The District Attorney's office employs full time staff to advise women on the services available and their rights in relation to making a criminal complaint.

The court has been evaluated as successful in developing 'a powerful and coordinated judicial response to domestic violence', although in its early years areas for improvement were identified. The Quincy District court is not strictly speaking a civil only court because it does try to link in with possible criminal matters through referrals to the DA office.

There seems to be no direct equivalent SDVC operating in the civil setting in England and Wales.

3.4.3 Combined civil/criminal court model

The limitations of a civil only/criminal only model of SDVCs have resulted in efforts in some parts of the US to develop courts on the integrated civil/criminal court model. One example of this approach is the Clark County Domestic Violence Court, Vancouver, Washington.⁹⁶ The court was set up in 1998 because the traditional judicial response to domestic violence was seen to be failing to adequately protect victims. In particular, pro arrest and pro prosecution policies were already in operation but it was felt that they were putting victims in jeopardy when the court response was uneven and failed to incorporate community input. Those responsible for setting up the Clark County Court looked at criminal court cluster models operating in other States and found that although they did seem to improve access and have some case processing advantages they failed to adequately coordinate services and provide a way of reducing conflicting judicial orders. Consequently the Clark County Court was set up to consolidate all criminal appearances and tie in with relevant

⁹⁵ See Salzman, E. (1994) The Quincy District Court Domestic Violence Prevention Program: A Model Legal Framework for Domestic Violence Intervention, Boston University Law Review, 329.

⁹⁶ Fritzler and Simon (2000) The development of a specialized domestic violence court in Vancouver Washington utilizing innovative judicial paradigms, University of Missouri Law Review 139; Fritzler and Simon (2000) Creating a Domestic Violence Court: Combat in the Trenches, Court Review, 28.

family court activity. The court also was designed with a particular judicial paradigm in mind, incorporating what the founders describe as ‘therapeutic’ approach.

Fritzler and Simon provide detailed insights into the process of setting up and running Clark County Court in the early years. Some of these insights may be particularly useful if further expansion of SDVCs in England and Wales is thought to be desirable. Firstly Fritzler and Simon note that it is essential to involve all participants and service providers in the planning phases of the court and to set up and maintain reliable means of assessing the successes and failures of the court. It may be noted in particular that it is recommended that defence lawyers should be included in a meaningful way in the planning stages of the process.

The courts with jurisdiction for hearing protective order cases were receptive to the idea of conferring their jurisdiction on the judges hearing criminal matters, seeing it as an opportunity to be more cost effective and efficient, as well as reducing the obstacles to victims seeking relief. However not all groups were as receptive to the idea of the new court. The judges in the new dedicated court were resistant to the adjustments required to the court schedule to accommodate domestic violence and there were prosecutorial concerns.⁹⁷ Interestingly the defence lawyers were receptive to the court and modified their role to accommodate it. For example defence lawyers sought assessment reports in the early stages of case processing and recognised that the judge would want to involve the defendant in developing the terms of conditions of orders and therefore allowed the defendant to participate much more directly in proceedings than is normally the case.

Fritzler and Simon observed that the court was set up with minimal funding⁹⁸ but attribute its success partly to dedicated individuals. The key benefit of the model as they see it is the provision of a ‘one stop shop’; a single entry point for civil and criminal remedies and a place where victims of domestic violence may obtain all forms of relief from a judge who is knowledgeable about domestic violence. They observe ‘this may prevent frustration to victims caused by inconsistent and insensitive judicial rulings’. Another key benefit of the model is the coordination of community services and improved communication. Treatment and monitoring of offenders is an important aspect of the therapeutic goals of the court. Although the success of treatment and therapeutic approaches remains controversial, Fritzler and Simon are cautious supporters.

Defendants in the Clark County SDVC are nearly always given intensive supervision by probation and/or frequent court reviews when they are sentenced. Fritzler and Simon note that treatment for domestic violence perpetrators is relatively new and its effectiveness yet to be proved. Nevertheless they feel it is at the very least more effective than the previous judicial approach that treated domestic violence like any other violent crime.⁹⁹

⁹⁷ Just before the new court was introduced the prosecutor’s office decided to revive a diversion from prosecution programme for domestic violence. The policy was obviously inconsistent with the court objectives and efforts were made to limit diversions until a different direction was taken by a new prosecutor.

⁹⁸ The project was mainly accomplished by reallocation of resources.

⁹⁹ Defendants were previously referred to anger management programs.

3.4.4 Overview of SDVCs in US and models for best practice

Given the expansion of SDVCs in the US and the plethora¹⁰⁰ of courts in operation it is helpful that various attempts have been made to document and compare the courts and recommend best practice features. One such review was carried out by staff at the National Center for State Courts.¹⁰¹ At the time their review was published it was estimated that there were over 300 courts with some specialised court structures, processes or practices distinct to domestic violence.¹⁰² However it was observed that there was great variation in these processes and what they sought to achieve, as well as lack of systematic empirical evidence of the benefits. According to the report a number of factors have hindered development of specialised domestic violence case management,¹⁰³ and there are some concerns about possible detriments including fear that the pursuit of efficiency (reduced delays) may result in 'assembly line justice' and the promotion of information sharing may be detrimental to victims in some instances.¹⁰⁴ Nevertheless the benefits of specialisation in terms of increased judicial understanding, increased perpetrator accountability and more comprehensive relief for victims at an early stage were also documented.

Key findings and recommendations of the survey included:

- Training for the judiciary should be both mandatory and ongoing. Approximately half of the judges had a mixed caseload that included a dedicated domestic violence list, only 29% of judges were exclusively assigned to domestic violence work and few courts required mandatory participation in domestic violence training.
- Proactive judicial monitoring of compliance. The specialised case management processes varied in the extent to which judges monitored compliance with court orders. Some processes had active judicial review (with compliance hearings), others monitored compliance through submission of reports to the court, and (most passively) about one fifth of processes relied on reports of non-compliance being made by other agencies. The principal reason for adopting less proactive monitoring appeared to be lack of resources/high caseload, rather than lack of benefit.
- Most processes provide services for victims or have links to agencies providing services for victims. The most commonly provided service was victim advocacy. Few processes provided the full array of services to assist victims.
- Practitioners felt that specialised processes must address the interests of children involved in domestic violence cases either as witnesses or in relation to custody/visitation disputes.
- Specialised intake centres and integrated case information systems are ways of coordinating and tracking cases to ensure that courts do not issue conflicting orders that endanger victims and children. However it was found that many courts did not use the available information systems for this purpose.

¹⁰⁰ Plethora is considered the accurate description given all the variations on the basic models described above.

¹⁰¹ Kelitz (2001) Specialization of Domestic Violence Case Management in the Courts: A National Survey, National Center For State Courts.

¹⁰² Their survey (in 1999) included 103 courts in 22 States (telephone interviews were carried with 82 of these and an in-depth study made of one).

¹⁰³ These factors include competition for resources, views that judicial neutrality may be compromised and judicial reluctance to take on an expanded role.

¹⁰⁴ Women with children may be put off seeking assistance for fear of losing custody of their children.

- Specialised lists increased efficiency and developed the knowledge of the professional repeat players, including prosecutors, defence lawyers, judges and other court staff.
- The goal of most specialised processes was to assist victims and increase their safety, but a small minority had as their principal goal the increase of efficiency.

Building on this survey and their own research the Family Violence Prevention Fund (FVPF) has published guidelines for best practice in creating a domestic violence court.¹⁰⁵ These guidelines note that despite the many variations in SDVCs they all share certain fundamental values and principles and key components. Furthermore SDVCs can and must be distinguished from other types of specialist courts (e.g. drugs courts).¹⁰⁶ Among the core values and principles of a SDVC are commitment to victim safety and keeping the victim informed, perpetrator and system accountability, coordination of services, effective information sharing and training of all participants. The core components of a SDVC can therefore be summarised as:

Box 2: FVPF Core Components of SDVC's¹⁰⁷

- **Access to advocacy services**

The role of the advocate varies but essentially the advocate acts as a 'liaison, buffer and contact' between the victim and the court. With the victim's consent the advocate can be a conduit of information to the court. The advocate can also refer the victim to relevant services.

- **Coordination of partners**

Key features of effective coordination should be regular meetings and joint training

- **Victim and child friendly court**

Security at the court should be reviewed and if necessary improved (e.g. separate waiting areas). It is recommended that security guards should receive training on domestic violence and court security. Best practice is for the courts to have child care facilities for victims of domestic violence attending court.

- **Specialist personnel**

Not only should the judges be trained specialists but also the court administrators, prosecutors and other key personnel.

- **Even handed treatment**

The judge should ensure that both parties are adequately represented and that he sets the tone that domestic violence is being treated seriously.

- **Integrated information systems.**

There should be systems in place for sharing information and appropriate protocols.

One example of good practice is the Domestic Violence Court Technology Application and Resource Link.¹⁰⁸ This Link (now in operation at Brooklyn Felony Domestic

¹⁰⁵ Sacks, E. (2002) Creating a Domestic Violence Court: Guidance and Best Practices, Family Violence Prevention Fund, San Francisco.

¹⁰⁶ It is observed that drugs courts work on the basis that the defendant has an addiction. Although the causes of domestic violence are still vigorously debated, it has been argued by some that it is learned behaviour not an addiction. While drug treatment has been demonstrated to be effective, the efficacy of perpetrator programmes in changing attitudes and learned behaviour is still unproven.

¹⁰⁷ A summary of the core components as detailed by Sacks (2002).

¹⁰⁸ Center for Court Innovation (2001) An Informed Response: An overview of the Domestic Violence Court Technology Application and Resource Link.

Violence court described above as well as other NY State DV courts) connects the court with community based service providers and allows judges to more effectively monitor compliance with orders. Different users have different levels of access to information on the intranet.

- **Evaluation and accountability**

Plans for evaluation (and the systems to carry it out) should be in place from the outset.

- **Protocols for risk assessment**

All agencies should gather information on factors known to increase risk to facilitate risk assessment.¹⁰⁹

- **Ongoing training**

Training should be on a continuous rolling basis and be joint training (to increase each agency's understanding of the others roles).

- **Compliance monitoring** Through submission of reports to the court or regular review hearings the defendants compliance with court orders should be monitored
- **Sentencing** should be consistent and promote accountability

The FVFP guidelines include useful vignettes from domestic violence courts across the US, as well as a more in depth examination of three courts operating according to different models.¹¹⁰ It is worth examining two of these examples (Westchester, New York and District of Columbia, Washington D.C.) in detail because they illustrate the variations within the combined criminal/civil model.¹¹¹ Developing a combined criminal/civil court undoubtedly presents particular challenges so any insights that can be gained from the US in this respect may be particularly valuable for development of SDVCs in England and Wales.

From Criminal cluster court to civil/criminal combined

Westchester County domestic violence court, New York started life as a criminal cluster court. In 2001 it was decided to move the court to a combined model where the same judge hears the criminal domestic violence matters and related family matters but does so on separate days. The separation of civil and criminal matters to different lists helps to guard against one of the dangers of a combined court; a modified form of plea-bargaining, whereby criminal matters and civil matters are traded against each other.¹¹² The other features of the Westchester court include active judicial monitoring of compliance with court orders (through regular compliance hearings), specialist personnel, partners with dedicated staff on site, an information coordinator and 'enhanced' pre-sentence reports.¹¹³ There is specialist independent advocacy (provided by 'My Sister's Place') who are moving into representing victims in civil matters before the SDVC. While the addition of civil

¹⁰⁹ This is a developing area for practice in England and Wales. Paradine and Wilkinson (2003) note the variety of approaches to risk assessment and the Inspectors's report found it a troublesome area in practice. However, the new ACPO manual sets out very clear guidance on risk assessment.

¹¹⁰ The guidelines also include an 'action plan' for setting up a SDVC.

¹¹¹ The third example, Philadelphia Court, is a dedicated civil court and while it has some features that are distinct from the Quincy District Court considered above, the broad model is similar.

¹¹² The FVFP guidelines observe that in a combined court 'one may find criminal-case bargaining in a divorce case. One way to address this is to have the same judge hear all cases, but not at the same time.'

¹¹³ Dedicated domestic violence probation officers have a smaller caseload to facilitate the more intensive interaction required with domestic violence perpetrators.

matters has added another layer of complexity to the court 'partners and court staff have noted several benefits resulting from the expanded caseload, particularly the ability of the court to gain a full understanding of the issues faced by each family' and ensure all orders are consistent.¹¹⁴

Starting out with a combined court

The District of Columbia Superior court established a domestic violence unit to deal with civil and misdemeanor criminal matters in 1996. In this court different judges hear different matters but, due to the close proximity and a single intake point, each judge has access to related case files. A range of services for victims are located under one roof (including recent developments into health care referrals). The evaluators of this court assert 'The ability to access a range of services in one building greatly reduces the administrative logistics for the victim and, in turn, improves the likelihood that the victim will stay engaged with the justice process.'¹¹⁵ Key benefits of the court are that case processing has become more streamlined (waiting times have been reduced) and the greater sharing of information between the criminal and civil has resulted in each having a more complete picture of the abuse. The court has increased the consistency of orders and improved the judicial demeanour to domestic violence. Judges are now much more sensitive to the strategies that abusers may use to maintain power and control over victims. However it is still easier for victims to obtain civil remedies than criminal.¹¹⁶ Problems with obtaining child care was an obstacle to women attending court.¹¹⁷

Insights from US practice for England and Wales

The coordination of the civil and criminal functions in SDVCs has been consistently evaluated as having benefits for victims at sites where the combined model has been adopted. In other courts, even specialist courts on the civil or criminal only model, victims of domestic violence are shuttled between various venues seeking different relief. The combined court has the potential to increase victim safety because victims can obtain all forms of relief from the one court and conflicting orders, which are sometimes made in criminal and civil proceedings, can be avoided. It appears, then, that a combined civil/criminal SDVC has the potential to resolve many of the information-sharing and evidence sharing problems that exist in the traditional judicial systems response to domestic violence in England and Wales.

However, it should not be thought that the combining of civil and criminal matters in a SDVC is completely without detriment to victims. Research in the US has found that integrated systems that include family proceedings, or systems where there is a high level of information sharing, may deter some women from accessing the system for several reasons,

¹¹⁴ Sacks, op cit p. 49.

¹¹⁵ Steketee, M., Levey, L., and Kelitz, S. (2000) Implementing an Integrated Domestic Violence Court: Systemic Change in the District of Columbia, National Center for State Courts.

¹¹⁶ It was thought that a possible way to enhance criminal remedies might be to criminalise breaches of civil orders but drawbacks to this route were also highlighted (Steketee et al p.29).

¹¹⁷ The SDVC in Cook County Illinois has a Children's Advocacy Clinic. This not only provides children with a safe environment to wait while their mother gives evidence in court, it also provides a free evaluation of the effects of domestic violence on the child and referrals to appropriate services. This is a model for good practice in safeguarding and supporting children in the SDVC setting.

including fear of losing their children.¹¹⁸ Epstein has commented that integration may maximise women's access to services but also 'can reduce their ability to decline such services if they wish to do so'.¹¹⁹ For example victims who want help with the civil justice route may be pushed into pursuing criminal proceedings as well. Implementation of a combined SDVC has to remain responsive to the individual victim's needs and wishes. Nevertheless, the benefits of a combined model seem to outweigh the detriments to the extent that it has become the preferred model for both developing already established SDVCs and opening new ones in the US.

The final word should go to the Center for Court Innovation, NY, which has produced a useful think piece entitled *What Makes a Domestic Violence Court Work?*¹²⁰ It gives advice on approaches to a number of challenges and obstacles that may be faced in creating a domestic violence court. It recognises that plans should be in place to deal with possible defence objections to the court, preferably by including them in its set up. Strategies also need to be in place to cope with judicial burnout which can be a problem when judges are concentrated on a domestic violence caseload. The authors Mazur and Aldrich note that finding initial and continuation funding has been a problem in developing domestic violence courts in, US but these challenges are worth trying to overcome because of the vital role SDVCs play in increasing the accountability of defendants and safety of victims.

¹¹⁸ See Kellitz (2001) op cit.

¹¹⁹ Epstein, D. (1999) 'Effective Intervention in Domestic Violence Cases' 11 *Yale Journal of Law and Feminism* 3.

¹²⁰ Mazur, R. and Aldrich, L. (2002) *What Makes a Domestic Violence Court Work?* Center for Court Innovation Think Piece. This piece outlines the advantages of the Brooklyn and Westchester models described above.

4. Models of SDVC/FTS in Practice

4.1. Introduction

This section will:

- Provide a comparative analysis of police domestic violence data from the force areas covered by the SDVC/FTSs being evaluated, in order to provide a context for the remainder of the section, which will:
- Outline the aims, objectives, scope and key features of the five SDVC/FTS at Cardiff, Derby, Leeds, West London and Wolverhampton. For brevity, Table 1 below provides a summary description of each site in these respects.
- Offer ‘pen portraits’ of each site, together with a description of the processes and systems for handling domestic violence cases.
- In so doing, this section provides a context for the thematic evaluation of the courts which is to follow in section 5.

4.2. Police Data Across the 5 Sites

4.2.1. Monthly domestic violence incident data were gathered from police at the 5 sites for the period Jan-Oct 2003 to enable some understanding of the context within which the courts operate, and some basic comparisons to be made. These figures utilise the Home Office definition of ‘repeat victimisation’ as the repetition of an incident with the same victim within a rolling 12 month period.¹²¹

4.2.2. For some sites the police data provides a better match than others in terms of pinpointing exactly the amount of crime coming under the purview of the courts. For the W London court, statistics are available from the Hammersmith and Fulham Community Safety Unit but not the Kensington and Chelsea unit, which also serves the court. The Derby Division of the Derbyshire Police serves the Derby court, whereas Cardiff BCU of the South Wales Police serves the FTS in Cardiff, and the G1 and G2 Divisions of West Midlands Police serve the Wolverhampton court. For these sites therefore the police data probably provide an accurate description of the courts’ potential workload. For Leeds it is unclear whether the police data are over or underestimating the potential workload of the courts.

4.2.3. Despite these limitations, the police data are useful for illustrating some broad trends. Firstly, what is the number of **domestic violence incidents** coming to police attention in the communities served by the courts, over the 3-month time period focused on by the evaluation (Aug-Oct 2003).

- Cardiff (n=872)
- Derby (n=1468)
- Leeds (n=2767)
- W London (n=394)
- Wolverhampton (n=1132)

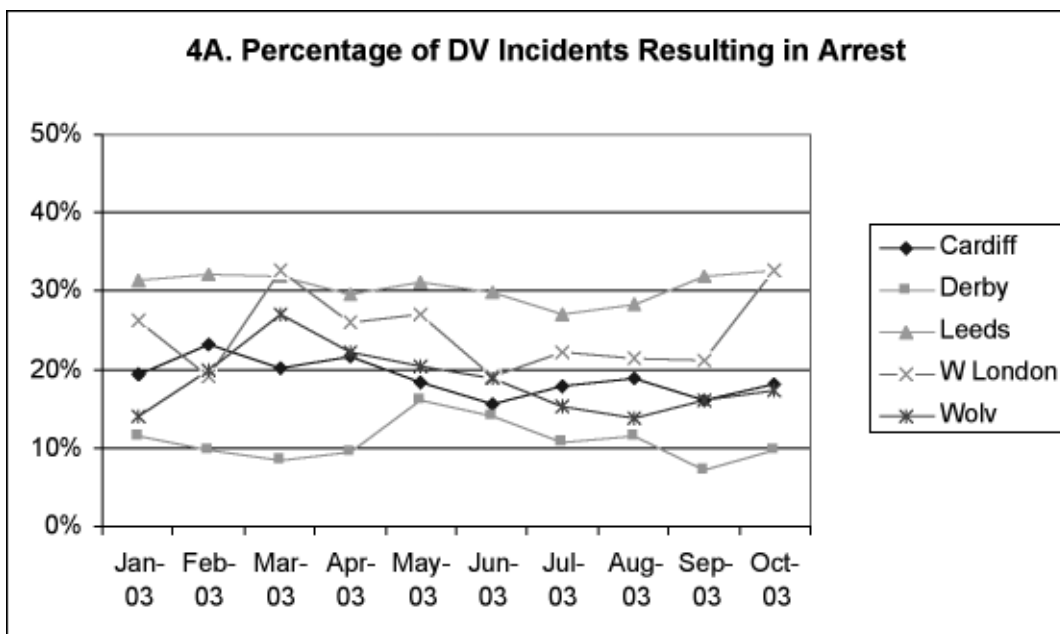
4.2.4. Police in Derby and Leeds have considerably more complaints to process compared to the other sites. This has obvious implications for the courts, the volume of cases coming

¹²¹ But it is important to remember that there is no way to identify those who may be *multiple* repeat victims of domestic violence, or those whose repeated victimisation may have fallen *outside* a rolling 12 month period.

through them, and the resources required to handle the workload. How many of these incidents resulted in **arrests** from Aug-Oct 2003 (see chart 4A).

- Cardiff (n=155, 18%)
- Derby (n=134, 9%)¹²²
- Leeds (n=853, 31%)
- W London (n=99, 25%)
- Wolverhampton (n=176, 16%)¹²³

From these data we see that there is considerable variation in how cases might progress from the home to being heard in the Magistrate's courts. In Leeds police make arrests in almost one third of domestic violence cases, whereas in the other sites the proportion is closer to one quarter in West London, one fifth in Cardiff and Wolverhampton and one tenth in Derby.



4.2.5. As the chart above 4A shows, the months included in the evaluation period (Aug-Oct 2003) do not seem to be significantly different in term of arrest rates from the overall yearly trends observable in the 5 sites. This promotes confidence that findings from the 3-month period chosen for the case file analysis are representative of a longer period of time.

4.2.6. Another finding to note from the same chart is that some of the courts encounter more variation in the arrest rate over time than do others. For example, the trends in Cardiff and Leeds appear much more stable than those in the others sites.

4.2.7. The chart below 4B indicates, repeat victims (statistics from police figures) comprise about one-third of domestic violence incidents. The amount of repeat victims for each site over the period Aug-Oct 2003 is as follows:

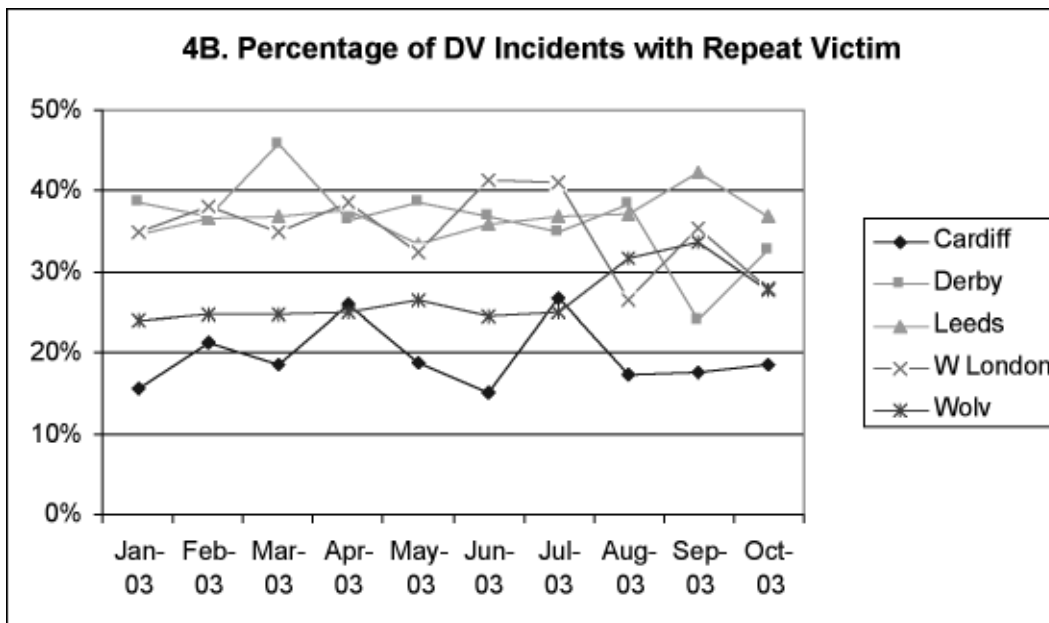
- Cardiff (n=155, 18%)

¹²² For the months of September and October the average monthly figure was computed for the year 2003 and substituted as these two monthly figures were input incorrectly into the police system.

¹²³ This figure is based on incidents in the police system which have been flagged that an arrest has been made, so it is probably an underestimate of the total number arrests made.

- Derby (n=450, 31%)¹²⁴
- Leeds (n=1069, 39%)
- W London (n=119, 30%)
- Wolverhampton (n=351, 31%)

Nationally, domestic violence has the highest rate of repeat victimisation of any crime (at around 50%, according to Home Office figures) and so in this context, these statistics from SDVC/FTS are impressive.



4.3. Definitions of Domestic Violence

In addition to understanding the context of the local police domestic violence data, it is also essential to locate the SDVC/FTS evaluation in the terms within which the partner organisations involved within it operate. As we will see, many of these agencies/organisations work with differing definitions of domestic violence. In determining the scope of differing SDVC/FTS and thus a basis for evaluation, we have to bear in mind that not all work to the same definitions of domestic violence (see Annex 2):

In summary, there are differences between the courts in terms of their scope in addressing:

- offences between intimate partners only (Leeds, West London).
- offences which may also include adult family violence (Wolverhampton, Cardiff).
- those which particularly address family abuse, including children (Cardiff, Derby).

¹²⁴ For the months of September and October the average monthly figure was computed for the year 2003 and substituted as these two monthly figures were input incorrectly into the police system.

4.4. Comparisons

4.4.1. It is important to recognise, at the outset, that our evaluation captures five courts which are at very different stages of their development – one (Derby) being in operation for six months, and another (Leeds) for four years – and operating in very different local and organisational contexts.

4.4.2. In addition, the sites also varied in terms of data available to establish a ‘baseline’ (**before**) from which to assess the effectiveness of SDVC/FTS arrangements (**after**). There was limited statistical information available to enable comparisons of SDVC and Non-SDVC arrangements in the independent evaluations of the Cardiff¹²⁵, Leeds¹²⁶ and Wolverhampton Courts¹²⁷. In addition, the timeframe covered in each report also varied. Some limited comparative indications are also available in the (internal) evaluations conducted at West London and Derby. In the following pen portraits by each site, these reports and indicators will be referred to as initial evidence of the success or otherwise of SDVC/FTS. To fill in the gaps where data/information is absent, we have supplemented existing reports by three means, by drawing upon:

1. Our observations and site visits (section 4.5.).
2. Views expressed in interviews with key informants on the impact of SDVC/FTS arrangements ‘on the ground’ (section 4.5. and section 5).
3. Evidence provided by our quantitative analysis of CPS files at all sites for the common period August 2003- October 2003 (section 6).

4.4.3. Similarities Across Sites

Before moving on to look at each site, it is important to indicate that there were some features which were broadly common across all 5, for example:

- A focus on Magistrates’ Courts proceedings¹²⁸
- Courts usually deal with pre-trial hearings rather than trials.¹²⁹
- Dealing with criminal (not civil) matters.
- Arrangements in place for identifying/flagging domestic violence cases and thereafter either ‘clustering’ or ‘fast tracking’ all domestic violence cases.
- Advocacy support and/or police domestic violence officers are present at court to advise/support victims.
- Multi-agency working is both central to, and crucial for the success of, all models.
- Similarly, training is a priority issue for all courts and agencies.

¹²⁵ Robinson, A. (2003) ‘The Cardiff Women’s Safety Unit: a multi-agency approach to domestic violence.’ University of Cardiff.

¹²⁶ Grundy, M. (2000) op.cit.

¹²⁷ Cook, D. (2002) ‘Wolverhampton Specialist Domestic Violence Court: a Baseline Study.’ Regional Research Institute, University of Wolverhampton; and Cook, D. (2003) ‘Evaluation of Wolverhampton Specialist Domestic Violence Court.’ Regional Research Institute, University of Wolverhampton (available at: www.wdvcf.org)

¹²⁸ Although the principles and protocols established at Cardiff did extend to the Crown Court too.

¹²⁹ None were Narey Courts.

Table 1: Summary of Site Details

Court	Date commenced and Key Features	Partners	Aims
Cardiff	<p>Women's Safety Unit started 26.11.01 Fast Track System (FTS) commenced January 2002.</p> <p>Special FT court procedures consist of: (a) Thursday PTR court (b) Thereafter, designated and prioritised '1 in 4 slots' for DV hearings. (c) FTS applies to pre-trial hearings and trials (d) Member of WSU attends PTR court as victims advocate (e) All 19 prosecutors, all 80 Magistrates trained in DV FTS. (f) FTS protocol extends to Crown Court (g) FTS processes/issues reviewed by WSU and CPS.</p>	<ul style="list-style-type: none"> • Women's Safety Unit • Cardiff CPS • South Wales Police • Magistrates Court • Crown Court <p>NB: The FTS also links with multi-agency risk assessment conferences (MARACS) which involve 16 agencies including: police, probation, LA health housing refuge providers, NSPCC and WSU – to provide information sharing to minimise risks of serious harm to high risk women and children.</p> <p>Protocols: Memorandum of understanding between WSU and CPS Data Sharing Protocols between WSU/Police/CPS Specific Data protocols for high risk cases involving MARACs</p>	<p>Court Aims:</p> <ul style="list-style-type: none"> • Streamline • Fast track • Prioritise • DV cases <p>Women's Safety Unit (WSU):</p> <ul style="list-style-type: none"> • Increase proportion of victims seeking help; • Increase proportion of cases resulting in arrest, charges and convictions; • Provide more appropriate and adequate services to victims; • Reduce levels of repeat victimisation.
Derby	<p>Dedicated DV Court piloted from May 2003</p> <p>(a) Pre-trial hearings only. (b) Court sits half-day on Wednesday (c) Multi-agency, partnership approach</p>	<ul style="list-style-type: none"> • Derby City Partnership • CPS • Police • Magistrates' Courts. <p>Protocols Memorandum between Partner Agencies.</p>	<p>Derby DV Partnership SDVC</p> <ul style="list-style-type: none"> • Improve services to victims/survivors of DV and • Reduce the number of cases collapsing or being withdrawn, • Reduce delay through effective case management and • Appropriate sanctions for perpetrators.

Court	Date commenced and Key Features	Partners	Aims
Leeds	<p>1999, the First DV 'Cluster Court' in England and Wales:</p> <p>(a) pre-trial hearings only</p> <p>(b) Due to demand, 3 DV courts run concurrently on Mondays</p> <p>(c) Police DV officer and a HALT representative available at court(s)</p> <p>(d) multi-agency, partnership approach</p>	<ul style="list-style-type: none"> • Leeds Inter Agency • Project • Help, Advice and Law Team (HALT) • STOP (Stop Terrorising and Oppressing Partners) • CPS • Police • Probation • Magistrates • Magistrates Court • Law Society. 	<p>Aims of the Leeds Domestic Violence Cluster Court</p> <ul style="list-style-type: none"> • To increase the effectiveness of court systems in providing protection and support to women and appropriate sanctions to perpetrators • To increase the co-ordination of professional bodies involved in processing perpetrators; <p>Objectives, to:</p> <ul style="list-style-type: none"> • Develop and co-ordinate a domestic violence court • Identify methods to monitor cases and outcomes • Rationalise training for involved professionals <p>Promote the schemes with government offices and other potential funders</p> <ul style="list-style-type: none"> • Develop a set of principles for the scheme which clearly address women's safety and hold perpetrators accountable.
West London	<p>October 2002</p> <p>First SDV to hear PTRs and trials</p> <p>(a) DV court deals with pre-trial hearings, on Thursday (PTR morning, further hearings including trials afternoon)</p> <p>(b) Presence of ADVANCE and Eaves advocates</p> <p>(c) Presence of a police officer from Hammersmith and Fulham CSU¹³⁰.</p> <p>(d) Specially trained</p>	<ul style="list-style-type: none"> • Standing Together against domestic violence (ST) • West London Magistrates Court (WLMC) • Metropolitan Police (Hammersmith and Fulham, Kensington and Chelsea) • CPS • London Probation Area • ADVANCE • Eaves Women's Aid • Witness service • Victim Support K&C 	<p>Specialist Domestic Violence Court</p> <p>To increase the effectiveness of the judicial system in:</p> <ul style="list-style-type: none"> • Providing protection and support to victims and witnesses of domestic violence • Providing appropriate sanctions to perpetrators • Reducing delay through effective case management • To further increase co-ordination of agencies,

¹³⁰ but not from Kensington and Chelsea.

Court	Date commenced and Key Features	Partners	Aims
West London continued	<p>magistrates-including four district judges who regularly sit in the court, legal advisors and list callers.</p> <p>(e) court processes monitored and statistical returns produced by ST.</p> <p>(f) special arrangements for speedy dissemination of results</p> <p>(g) multi-agency partnership approach</p>	<p>Protocols</p> <p>All agencies are signed up to a protocol¹³¹ containing: definition of domestic violence; statements of the responsibilities of the various agencies; and case management processes for police, CPS and court; and their reporting and evaluation requirements.</p> <p>All H&F agencies have information sharing agreements with ST which pre-date court.</p>	<p>including the Crown Court, involved in supporting victims and witnesses and dealing with perpetrators.</p> <ul style="list-style-type: none"> • To explore the potential for linking civil courts in to the criminal justice process at WLMC. • Reduce repeat victimisation; increase charging; increase number of perpetrators sent to violence prevention programmes.
Wolverhampton	<p>SDVC Piloted from July 2002, fully operational November 2002.</p> <p>(a) specialist court sits Tuesday mornings</p> <p>(b) pre-trial hearings only</p> <p>(c) Police DV Officer and the Criminal Justice Support Services Co-ordinator (CJSSC) are both available at court</p> <p>(d) Court process/issues reviewed by the multi-agency SDVC Steering Group.</p>	<p>The SDVC Steering Group consists of representatives from:</p> <ul style="list-style-type: none"> • Wolverhampton Domestic Violence Forum • Magistrates' Court • CPS • West Midlands Police • Victims Support/Witness Service • The CJSSC • Wolverhampton City Council Housing Dept • AWAAZ • The Haven • Wolverhampton University. 	<ul style="list-style-type: none"> • To increase the % of domestic violence complaints which translate into charges • To reduce the number of 'not guilty' pleas by alleged perpetrators • To reduce the % of retracted statements that are made by victims • Overall, reduce the attrition rate in cases of domestic violence, as they proceed through the criminal justice process • Over the longer term, reduce the incidence of repeat victimisation.

¹³¹ Revised April 2003.

4.5. 'Pen Portraits' of the five courts

4.5.1. Cardiff

The Site: The Cardiff Magistrates Court is the sixth largest in England and Wales. The building itself is on three floors¹³², is modern and well equipped, with good access (including lifts) and security for victims and witnesses. The Women's Safety Unit (WSU) will usually arrange for childcare for victims and witnesses who need it. The courts have provision for vulnerable and intimidated witnesses including TV/video link facilities and screens, although (as we will see in the next section) they are very rarely used in domestic violence cases.

The FTS Model: The Cardiff model for dealing with domestic violence cases is distinct from the other four courts evaluated here in that it does not depend on specialisation and/or the 'clustering' of all domestic violence cases in a designated court, but instead offers a 'Fast Track System' for the processing of domestic violence cases.

The impetus for the FTS came from both the South Wales CPS and from the (embryonic) Women's Safety Unit (WSU), whose collaborative discussions started in July 2001. A joint CPS/WSU memorandum of understanding was signed in October 2001 and the WSU was launched the following month – **November 2001** – having secured an initial two years Home Office funding¹³³. The WSU role (indicated by Box 3 below) encompasses known perpetrator rape in addition to domestic violence, although only female domestic violence victims are supported.

There is a consensus that the FTS depends on the trust and commitment that underpins their multi-agency working practices: one interviewee commented that *'commitment is important.... and it all comes together'* and this included the input of defence solicitors *'from the word go'* in the ways in which the FTS was developing¹³⁴.

Box 3: The Role of the Cardiff Women's Safety Unit

The Role of the W.S.U.

- To provide a one stop shop for women and children who are experiencing or witnessing domestic violence and/or known perpetrator rape (KPR)
- To identify gaps in services
- To plug these gaps through co-ordinated multi -agency action
- To ensure all agencies develop policy and procedures to deliver a quality service
- To deliver quality training to frontline staff

The Cardiff model initially comprised a '**Specialist Domestic Violence Prosecutor**' and special Fast Track court procedures¹³⁵. However, it soon became apparent that the role of

¹³² with lifts to facilitate disabled access

¹³³ Subsequently, the WSU has received Welsh Assembly funding.

¹³⁴ Key Informant (KI) Criminal Justice System (CJS). In order to retain confidentiality, we will in this Report only distinguish between KI's in terms of their affiliations as (a) 'CJS' or (b) 'VS' indicating Voluntary & Community Sector and/or non-CJS Support Services.

¹³⁵ Robinson, A (2003) op.cit. p. 48.

the one specialist domestic violence prosecutor was impractical because of the workloads involved. **All 19 CPS prosecutors** are now trained in domestic violence FTS and all make contact with WSU in domestic violence cases. Similarly, all 80 Magistrates at the Cardiff courts have undergone an accredited domestic violence training programme.

The **Fast Track System** (FTS) was conceived as a way of more effectively processing cases – for the benefit of the victim and the CJS – in a broadly ‘**resource-neutral**’ way. The view at Cardiff was that resources would not permit a Specialist domestic violence Court on the Leeds model and so attention was paid to developing systems to more effectively deal with domestic violence cases. The Cardiff CPS and MCS worked closely to develop these systems, although the role of the WSU is seen by most interviewees as crucial as one noted:

‘The major factor is the WSU: the court has the mechanisms and provides the facility, they provide the support.’ (KI CJS)

The joint Police/WSU/CPS approach to the FTS is also premised on the following:

- **Effective evidence collecting** – a 3 level response to cases of domestic violence¹³⁶ and Polaroid photographs of both the victim and scene of crime (South Wales Police now approve WSU staff taking photos of victims and evidence).
- **Sharing of information** on other agencies files: there are protocols for information sharing in ‘high risk’ domestic violence cases involving: children under 5 resident in household; children under 18 resident in household; where victim is pregnant.
- **Nominated Prosecutors** in C.M.C and Trials Unit
- **Training** of Counsel
- **Liaison** over Similar Fact cases and acquittals

It is interesting to note that initially ‘informal’ partnership working led to FTS and information protocols and not the other way around – such was the importance of partners’ mutual trust.

The court hears criminal matters only, although links with the civil courts are being actively developed (for example, the family proceedings court needs to be more involved in bail decisions, and there are plans for the ‘**Civil/Criminal**’ interface to be the topic of joint training with the courts family team in 2004).

Process Mapping: As indicated in Diagram 1 below, the FTS seeks to speed up the processing of domestic violence cases in two ways:

- First, by ensuring all domestic violence cases with not guilty pleas go to PTR in 4 weeks (as compared with the usual 6 weeks for other cases).
- Second, by ensuring that all further hearings/trials are ‘fast tracked’ by a parallel listing process, which ensures that 1 in 4 of all available court slots are designated specially for domestic violence cases: this ‘1 in 4’ protocol is ‘sacrosanct’ and domestic violence cases prioritised (KI CJS)

The FTS is described in more detail in Diagram 2, which also indicates that its principles also underpin protocols with the Crown Court, should domestic violence cases proceed to them. At all stages of the FTS, the role of the WSU in liaising with CPS and informing/supporting victims is a crucial one (as we will see in section 5 below).

¹³⁶ The Killingbeck model.

Diagram 1: The Fast Track System (a) comparison with 'other' cases

Standard Procedure

- Early First Hearing/Early Administrative Hearing/ Guilty plea
- NG Plea: P.T.R. at 6 weeks
- Trial further 6 weeks
- No priority on the day, as 4 cases are listed per slot.

Domestic Violence Fast Track Procedure

- Early First Hearing/Early Administrative Hearing/ Guilty plea: DV cases identified by CPS.
- Not Guilty Plea: P.T.R./Committal at 4 weeks **(FTS Part 1)**
- WSU monitor all cases
- Trial is listed asap – parallel listing with 1 in 4 slots allocated to domestic violence. **(FTS Part 2)**
- DV cases have priority at trial.

Diagram 2: The Fast Track System (b) Process Map

1. Report of domestic violence Incident – Officer Attends

- Attending Officer completes form FSU9 (see Annex) and sends to South Wales Police Domestic Abuse Unit (DAU)
- Copy of FSU9 then FAX'd to WSU within 48 hours
- Also notifies CPS of all cases flagged as domestic violence (and the clerk may add to this list, if some unflagged cases slip through)
- From December 2002 onwards, attending officer also completes Risk Assessment Indicator form (15 key questions to determine risks) which is incorporated into FSU9 and, if appropriate:
 - (a) shares information with multi-agency partners according to stated protocol.
 - (b) completes form F11a (concern for children reports).



2. WSU then

- contacts victim, within 24 hours
- offers support, advice and makes appropriate interventions/referrals for victim and children (e.g. to 'Homesafe', counselling etc)
- liaises with CPS on cases going to initial stage of FTS – at PTR court.



3. The Fast Track System (FTS) Part 1: the PTR for all domestic violence cases, Thursday mornings at an identified Court . All domestic violence cases go to PTR within 4 weeks:

- WSU are present at all PTR's and can feed directly into the informal discussions.
- CPS, defence and WSU must all be present when any subsequent trial/hearing data is set (as WSU can both notify and be present to represent victim).
- NB: Defence solicitors are willing to agree/change dates to meet diary commitments of WSU.
- Parallel listing: 2 listing books used at PTR, one for domestic violence, one for other cases. domestic violence cases guaranteed 1 in 4 of all available slots
- domestic violence cases are prioritised



4. If case proceeds, FTS – Part 2. domestic violence cases prioritised and fast tracked:

- Cases heard next door to identified domestic violence PTR Court
- 1 in 4 slot guarantees speed of process
- WSU in attendance, having liaised closely with CPS over victim attendance requirements etc.
- WSU and CPS liaise on all cases acquitted.



5. If case proceeds to Crown Court, then appropriate protocol is followed, namely:

- Domestic Violence cases not to be used as 'floaters'
- Listed on Mondays if possible
- Cases to be heard by experienced and senior Judges
- Special Measures and victim liaison
- Victim Personal Statements to be invited in all D.V. cases

The Cardiff FTS was independently evaluated in May 2003, after just over a year in full operation¹³⁷. Key indicators from that evaluation were:

- Between December 2001 and January 2003 the WSU received referrals for 1,150 women and their 1,482 children
- At January 2003, 1,200 persons working in CJS and voluntary and community sector agencies had received domestic violence training sessions from the WSU
- Incidents of repeat victimisation (RV) in domestic violence cases decreased by 36%
- Numbers of victims refusing to make a complaint decreased by 18%
- Concern for children reports submitted by officers increased by 139% (from 22 to 55 per month)
- CPS prosecutors feel the WSU promotes taking domestic violence seriously and enables cases to be handled by them more effectively and efficiently
- The FTS procedure have speeded up domestic violence cases which now take approximately 7 weeks compared with standard cases taking 14 weeks
- Clients perceptions of the WSU service were overwhelmingly positive
- Responses were scaled from 1 – 10 (with 10 being most effective) and the WSU score for effectiveness in helping clients achieve a safe outcome was 9.2.

4.5.2. Derby

The Site: Derby magistrates' court has recently moved into renovated premises which are well appointed and in a central location. There are no separate entrances for victims and defendants and security at the entrance is provided by staff with body scanners. Waiting rooms (with secured entry) for domestic violence victims and witnesses are separate, but there are no facilities for childcare at the premises. Some courtrooms are very small and have no secure dock; others were larger and did have a secure dock. In small courts, the victim and defendant would sit quite close. There is provision for special measures, including TV and video-link equipment and screens. Disabled access is provided via ramps to access court building, and there is wheelchair access including lifts, disabled toilets, with loop facilities in all courts.

¹³⁷ Robinson, A. (2003) op. cit.

The DDDVC Model: The Derby Dedicated Domestic Violence Court¹³⁸ is the newest of the five sites being evaluated here. Derby City Partnership (DCP – comprising statutory and voluntary agencies, L.A., Probation Service, Social Services etc), the CPS, Police and Magistrates' Courts agreed to trial the introduction of a dedicated domestic violence court for 12 weeks from **May 2003**. The two imperatives were:

- the need for speed in bringing cases to court, as delay is often fatal to the chances of success
- to bring together those agencies whose combined weight were influential in securing the safety of victims and witnesses (particularly children).¹³⁹

Subsequently, Derby Magistrates' Court has retained the dedicated domestic violence court as a permanent arrangement because of its perceived benefits. It currently seeks to 'mainstream the service', reduce its reliance upon volunteer advocates and address the identified gaps in terms of dedicated advocacy and support. There are no regular Steering Group meetings, but as at December 2003, there had been two ad hoc meetings between CPS, DCP and Court (KI CJS).

Process Mapping: The arrangements are for magistrates' courts only and deal with pre-trial hearings (bail variations; pleas; PTRs; pre-sentence reports, sentencing) and trials are not included. All cases falling within the agreed CPS definition of domestic violence will be charged and bailed to the domestic violence court. Thus far, Derby manages one court, one half day (Wednesday), but as work from outlying courts is being brought into Derby this will have an impact (although it is not yet known how much extra work will result – KI CJS).

There are cases which will fall outside the SDVC: for instance, those which cannot be processed within the time constraint (e.g. late arrests on Mondays and Tuesdays). They will be bailed to the following Friday Narey court and if adjourned will then re-enter the dedicated court at the next hearing. Six months after its introduction there remain issues over the identification of domestic violence cases, their listing and tracking (in common with other SDVC sites, particularly in the early stages of operation).

The court set-up reflects a multi-agency, partnership approach, instigated and driven at first by DCP and the CPS. A police DVU officer and a representative from the voluntary sector should always be present at the court and, ideally, a person from the Probation Service and from the Housing department should also be there.¹⁴⁰ The CPS prosecutor tends to be specialised, though may undertake other prosecution work as well.

The first three months of the initiative were internally evaluated¹⁴¹ and subsequently the DCP produced a report focusing on user feedback in January 2004¹⁴².

¹³⁸ But hereafter referred to as 'SDVC' for consistency

¹³⁹ Derby CPS Interim Report May – August 2003.

¹⁴⁰ Though only the police officer was there the day of the site visit.

¹⁴¹ Derby CPS Interim Report May – August 2003

¹⁴² Derby City Partnership (2004) 'Derby Dedicated Domestic Violence Court'.

4.5.3. Leeds

The Site: Like Derby, the premises are relatively new and well appointed. There are no separate entrances for victims and defendants and security (guards and body scanners) is at the entrance only. There is a mother and baby room (unattended) and crèche across the road. There are three courtrooms which always house domestic violence hearings. Provision is available for special measures, including TV/video-link and screens.

The longest-established of the domestic violence courts, in operation since June 1999, the Leeds court is magistrates only and deals with pre-trial hearings only (bail variations; pleas; PTRs; pre-sentence reports, sentencing), not trials. All cases falling within the agreed definition of domestic violence will be charged and bailed to the domestic violence court. Because of the volume of work, Leeds now runs three domestic violence courts on Monday afternoons. Even this does not cope with the volume of work and trials are not included (KI CJS and VS).

The nature of offences dealt with at the court reflects domestic violence offences generally. It includes summary and triable either way offences: ABH; common assault; criminal damage (these three make up 80% of all charges); theft; harassment; threats; intimidation.¹⁴³

The key features of the court set up are: multi-agency, partnership approach between Police, CPS, HALT¹⁴⁴ and MCS particularly, instigated and driven at first and with strong support from LIAP and HALT. A Police domestic violence officer and a HALT representative are always available (though they cannot be in three courts at once, they will be in the building¹⁴⁵). CPS lawyers and a designated case-worker (DCW) prosecute the hearings and agents do the trials. The process may involve multiple attendances by the defendant. Consequently, by the time of trial, he is well acquainted with the court, but the victim is not.

The Steering Group (which involves LIAP¹⁴⁶, HALT, CPS, Police, Court, Probation Service, Witness Service) meets monthly to review matters arising. All involved report that meetings work well, with no conflict between the sometimes different aims of the agencies. HALT monitors its own project, which is not necessarily focused on the court but on its services to victims of domestic violence¹⁴⁷.

Process Map: Leeds Domestic Violence Cluster Court Project¹⁴⁸

- On arrest the Custody Sergeant would accept the charge for a domestic violence related offence – at this stage the charge sheet would be stamped and identified as a

¹⁴³ Grundy (2000) op.cit p31.

¹⁴⁴ Help Advice and the Law Team (HALT)

¹⁴⁵ This was a problem addressed at the multi-agency monthly meeting, where a solution was proposed – that ushers be notified of the location of these representatives, so that if they were needed in a particular court, everyone would know where to find them.

¹⁴⁶ Leeds Inter Agency Project (LIAP)

¹⁴⁷ An evaluation of its services is to be published in March 2004. The authors of this report are very grateful for the sight of an early draft executive summary. No subsequent drafts have been seen.

¹⁴⁸ Grundy (2000) op.cit. p.19

domestic violence case and the completed Victim Form would be attached to the file.

- The file including the Victim Form would be seen by the File Manager and then passed on to the CPS
- The Domestic Violence Co-ordinator for each Police Division would receive copies of the Victim Form. When completing the VF the police would be required to ask if the woman would like help and advice from HALT. If the victim indicated 'yes', the Co-ordinator would pass a copy of the VF on to HALT. This system of referring does not preclude women from approaching HALT directly for help and support.
- The Court Listings office at the Magistrates' Court would receive a weekly list of domestic violence cases by fax from West Yorkshire Police.
- For monitoring purposes the domestic violence Co-ordinator would also be required to send copies of the VF and the weekly list of cases sent through to Court Listings to the Inspector at Leeds Community Safety Unit (also a project Working Group member).
- The main aim for any case from the project area reaching this stage of the process was for the first hearing of the case to be held in the LDVCC project court. Following the introduction of the Narey measures within the project year, it was accepted that the second appearance rather than the first should be held in the dedicated court.
- A stipulation of the Working Group was that wherever possible, every effort would be made to ensure that each subsequent appearance would be in the dedicated court. Exceptions to this would be when a practical or exceptional circumstance occurred. An example of this would be listing a case where a trial needed to be held because of the lengthy nature of trials. It was however requested that where hearings took place outside of the dedicated court they should be arranged on the same day and time as the dedicated court so that specialised information and support workers could be on hand.

Key informants believe that the establishment of the Leeds domestic violence court has improved the recognition of the seriousness of domestic violence. It has identified training needs for all members involved in its operation and as a result this has substantially improved the level of information flow through different agencies. It would appear that the processing of domestic violence cases has been speeded up by the introduction of the Leeds court.¹⁴⁹

4.5.4. West London

The Site: West London Magistrates Court (WLMC) is conveniently located for the population it services and key informants noted that it was readily accessible by public transport. There is disabled access to the main court building but the dock and witness box in the SDVC are not readily accessible to wheelchair users. However if the court is advised in advance the case would be listed to another court room with trained personnel. The witness waiting areas are located off the main court corridor but there is 'pin' access to the three waiting rooms that have roller blinds at the windows facing into the corridor. Key informants noted that security at the court is generally 'okay' (there is a body scanner at the main entrance), but according to key informants there have been instances where security staff have been

¹⁴⁹ Leeds Overview Report 1999/2000 p6

passive in relation to intimidation directly outside the court building.¹⁵⁰ There are no childcare facilities for women with children who attend court as victims/witnesses. However, the victim/witness support services would endeavour to secure child care for a trial date.

WLMC is a relatively new court building but key informants noted that aspects of the court design are not ideal. The SDVC is always listed in the same courtroom (court three), which is a bright and airy room (with a pyramid glass ceiling). The public gallery is screened off from the main court and there is a raised bench that adds to the formality of the court. However a key problem is the proximity of the witness box to the dock. There is a secure dock with a glass screen but the witness box is close to the dock and when the witness enters the box she can see the defendant in her peripheral vision.¹⁵¹ The strategy for coping with this less than ideal situation¹⁵² is to instruct the witness to turn her body to face the bench.

Although WLMC has special measure facilities (video link for child witnesses or screens for adults and children) key informants stated that these are not normally used at present in domestic violence cases. The court would very much like to be able to use video link facilities in domestic violence cases for adult witnesses prior to full national implementation of special measures in the magistrates courts.¹⁵³ Key informants stated that special measures had been beneficial in domestic violence cases sent to the Crown Court.

The SDVC: The SDVC at WLMC is co-ordinated by Standing Together against domestic violence multi agency partnership. The court is the first SDVC in England and Wales to hear PTRs and trials. The court takes cases from the two London boroughs of Hammersmith and Fulham (H&F) and Kensington and Chelsea (K&C). The court began operating in October 2002. As a magistrates court it hears criminal matters only. The court sits on Thursdays and hears pre-trial matters in the morning and trials in the afternoon. The court has established a written protocol, a component of best practice in developing a SDVC.¹⁵⁴ Key features of the SDVC arrangements (as outlined in the protocol) are:

- a commitment by Hammersmith and Fulham (H&F) police to ensure the attendance of a CSU officer at court on Thursdays. Kensington and Chelsea (K&C) police have agreed that they will attend bail hearings and trials as well as deal with matters over the telephone.¹⁵⁵
- The court was set up after many years of addressing the co-ordination of response to incidents from police call out, onwards.

¹⁵⁰ Observers at the SDVC have reported instances of security staff appearing to collude with perpetrators whilst in the dock. (See Standing Together (2003) One Year On: A Review of the first year of the Specialist Domestic Violence Court at West London Magistrates Court, p. p.33, this was also mentioned in KI Interviews). Best practice in the US is for security guards also to be trained on domestic violence.

¹⁵¹ She also has to walk in front of the dock to get into the box. The court is now mapping different pathways into the court room.

¹⁵² Survivors have commented upon this in the Survivor evaluations of the SDVC. See Standing Together (2003) p.23 and p.24.

¹⁵³ KI interviews. See also Standing Together (2003) p.30 and p.39.

¹⁵⁴ See Chp 3. In KI interviews it was noted that the benefits of this good practice had already been shared with other SDVCs in England.

¹⁵⁵ Difficulties with this arrangement have resulted in a modification to fax results.

- Standing Together is operating primarily in H&F Police division but also co-ordinates agencies across two police divisions (H&F and K&C)
- a commitment from ADVANCE Advocates and Eaves Women's Aid to attend the court to offer support to victims/witnesses attending court and to collect results in their relevant cases (H&F for ADVANCE, K&C for Eaves).
- ADVANCE and Eaves both take referrals from the police (on a consent basis) and can offer pre-court support (including pre court visits if desired). They can also act as a conduit of information between the victim/witness and the police, for example passing details of civil orders to the police and informing them of any harassment of the witness.
- Police, ADVANCE and CPS train agencies together.
- The Witness Service (WS) at WLMC is committed to providing support to all witnesses and can provide pre-court orientations. It has also agreed to meet victim/witnesses when they attend court and by prior arrangement, to arrange separate entrances. WS also has a role in keeping the police and victim advocates informed of any changes in bail (using specific forms). WS also has an information role regarding outcomes of completed cases.
- A pre-court support/information gathering role is played by K&C Victim Support. While they can attend the court in exceptional circumstances, the normal procedure is to refer to WS.
- WLMC is committed to ensuring that DJs, magistrates, legal advisers and staff have received domestic violence training. It is committed to fixing trial dates within 28 days of a NG plea (and recording reasons when not possible).
- The CPS is committed to assigning prosecutors to the SDVC who are appropriately trained and experienced in domestic violence cases.
- Probation is committed to providing a qualified probation officer for the court on Thursday mornings whenever possible.

The multi agency court protocol builds on partnerships that Standing Together has been working to facilitate since it was set up in 1998. The *One Year On* review attributes the largely successful bedding down of the protocol to constructive relationships that existed prior to the SDVC.¹⁵⁶

A significant feature of the West London court is the arrangement that they have with the Inner London and City Family Proceedings Court (ILFPC) to obtain information about civil orders. A running log of civil orders is maintained and available in the SDVC for cross checking against defendants who appear in the SDVC.¹⁵⁷ Another significant feature of the West London SDVC is the use of District Judges. Some key Informants noted that there were considerable differences in approach between DJs and lay benches, even though all were trained on domestic violence and supported by a small group of specially trained clerks. DJs have an authority and control of the courtroom and are more proactive in exploring the potential overlaps with family civil/law matters. Although, the One Year On Review does not appear to distinguish between professional and lay magistrates when commenting that: 'Some good practice has been observed where the bench has implemented greater use of inquisitorial questioning'.¹⁵⁸

¹⁵⁶ Standing Together (2003) p.7. A long history of joint working and trust building went into the project (p.10).

¹⁵⁷ However not all informants believe that the book is being used consistently (KI interviews). See also Standing Together (2003) p.40.

¹⁵⁸ p.32.

One group of participants who were not involved in the setting up of the SDVC were defence lawyers. The lack of engagement with defence lawyers has been identified as an issue in the one year evaluation of the court: 'We don't know what defence solicitors say to alleged perpetrators about what to expect from the court ... We have not engaged with the Defence Association yet.'¹⁵⁹ The site observation did reveal some particularly bad practice on the part of one defence lawyer, which while not challenged by the court at the time, was noted for feedback through the Specialist Court Management Group that meets quarterly. Key informant interviews suggested that the incident was not isolated but such incidents are always dealt with through the Standing Together monitoring of the court and through the court review processes.

Process mapping: The SDVC protocol contains an agreed definition of domestic violence for the court that confines it to 'physical, sexual or emotional abuse within or after an intimate relationship'. This definition is narrower than the definition of domestic violence adopted by some of the agencies involved in the SDVC for their own organisational purposes. For example it is narrower than the CPS definition of domestic violence that also includes child abuse.¹⁶⁰ The definition of domestic violence used in the SDVC has been debated in some quarters. Some key informants noted that on occasion family violence cases were being mis-listed to the SDVC and, due to caseload, the court needed to concentrate on cases within its intimate relationship definition.¹⁶¹

Cases are flagged for inclusion in the SDVC by a 'green sticker' system. The police are supposed to put a green sticker on the charge sheet to identify the case as domestic violence for court listing and the CPS. The CPS are then supposed to endorse their file jacket and the court place a green sticker on the court file. This system of identifying cases is not perfect but key informants were of the view that the identification of cases within the SDVC has improved over the first year of operations. The site visit provided confirmation that the CPS and the courts were proactive in identifying cases which might come within the SDVC definition but which the police had not flagged with a green sticker.¹⁶² Most key informants were reasonably confident that the procedure and practice was such that few cases within the court's remit were being heard outside the SDVC. Crucial to this appears to be an awareness amongst all legal advisors and prosecutors about the special process for domestic violence cases and the need to ensure cases listed inappropriately elsewhere are rerouted.¹⁶³

Some of the main findings of the *One Year On* evaluation of the SDVC were that:

- Partner agencies view the interagency working as very beneficial.
- The partners have developed an effective protocol and procedures for monitoring and evaluating the court.

¹⁵⁹ p.33

¹⁶⁰ H&F police share the court definition but K&C police use the ACPO definition (Standing Together (2003) p.15).

¹⁶¹ The possibility of the court being selective in terms of intimate partner violence has been raised as an issue by one magistrate (Standing Together (2003) p.15) but does not appear to be a shared view.

¹⁶² This confirms the Inspector's report finding that the CPS can plug some of the gaps in police identification.

¹⁶³ This perhaps supports the argument that all prosecutors should be trained on domestic violence, not just those who may be assigned to the SDVC.

- The court has reduced delay up to the point of listing for trial through effective case management.
- The mean number of hearings per case have been greatly reduced.
- There are signs that the court has been effective as part of a package of initiatives to reduce repeat victimisation.
- The court is generally positively evaluated by survivors of domestic violence, particularly in terms of advocacy support.

4.3.5. Wolverhampton

The Site: The court is located in a listed former Town Hall building with converted council rooms which have little formality or authority. The building itself is a little shabby and does not lend itself to modern requirements for access and witness safety. Disabled users cannot easily access the court. However if the court is aware of disability in advance then the case can be listed to a courtroom that has disabled user access or equipment for the hearing impaired.

There are separate waiting facilities just off the main entrance and toilets within that separate waiting area. There are no separate refreshment areas but Witness Service (WS) will go out and bring refreshments in for witnesses. There are guards on the main entrance but security can be a problem. WS reported that defendants have come into the separate waiting area for prosecution witnesses and volunteers have had to challenge them. The Court is not specially identified for domestic violence. There are no childcare facilities at court although informally the WS say that they will look after the children of women who turn up at court.

There is no courtroom that is specially dedicated for the domestic violence pre-trial hearings. Key informants said that the designated domestic violence courtroom changed from week to week. The courtroom in use on the day of the site visit had no video link facilities (although they were available in another courtroom). The court did have temporary screening arrangements but according to KI interviewees they are not used in domestic violence cases. If there is a problem of intimidation then it is possible for the case to be listed in a courtroom that has direct access from the witness waiting area, without having to go through the shared waiting areas. Again this facility seems to be dependent upon specific advance notification of intimidation.

The SDVC: The court was set up in July 2002. It hears criminal matters in the magistrates' court only. The arrangements do not cover trials and are for pre-trial hearings only. The court sits for half a day per week, on Tuesdays. Key features of the SDVC arrangements are:

- a commitment by the West Midlands police to ensure the attendance of a West Midlands Police domestic violence officer at the Tuesday morning court (by rota of 2 domestic violence officers covering different areas)
- the appointment of a Criminal Justice Support Services Co-ordinator at the SDVC court
- close links between CJSSC, the CPS domestic violence Co-ordinator and MCS
- a wider multi-agency Steering Group which monitors the SDVC operation and provides a forum for discussion of both issues/problems and further developments of the SDVC.

The successful operation of the domestic violence process relies heavily on the Criminal Justice Support Services Co-ordinator (CJSSC), as one KI commented,

'It would be a disaster without her. I have seen what a difference she makes and if we could have ten of her it would be fantastic.'

Other people involved in the process are willing, but as another noted, they *'have limited time and resources to commit to the court and are juggling other responsibilities. It is not a matter of willingness but resources.'*

The CJSSC engages in community outreach work. The CJSSC is based at the SDVC on Tuesdays but The Haven provides the focus for both line and day-to-day management of the role. The post is funded under the Community Initiatives Fund (for 3 years) and the CJSSC reports regularly to the SDVC Steering Group on data, case progression and issues arising. This multi-agency group (see Table 1) meets regularly to consider issues arising from the SDVC operation and to enhance and develop further the working practices of the court. The SDVC evaluation, discussed by the Steering Group, has identified resourcing issues and an over-reliance on the CJSSC, suggesting the need to seek funding for a designated outreach worker to supplement the court based CJSSC role¹⁶⁴.

The CJSSC is the key link between the SDVC and support services for victims. In addition to providing victims with updates on the progress of the case, she undertakes an assessment role and refers women on to the support they need. She is an important conduit of information from the CJS agencies, although there are some concerns around the level of information she receives:¹⁶⁵ consequently, a protocol to determine data access is currently being negotiated. (KI VS).

Process mapping: the definition of domestic violence in use varies between different agencies involved in the SDVC. The CPS view is that the court has a looser definition of domestic violence than the CPS but that listing practice is still problematic and intimate partner violence can get listed outside the SDVC. The police say that the court deals with domestic violence that falls within any one of the agencies' definitions but it does not deal with child abuse (which falls within some definitions), except when the assault on a child is a secondary assault to a main assault on an adult.¹⁶⁶

Cases are to be identified by (a) police flagging and (b) the CPS filling in the special category box on their file jacket. However, KI interviewees believed that cases were not always appropriately flagged and that there was inappropriate listing both in and out of the SDVC; it was believed by key informants that there was a 'significant' proportion of cases of domestic violence listed outside the SDVC¹⁶⁷ – this was also evident in the SDVC evaluation report.

The main findings of the one-year on evaluation of the SDVC were that:

¹⁶⁴ Cook (2003) op.cit.

¹⁶⁵ Concerns are in respect of confidentiality

¹⁶⁶ On a pre-trial visit a victim sat through a 'DV' trial which was a friend assaulting a friend and she queried whether it was DV. It got classified as DV because they lived in the same household

¹⁶⁷ This is supported by the evaluation report which found that up to 37% of DV cases may be listed outside the SDVC.

- There are signs that reporting rates of domestic violence incidents in Wolverhampton are increasing
- While rates of 'criming' of domestic violence incidents have *decreased* (from 31% to 25% over the last year) this has been accompanied by *increased* recording of (less serious) domestic violence incidents, which may be seen as an encouraging signal of victim's willingness to come forward and/or may reflect the implementation of better recording practices.
- Repeat victimisation (RV) in the area covered by the SDVC has been reduced to 35% in 2002/3. The RV rate of the police OCU's covered by the SDVC are significantly lower than that of other areas within the West Midlands Police force area.
- Key informants involved in working with domestic violence victims and survivors regard the SDVC positively in that it is seen to have given rise to better partnership working around domestic violence victim's care.
- Partner agencies are believed to have given as much as they are able, given high workloads and the high level of need amongst domestic violence victims and survivors
- However, there are some reservations about the capacity of current partners to 'deliver' fully, in terms of the ethos of the SDVC, without further resources for support and outreach working.
- Crucially, domestic violence victims themselves regard SDVC as a very positive step forward: it is seen as more responsive to their needs and supportive of their choices. The role of the CJSS worker, and allied V&C sector support workers has been central to such feelings of increased confidence and support.

5 Qualitative Evaluation of the SDVC/FT systems

In this chapter, the effectiveness and efficiency of the courts is evaluated thematically, drawing on evidence from site visits, interviews conducted with key informants (in person and by telephone) and published and unpublished reports to which we were given access. The reports will be referred to by their “site name”¹⁶⁸). It should be borne in mind that the **reports do not provide a consistent basis for comparison of specialist with non-specialist courts, nor for comparison between the specialist courts themselves.** That is because:

- Very little statistical information on the operation of (pre) non-specialist courts is provided by the reports.
- They were written at different times and over differing periods (for example, with the Leeds report being published in 2000 and Derby’s compiled in November 2003, after just 3 months in operation).
- They are written for different audiences (e.g. Cardiff’s report focuses on the Women’s Support Unit).
- They are written by different authors, some by internal writers (e.g. Derby CPS) and others independently commissioned (e.g. Wolverhampton).

Much of the comparison between specialist and non-specialist courts, therefore, must rest on the information which has been independently provided during the course of this research by key informants based at the sites themselves. In light of our promise that respondents’ views would remain confidential, key informants are divided into two groups and identified either as being representative of the criminal justice system agencies¹⁶⁹; or of the voluntary/community support agencies¹⁷⁰. What follows is an accurate reflection of **their views**, and is useful in indicating where there are ‘gaps’ between formal policies and ‘on the ground’ practice in the processing of DV cases.

For the same reason (of confidentiality), sites are not identified wherever possible, although this cannot be avoided in some cases. Further evidence on the themes is provided in Chapter 6, where an analysis of CPS case files from August – October 2003 at each of the 5 sites seeks to fill in some of the gaps in information in this chapter.¹⁷¹

The themes addressed in the following chapter are:

- Narrowing the Justice Gap
- Bringing the Perpetrator to Justice
- Improving Victim Satisfaction
- Costs and Benefits.

What was impressive from all the site visits and all the interviews conducted with our key informants was the depth of commitment of individuals and good working relationships were in evidence between the agencies. This was regarded as essential to the operation of

¹⁶⁸ e.g. Cook’s report on the Wolverhampton SDVC will be referred to as the Wolverhampton report.

¹⁶⁹ Police, CPS, Probation Service, MCS and Magistrates. Referred to as KI CJS

¹⁷⁰ HALT, Standing Together, ADVANCE, Women’s Safety Unit, Derby City Partnership, Haven, Witness Service, Victim Support. Referred to as KI VS

¹⁷¹ Since this was an analysis of CPS files for cases which were allocated to those specialist courts, it does not provide comparative information on the situation existing in non-specialist courts elsewhere, or the pre-SDVC/FTS situation at the five sites being evaluated here.

the court and the welfare of the victim. We are very grateful to all who helped us for their unreserved co-operation with this research.

The term “**advocates**” used in this chapter reflects the usage of the term within the voluntary and community sector, namely to those laypersons from the voluntary/community sector whose role is to provide information, advice and support to women victims of domestic violence. They are not necessarily legally qualified persons, and their work is not focused on the court but encompasses a wide range of support from criminal prosecutions to civil and family matters.

5.1 Narrowing the Justice Gap

5.1.1 Charges, Hearings and Speed of Process

Charges

There is no evidence that the courts have made any difference to the level of charges brought forward. The charging pilot is thought likely to have more impact. The case files analysis in the following chapter¹⁷² demonstrates that the large majority of charges are offences against the person, with 45% assault; 32% ABH and 14% criminal damage. The sample of case files analysed in the Inspectors’ report¹⁷³ resulted in 65% assaults¹⁷⁴ and theft and criminal damage together accounting for nearly 10%.

It was suggested by some respondents that ABH charges are sometimes inappropriately brought because common assault does not yet carry a power of arrest¹⁷⁵, but the files analysis showed less than 14% of ABH charges were reduced. There were concerns from respondents about inappropriate use by police of breach of the peace,¹⁷⁶ but the fact is that since the introduction of the positive action policy, breach of the peace is used much less often.¹⁷⁷

Number of hearings¹⁷⁸

Defendants¹⁷⁹ will find themselves in court on a number of occasions before the trial itself. Two of the reports note that the special courts reduced the number of hearings.

¹⁷² Chapter 6.4.2

¹⁷³ HMIC and HMCPSI (2004) *Violence at Home: Joint Thematic Review of the Investigation and Prosecution of Cases Involving Domestic Violence*. Referred to throughout this chapter as the Inspectors’ report.

¹⁷⁴ ABH and common assault together, presumably

¹⁷⁵ But see proposal in Domestic Violence, Crime and Victims Bill

¹⁷⁶ Respondents both at Leeds and West London particularly remarked on this.

¹⁷⁷ None reached court at WLMC. See e.g. Section 6 p.39 *One Year On*.

¹⁷⁸ The files analysis was unable to collect data consistently on the number of hearings per case.

¹⁷⁹ but most probably not victims also.

Leeds report: there was only a small change in the mean number of hearings from 3.41 to 2.96¹⁸⁰.

West London: *One Year On* reports the mean number of hearings per completed case as 3.6, down from a pre-SDVC level of 7-8.

Reasons¹⁸¹ for adjournments included:

- Defendant awaiting grant of Legal Aid.
- Defendant needs to appoint/consult solicitor.
- Prosecutor awaiting full file from police.
- Awaiting evidence and/or serve on defence – e.g. medical evidence; have video tape copied for defence (“there is always a backlog in the tape-copying department”).
- Variation of bail conditions.
- Awaiting domestic violence officer contact with victim in order to grant variation of bail.
- Awaiting risk assessment following victim retraction before deciding whether to continue prosecution.
- To go to pre-trial review.
- To go to trial.
- Awaiting pre-sentence reports.
- Absence of witness or defendant.

Speed

One of the aims of the special arrangements for dealing with cases of domestic violence is to speed up the process from initial charge to final appearance (ensuring cases are dealt with effectively and efficiently with due expedition). Our case files analysis¹⁸² found that it took 10 weeks for the average case to go from arrest to finalisation. Two of the reports state that the process speeded up with the introduction of the specialist courts and most of those interviewed concur.

“The project produced a statistically significant reduction in the delay from charge to first appearance and in the number of days between each subsequent appearance.” The Leeds Report states that the time from charge to sentence decreased from 87 to 56.5 days¹⁸³.

The Cardiff Report on a year’s operation of the Women’s Safety Unity in Cardiff stated in 2003: “standard court procedure typically lasts 14 weeks, the domestic violence procedure lasts approximately 7 weeks”.¹⁸⁴

There are, however, some reports of delays caused by listing difficulties and defence tactics.

¹⁸⁰ Though the report comments that this might be more to do with the effect of the Narey project.

¹⁸¹ Undifferentiated by site, agreed by KIs.

¹⁸² See Chapter 6.4.8 below

¹⁸³ pp 33-36 *Leeds Report 2000*

¹⁸⁴ p.49 *Cardiff Report 2003*

The West London Report states: “Requests made by the defence often unnecessarily delay the process e.g. requests for additional medical records and psychiatric reports. Concern was expressed that new tactics seem to be employed to extend the process and discredit the victim, which serve to increase delays.”¹⁸⁵

GOOD PRACTICE – Police Role

One factor helping to avoid adjournments and thus speed things up is the presence of a specialist domestic violence police officer in court who can respond quickly to requests from the court for information and action, instigating a risk assessment, chasing up missing evidence. The presence of the officer may also make the victim and advocate feel safer.¹⁸⁶

GOOD PRACTICE – Co-operation between police and voluntary advocates

The Women’s Safety Unit has a seconded police officer as part of the team. This facilitates information-sharing between the South Wales Police and WSU and ensures that the court has immediate access to best information.

GOOD PRACTICE – Court processes

The court clerk had listing availability ready to hand in court, which speeded up the process.

A log was kept in court recording the progress of all domestic violence cases.

A running log of civil orders made at ILFPC is maintained and taken into the SDVC so that the clerk can cross check for any matches of defendants appearing in the SDVC.

All issues relating to the court processes should be monitored regularly.

GOOD PRACTICE of multi-agency working

Monthly meetings of members of all the agencies (criminal justice and voluntary sector) are held to review operations and solve issues which have arisen since the last meeting.¹⁸⁷

5.1.2 Victim Withdrawals

According to our files analysis, 50% of victims retracted at some stage of the proceedings¹⁸⁸. It is widely agreed that because of its special nature, domestic violence attracts the largest numbers of victim withdrawal¹⁸⁹ and that this poses a serious problem in

¹⁸⁵ p.37 Section 8 *One Year On*

¹⁸⁶ This emerged at all sites. A recurring theme is the beneficial effect of having an officer present in court at domestic violence hearings. The Inspectors’ report also found the same at 7.102

¹⁸⁷ Leeds. These include CPS, MCS, WYP, HALT, LIAP, Probation, and recently Witness Service. Other sites including West London also meet regularly to discuss data and issues arising.

¹⁸⁸ Chapter 6.4.7 below.

¹⁸⁹ But figures for other crimes were not readily available to us. In KI interviews at West London, questions about the level of withdrawal prompted comments on the difficulties of matching information held by different agencies about cases going through the SDVC. The CPS were felt to be the key agency in terms of knowledge about victim withdrawal but the data from the CPS did not match that coming from the court. ST uses court data rather than CPS data for monitoring purposes.

achieving the “*Justice For All*” objectives. The reports do not provide comparative statistics on numbers of retractions before and since the introduction of the specialist courts. Factors identified in the Cardiff report as *reducing the likelihood of retraction* included:

- victim and defendant not currently in a relationship;
- victim attending court;
- making a personal statement;
- case being sent to PTR;
- defendant having prior history of domestic violence;
- likely repetition of domestic violence;
- the defendant posing a continued threat to the victim; and
- defendant having an alcohol problem.¹⁹⁰

Criminal justice system respondents believed that the special court had made no difference to the level of retractions: if women were going to withdraw, then that would happen regardless of the court, though (one commented) the court had speeded up the process of taking retraction statements.

“Victims are just as likely to withdraw but they are now more aware that that is not necessarily the end of the matter, that they can be summonsed”.

Interview with key informant member of criminal justice system agency

There is an apparent conflict between respondents from criminal justice system agencies and those from the voluntary sector about factors that affect a victim’s willingness to participate in the process. One CJS respondent said that delays, immigration status and changes in bail conditions are more likely than CJS processes to affect the victim’s perspective and hasten retraction. Another felt that the chance of a perpetrator being imprisoned would bring on a retraction. On the other hand, a VS respondent thought that retractions were down to lack of information about the progress of the case, gaps in contact and support from the start until after the end of the case.

There is, however, a strong belief amongst respondents both in the voluntary sector and the criminal justice system agencies that properly supported victims are less likely to withdraw. There is little statistical support for this except from HALT’s anticipated report, which suggests that fewer than 10% of women who are supported retracted.

“...[W]omen are more likely to go ahead if they are better informed because withdrawal is around issues of communication.”

“Retractions are less likely [under the special process], but if women do retract, it is a supported and informed process and CPS liaison is involved.”

“There is a view that supported retraction may be desirable and so retractions are not necessarily a negative indicator.”¹⁹¹

Interviews with key informant members of the voluntary sector

¹⁹⁰ Ibid p.68.

¹⁹¹ p.37 Section 8 *One Year On*

GOOD PRACTICE

“Effective multi-agency co-ordination and cooperation of the police, CPS and the support agency is the key to steadily reducing numbers of retractions.”¹⁹²

CPS policy in respect of victim withdrawal was to proceed wherever possible and appropriate, but is only possible in a small number of cases.¹⁹³ Integral to the process is the effective collecting of evidence and the use of witness summonses.¹⁹⁴

5.2 BRINGING THE PERPETRATOR TO JUSTICE

5.2.1 Evidence gathering: nature and quality¹⁹⁵

“Police should treat the scene in the same way as any other scene of crime. They should get witness statements, including that of the victim. They should not say that the victim was too upset to interview. They would not say that if it was a burglary.”

Joint interview with key informant members of the criminal justice agencies and voluntary sector.

In four of the sites, respondents believed that the quality of evidence had improved since the introduction of the special courts, though the files analysis shows that there is still room for improvement.

As will be seen by the case files analysis¹⁹⁶, domestic violence cases do not normally draw on a wide range of evidence. Often, the only witness to the crime is the victim and where a case is built predominantly on the testimony of the victim, a retraction is likely to lead to a discontinuance of the prosecution.¹⁹⁷ The Inspectors’ report noted that although the majority of police forces have set out minimum standards of investigation within policy, effective knowledge and understanding of policy is not widespread within forces¹⁹⁸. In only one force was mention made of recording evidence of victims’ injuries and descriptions at the scene. As the report puts it, “an effective investigation must consider all types of evidence that could corroborate the victim’s account ... Too frequently the reviews in the file sample

¹⁹² KI VS and Robinson, A. “Cardiff Women’s Safety Unit; Final Evaluation Report” pp69-70.

¹⁹³ Only one case of a s.23 Criminal Justice Act 1988 application was known of in Leeds – but it was successful. There are strong doubts about its use with victims of domestic violence (since they are often the only witness) and it is likely to become redundant once special measures are rolled out to magistrates’ courts. The Criminal Justice Act 2003 provisions will replace s23, but these will probably not come into effect until 2005.

¹⁹⁴ See below: 5.2.1 and 5.3.

¹⁹⁵ See Chapter 3.2.3 and references to Ellison’s work. Inspectors’ report 7.3

¹⁹⁶ Chapter 6.4.9

¹⁹⁷ HALT has found evidence, however, that cases are being discontinued even where a victim is willing to continue. The draft executive summary of the report to be published in March 2004, states that there were discontinuances in 113 of 300 cases studied. Of these, only 28 involved retractions.

¹⁹⁸ HMIC and HMCPSI (2004) p.39.

focused on the evidence provided by the victim..."¹⁹⁹. The report confirms that there is a "significant number of domestic violence cases failing because of victims' withdrawal."²⁰⁰

This suggests that moves should be made to strengthen cases by, for instance, adopting an approach which assumes that the victim will not testify, thus encouraging the taking of neighbour statements, photographs, getting medical and other forensic evidence. Interviewing technique and timing of the approach are also important. Our files analysis²⁰¹ shows that the most common forms of evidence in files are victim statements (99%), police statements (94%) and defendant interviews (94%). Case exhibits, predominantly photographs of injuries, were on file in only 30% of cases, even though 78% of victims had suffered injury.

GOOD PRACTICE

"Better quality evidence is being collected as a result of the risk assessment tool.²⁰² Using the tool means that police officers are duty bound to ask these questions at outset – this means evidence is 'enhanced' from the start. This also encourages officers to develop better skills in evidence gathering."

Polaroid photographs are taken of the victim and scene of crime.

A protocol on evidence gathering exists between CPS and Police.²⁰³

On the issue of risk assessment models, the Inspectors' report considered that they imposed an accepted framework for decision-making that focuses on set criteria which have been shown to indicate risk. They state that a number of risk assessment models have been developed, ranging from an aide-memoire of risk factors to multi-agency tools to assess risks. The report points out that their use raises a number of issues in respect of training, systems for updating assessments, information sharing protocols and others.²⁰⁴

Case example

WSU gave an example of good evidence-gathering skills. When a victim said she had been pushed into wall so hard that the plaster fell off, the officer took a photo of the damaged plasterwork as evidence.

GOOD PRACTICE

Training in evidence-gathering techniques is essential. "Interagency training is effective in changing practice."

¹⁹⁹ Inspectors' report 7.3

²⁰⁰ *ibid.* at 7.2.1

²⁰¹ Chapter 6.4.9 below

²⁰² One example of this is FSU9 in annexe 3.

²⁰³ Though better publicising of the protocol to partners is needed.

²⁰⁴ 3.9-3.11

WSU and the CPS are able to disseminate good practice in respect of evidence gathering and the use of the risk assessment tool via police baton training which enables access to all new recruits, and longer-serving officers on refresher training. By December 2003, WSU had trained around 1,500 people.²⁰⁵

When respondents talked about “better evidence”, in most cases this meant photographic evidence, which is regarded by everyone as an essential tool. There were, however, conflicting views about how regularly it was used, with one CJS respondent stating that it was no more readily available now than before the special court.²⁰⁶ Police respondents at two of the sites reported problems of cameras disappearing from the boots of police cars. Because of this, Polaroid cameras are kept behind the Custody Sergeant’s desk at one site (so not readily available if officers are already out of the station). The Inspectors’ report noted the “lack of availability” of cameras and that “it was clear from interviews that these were rarely used.”²⁰⁷

The Inspectors’ report noted the reluctance of police and CPS to involve children in cases, despite the fact that they “may be able to give vital evidence.”²⁰⁸ In our case analysis, 67 children had witnessed the incident, but only 5 gave statements (of which only one was used in court). We found conflicting views from our respondents about the use of child witnesses²⁰⁹, even amongst lawyers in the CPS. Some magistrates and one CPS lawyer would like to see more use made of child witnesses, as it is believed that they can promote a guilty plea or guilty verdict. Another was wary of using them because of what they have already been through (and this echoes the Inspectors’ report findings). Respondents felt, however, that special measures worked really well for child witnesses. The age of the children is an important factor in deciding whether to use their testimony; other factors include the child’s own wishes (some positively want to give evidence), the fact that he or she is probably an indirect (or even direct) victim of the abuse, the mother’s wishes, and the risks to both.

5.2.2 Guilty Pleas

If the charge is appropriate and there is good evidence, a case might be speeded up by the defendant pleading guilty at an earlier stage. Our case files analysis in the following chapter shows that, of the total number of files examined, over half of defendants initially pleaded not guilty and 21% pleaded guilty to some or all charges, with, however, variations across sites²¹⁰. Of those cases which went to trial, **33% pleaded guilty at trial**. We do not have comparable statistics for non-specialist courts.

²⁰⁵ KI WSU.

²⁰⁶ And see data analysis in Chapter 6.4.9

²⁰⁷ Inspectors’ report 2..3.1

²⁰⁸ Ibid. at 4.7 – 4.9

²⁰⁹ The extent to which children are used as witnesses is revealed in the following chapter.

²¹⁰ See Chapter 6.4.3 and 6.5.3

“The best advice to a client is a no comment interview and a not guilty plea.”

Key informant interview with defence solicitor

“I wanted the court to ... reduce the cracked trial rate. I hoped that it would reduce the cases where the defendant pleaded guilty on the day of trial but that has not happened, the defence are still waiting to the day of trial.”

Key informant interview CJS.

Views from respondents on whether the special procedures produce more guilty pleas than non-specialist courts were sometimes in conflict with the data.²¹¹ Some respondents believe that defendants, in domestic violence cases particularly, adopt a delaying tactic of not pleading guilty until the day of trial when he can see whether the victim turns up, which suggests that the provision for signalling a discounted sentence for an early guilty plea is not having much impact. Although the Criminal Justice Act 2003²¹², when fully implemented, will require the court to take account of the timing and circumstances of an early guilty plea, there remains the issue of ensuring that the defendant gets that message and gets it in time.

In findings which appear contrary to other research, which suggests that fewer defendants in domestic violence cases plead guilty, a draft executive summary of a report to be published by HALT in March 2004, points to a “...relatively high proportion of guilty pleas”.²¹³ HALT suggests that its support in getting victims and witnesses to the trial may promote more guilty pleas. Our analysis of case files²¹⁴ bears out a conclusion that a significant number of defendants are waiting until the day of trial before pleading guilty, though there is wide variation between the sites.²¹⁵

5.2.3 Bail

Our files analysis shows that 69% of defendants were bailed with conditions. In the majority of cases (82%), it was not known what actions were taken in respect of bail by the courts.²¹⁶ Respondents agree that the special domestic violence process has made a difference to magistrates’ bail decisions and their approach to breaches of conditions. Breaches of no contact conditions “will normally be dealt with appropriately by remanding in custody.” For significant breaches an “[application for] remand in custody is appropriate.”²¹⁷

²¹¹ In West London, the impression of the CPS and ADVANCE was that they were seeing more changes of plea from not guilty to guilty but in fact the statistics from the court as provided to ST by WLMC show that there were only 5 changes of plea from not guilty to guilty in the whole first year of operation. These statistics were checked by the court and confirmed as accurate (*One Year On*, Section 4, p.17).

²¹² section 144

²¹³ details not available to the authors.

²¹⁴ See Chapter 6.4.6

²¹⁵ See Chapter 6.5.3

²¹⁶ Chapter 6.4.3

²¹⁷ KI CPS at two sites.

The most common conditions, applicable to all sites, were:

- Residence elsewhere
- No contact with partner
- No contact with children
- Supervised contact with children
- Reporting to police

“Bail conditions are much more informed because of the WSU input at PTRs and all hearings, and breaches are taken more seriously too.”

“Since the inception of the court, magistrates are far more wary of varying bail conditions without further examination of the case. Nor are magistrates so tolerant of applications to vary bail conditions made once the victim has retracted – they are more concerned about victim’s safety.”

“Without a doubt, the court has made a difference to the nature of bail conditions. People look at bail differently in the court. The Bench Book checklist launched in February 2004 after this evaluation was completed has yet to be formally promulgated... but that includes a comprehensive checklist. The magistrates are encouraged to look at protection of the victim in the round; the ‘Mars bar’ conditions: where she works, rests and plays.”

“The onus is on the police and CPS in respect of appropriate bail conditions and there needs to be further work on this. Agencies have to be aware of the impact of conditions on individuals and victims ‘if we don’t get it right’. There are issues of child protection and victim safety [and] a need to involve the family proceedings court.”²¹⁸

Interviews with key informants CJS

The West London report *One Year On*²¹⁹ notes that there is a more inquisitorial approach to bail and improved communication has resulted in voluntary advocates being able to feed information about victims’ circumstances to the CPS. Suggestions for good practice in relation to bail applications have been incorporated into the WLMC Domestic Violence Bench Book.

GOOD PRACTICE

“Conditions not to go within 500 yards of a particular address are very difficult to police so in the SDVC we make sure that it is done by street name and if necessary we will photocopy the A-Z and highlight the areas where the defendant is not allowed to go.” There is a pink bail form which is passed to the Witness Service so that they can notify the appropriate agencies of the conditions imposed on bail. ²²⁰

²¹⁸ There are plans for this at Cardiff; the civil/criminal interface is the topic of next year’s training and will link with the courts’ family team.

²¹⁹ p.41

²²⁰ KI CPS West London.

5.2.4 Sentencing outcomes²²¹

Our files analysis in the next chapter shows that fines were the most common penalty imposed (59%), with conditional discharges (30%) and community penalties (29%). On the whole, respondents reported that they were seeing more appropriate sentencing since the introduction of the special court, with consideration of a wider range of penalties than in non-domestic violence courts. More custodial sentences and community penalties seem to be appearing.²²²

“I believe that the quality of sentencing is better in the domestic violence court and magistrates use much more imaginative sentencing.”

“Magistrates are much more aware of the issues; e.g. the discourse of children as ‘indirect victims’ is being taken on by magistrates in court.”

“It is increasingly unacceptable for solicitors to say that it is ‘just a domestic’. Magistrates are taking domestic violence seriously and treating it as an aggravating factor.”

Interviews with key informant CJS and VS.

Some **respondents** had concerns over the use of bind-overs²²³. On the one hand, a bind-over might be seen as the result of lazy prosecuting or poor evidence building. On the other, if all has been done as it should, it might still be the best outcome achievable in certain circumstances. One respondent thought that bind-overs had increased under the new court and at one site visit, almost half the cases viewed resulted in bind-overs.²²⁴ The data from the files analysis seem very much at odds with what emerged from both site visits and interviews, where the picture was that bind-overs were very common. This may point to problems in recording those decisions on case file jackets.

“They can be effective in providing a degree of protection. You can’t make someone give evidence and a bind-over is better than nothing.”

Interview with key informant CJS

Referrals to perpetrator programmes vary across the sites. They are a common part of sentencing in Leeds, with the West Yorkshire Probation Service piloting the Duluth Domestic Violence Pathfinder Programme, which involves the victim if she wishes.²²⁵ But referrals in other areas may well depend upon the availability of local programmes. West London SDVC aims to increase the number of perpetrators sent to violence prevention programmes.

“Most victims do not want the defendant to be imprisoned, they want to see him change.... We take the view that in 99.9% of cases imprisonment would be justified, but

²²¹ See Chapter 3.2.8 above

²²² Worrying variation in sentencing practice is identified by HALT. More training of the judiciary is recommended. *Executive Summary Draft Report Jan 2004*. Full findings were not available to the authors at time of writing.

²²³ See also Chapter 3.2.11 above

²²⁴ See Chapter 6.4.5.

²²⁵ See annex for details. West Yorkshire Probation Service are shortly to publish a report on the programme.

whereas that would provide short term protection we are looking towards long term protection and it may be that is possible through perpetrator programmes.”

Interview with key informant member of the criminal justice system agencies

Amongst some of the respondents, it was apparent that not much is known about perpetrator programmes or their effectiveness.²²⁶ Apart from a lack of knowledge about the programmes themselves, concerns include: assessing the defendant’s suitability for a programme; levels of non-participation; and trying to ensure active engagement. The West London report *First Soundings*²²⁷ reported that referrals to perpetrator programmes had dropped in the early months after the inception of the court, but respondents felt that referrals were now increasing. In the report *One Year On*,²²⁸ Hammersmith and Fulham, which used to send the fewest referrals, is now the highest referring borough.²²⁹

5.2.5 The use of special measures

Adult victims of domestic violence do not qualify for special measures in magistrates’ courts as yet, other than at common law. The CPS can apply for screens if there is evidence that the victim is intimidated. Screens are being used more often in the new courts, but still infrequently. Child witnesses qualify automatically for special measures, which usually means the video link. Respondents report positively on the use of special measures at Crown Court and for children and some are anxious for full implementation in the magistrates’ courts for adults.

“Rolling out of special measures in magistrates’ courts for victims of domestic violence will make a vast difference to the victims. Some will be much happier giving evidence from a remote location.”

“I am unhappy about leaving women inadequately supported when the case comes to court. We have all this support in place for witnesses leading up to trial ... and then suddenly when it gets to court we have to say ‘tough, you can’t have the protection’ and that is hypocrisy. I have asked ministers if we can be permitted to use special measures for all adult witnesses. The request has not been limited to domestic violence but it would be especially useful to capture [it].”

Interviews with key informants CJS

5.2.6 Views on using witness summonses²³⁰

When a victim no longer wishes to support the case, there are at least two potentially conflicting concerns facing a prosecutor; these are the “justice aim” of bringing the perpetrator to justice and the victim’s wishes. The prosecutor may decide to drop the case; or to proceed without the victim (which depends very much on the strength and quality of evidence other than her statement); or to continue and compel the victim to attend. In

²²⁶ Although West Yorkshire Probation Service is shortly to publish an evaluation of the “Duluth” programme and the Home Office has evaluated the Integrated Domestic Abuse Programme (IDAP) in use in West London.

²²⁷ P.34

²²⁸ Section 6, p.30

²²⁹ As stated earlier, West London aims to increase referrals to perpetrator programmes.

²³⁰ See Chapter 3.2.7 above

arriving at that decision, of critical importance are the safety of the victim and her children²³¹. The Inspectors' report particularly highlights the need to consider the impact of domestic violence on children and when a victim withdraws, prosecutors need to consider the human rights principles of both the victim and any children.²³²

There were varying degrees of support amongst CPS respondents for victims to be compelled. Some would always or frequently ask for a summons; others, including some magistrates, were reluctant. Many respondents said that victims were often relieved when a summons was issued, because it effectively removed responsibility for prosecution from her shoulders. But respondents were also cautious. Everyone believed that consideration should be given individually to each case. It may be a high risk strategy for a number of reasons:

Reluctant witnesses may prove to be poor witnesses and may not come up to proof or may refuse to give evidence even if they are compelled to attend.

A summons ought to have the strength of a warrant behind it, but few respondents believed it was right to use a warrant in these circumstances, where the witness was already a victim. Compulsion may bring a risk to the victim's health²³³ and safety.

"It may be used for very high risk victims and with a safety assessment: if there is a history of domestic violence and withdrawal; for particularly serious offences; where offences involve children or where child protection issues are present. Summonses should only proceed after a meeting [between CPS and advocacy support group] to discuss issues of evidence and child safety."

Interview with key informant CJS

There was an issue over whether a breach would then be followed by a warrant for arrest. Most respondents, demonstrating their sensitivity towards the victim, felt very concerned about proceeding to a warrant. The view was that the complainant, already a victim, would be thus further victimised by the criminal justice system. The Inspectors' report quoted a Justices' Chief Executive as saying that the Bench were aware that the summons was to assure and reassure rather than as a prelude to a warrant – it was unlikely that the Bench would grant a warrant.²³⁴

5.3 IMPROVING VICTIM SATISFACTION

5.3.1 Supporting Victims: Lay Advocacy

One of the principal reasons for victims' dissatisfaction with the process is lack of information and support. Whilst the defendant has his legal representative, who can speak for him in court and to other members of the criminal justice system, and keep him informed of the progress of the case, the victim (unlike in civil cases) has no such obvious

²³¹ and CPS Guidelines 2001

²³² 4.12 et seq.

²³³ By, for instance, increasing the risks of self harm.

²³⁴ Inspectors' report at 7.36

representation. The victim acts as a witness for the CPS in their prosecution of the defendant. Witnesses do not have legal representation and in practice victim support is being undertaken by voluntary/community support agencies. These agencies are doing marvellous work on behalf of women victims of domestic violence, often in conditions where funding arrangements seem temporary and sources uncertain²³⁵. As indicated earlier, respondents and victims believe that there is a clear link between support and victim participation.²³⁶

“Interviews with the women provided strong evidence that appropriate support at appropriate times was important in giving women an increased level of confidence and determination to take a case through the court process.” ²³⁷

“Women are often not well informed of the processes – they only learn of them from defence solicitors. They are not themselves represented, hence the vital role of the independent advocate.”

“The advocate gives a voice to the victim, even when she is not there herself, and so ‘victims can have their say’.”

It is not that victims want a great deal: “Women value one-to-one contacts by telephone to keep them updated and feeling supported.” ²³⁸

Interviews with key informants VS

Advocacy support is at different stages of development in the sites, especially in relation to court work. In Leeds, West London and Cardiff, it is integrated into the mainstream, well established and co-ordinated. Wolverhampton depends on the services of a single co-ordinator. Derby, the newest site, has been operating a rota drawn from volunteers at women’s refuges, project workers, witness service staff, Housing and police domestic violence officers. One idea being explored by Derby City Partnership is to use master’s level students with counselling skills to provide advocacy support, as part of an accredited academic programme.

The first crucial step in getting support to victims is to establish a means of communicating information from the police to the support agency.

GOOD PRACTICE

“Mandatory completion of FSU²³⁹ which is then faxed to WSU means direct links between police and WSU, and this ensures speedy contact is made with the victim (within 48 hours of incident, but usually within 24). This contact is maintained throughout the CJS process and AFTER the finalisation of the case.”

²³⁵ “We are overstretched to provide the support we are doing now and we don’t cover all domestic violence victims. We need at least ten times more resources.” (KI VS).

²³⁶ At 5.1.2 above. See HALT’s report; fewer than 10% of those supported withdraw. See also work done by Sandeep Saprai, formerly at Sandwell Vulnerable Victims Support, which confirms the finding that supported victims are less likely to withdraw. See also views expressed by victims in the Wolverhampton Report p.31. Other statistics not available.

²³⁷ p.6 *LDVCC Evaluation Overview Report 2000*.

²³⁸ See Chapter 3.2.5 above

²³⁹ Police DV incident form. (See Annex 3).

Advocacy groups undertake a range of advice and support work on behalf of women, including advising them on civil as well as criminal matters. Many lay advocates, however, do not have legal expertise, which signals a need for training in criminal justice system and civil law issues to enable them to support their clients.

CASE EXAMPLE

Women being supported by ADVANCE and Eaves will be given advice on parallel proceedings. ADVANCE do not have the resources to support women at court in civil proceedings but they have links with good local solicitors and can advise women about DIY injunctions as ILFMC (where the court are very supportive and helpful).

Interview with key informant Voluntary Sector

Well-organised groups like HALT, ADVANCE, Eaves and the Women's Safety Unit have a number of representatives²⁴⁰ who attend court hearings (usually in place of the women²⁴¹) and they can inform the victim about the progress of their case straight away. West London has a separate protocol with Witness Service and Victim Support services to ensure victims are informed via their key support agency. Where advocacy support depends on one person only or is less well organised, however, problems inevitably arise. In all sites, there are cases which are not listed to the special court (for instance, most trials). These can appear on any day of week and the advocate may not be there. This produces a breakdown in information giving and support.

If, however, the relaying of information by the advocate to the absent victim is their main (or only) reason for being present in court, it might be supposed that less costly ways of passing on that information in as timely and sensitive a fashion could be devised, freeing up advocates' time for vital advice and support work.²⁴² This seems unlikely to be practicable, however, and is perhaps not beneficial, since advocates are seen (by both the victim and the criminal justice system agencies) as the trusted links into the system. Although all respondents agree on the importance of the presence in court of the domestic violence officer, a number of reasons militate against the use of the officer as the victim's advocate.

"Information to victims is improved because of the presence of the advocate and the police."

"Because attendance at court is done on a rota, the police officer who has been liaising with the victim is not always the one who is in court and that sometimes creates a problem; they might not have the information and will not have the relationship with the woman."

"Police attend the court and are there to facilitate the process, not necessarily to support the victim. It is useful for the CPS lawyer to have someone there to find out information which might be needed, or to speak to victims who do attend."

Interviews with key informants CJS and VS

²⁴⁰ It is not the case in every site, however, that a team of advocates exists.

²⁴¹ Respondents stated that women were rarely in attendance at pre-trial hearings, except when they wished to retract.

²⁴² E.g. HALT had 1200 referrals Jan-Dec 2003, 80% of which were from the police with the victim's consent. There were 1100 phone calls. 200-300 cases were dealt with intensively.

Thus, there is a need for advocacy groups to define their role and work out their relationship with criminal justice system agencies, and other voluntary groups, particularly the Witness Service. The goal, therefore, is a properly co-ordinated, real multi-agency approach which increases victims' safety, holds abusers accountable and produces effective and efficient administration, working to the benefit of the victim. This co-ordination has not yet been fully attained in all sites.

"The procedures for supporting witnesses are still too fragmented and the responsibilities of the various agencies are not clearly defined."

"There are still long periods where the victim is unsupported. There is a gap between when the police pass the case to the CPS and the Witness Service pick up the witness at court when there needs to be more support for the victim. We are still looking at 4-7 weeks where the victim is not being adequately supported."

Joint interview with key informant members of voluntary sector agencies

Most CPS respondents said that they do not meet up with victims before the case²⁴³ because of ethical problems about tainting the evidence or charges of coaching the witness. A lawyer may meet a victim who wishes to retract. Most CPS "contact" is by letter to inform the victim of any changes of charge.

When women were asked about their perceptions and satisfaction, many did not know of the existence or understand the role of the CPS.

*Interviews with women who had experience of the new court.*²⁴⁴

In the best-operating sites, *primary* responsibility for contact with the victim is assumed by the support agency, but this should not be seen by the police or the CPS as relieving them of their responsibility. Careful defining of remits and working together is essential.

*"There is a log jam where information does not get past the court and CPS. The CPS should pass more information to the victim. It was envisaged that the coordinator would pass information back to the victim but she is not always at court."*²⁴⁵

Interview with key informant in the voluntary sector

Of all those who might represent the victim, surely the defendant's solicitor is not one. Site visits threw up several worrying examples of benches who appeared simply to accept evidence from or about the victim passed to them by the defence²⁴⁶. Since the site visits, we have been informed by the CPS that a code of ethics exists. It was not obvious that those observed in court were aware of its existence. Some way should be found, as suggested in the literature review, to involve defence solicitors in the setting up and running of these courts.

²⁴³ Though they like to meet them on the day of trial.

²⁴⁴ P.31 Cook, D. *Evaluation of Wolverhampton Domestic Violence Court 2003*.

²⁴⁵ Because of the problems of cases being heard on different days than the SDVC. KIVS.

²⁴⁶ without intervention by the court clerk.

GOOD PRACTICE

“Defence solicitors were involved in initial training [for the court] so are on board with it. There has been no resistance to [the court] from them.”

Interview with key informant CJS

Very few victims attend court for a visit prior to trial²⁴⁷ and when they do it is arranged through the Witness Service. Some Witness Service **respondents** said, however, that they had little to do with cases involving domestic violence.²⁴⁸ Closer relationships between the Witness Service and local advocacy support groups should be explored.²⁴⁹

GOOD PRACTICE

HALT has recently experimented with a more clearly defined role for their advocates under a protocol with the Witness Service. At present, advocates are tied up every day at court simply waiting to find out the outcome and relay it to the victim. Under the experiment, the Witness Service makes the first approach to women attending the three courts. WS then take the women to the HALT representative, who talks them through the process. Those who are there only to retract are escorted by the Witness Service to the police domestic violence officer, once the advocate has discussed the matter with them. There has been a positive response from advocates that this is a much more worthwhile role. Unfortunately, it requires three representatives to be present the whole afternoon, and this level of staffing is hard to support.

5.3.2. Consulting Victims: Pre-Sentence Reports and Victim Personal Statements

There was little evidence available that the victim has much input into pre-sentence reports. At Leeds, however:

GOOD PRACTICE

The Probation Service contacts every victim and they are asked if they wish to contribute to the pre-sentence report. Most are keen to do so. Victims' confidentiality (and safety) is paramount, so their views are not directly quoted, but do form part of the report.

Interview with key informant CJS

Victim personal statements give the victim the opportunity to say how the crime has affected her, for instance physically, emotionally and financially. The victim can also use it to indicate that she feels vulnerable or intimidated, needs support or is anxious about the defendant being bailed. The statement becomes part of the case papers and is therefore seen by all parties (including the defence). Victim personal statements are very rare²⁵⁰. This is attributed to limited direction and information given to all sides as to their purpose and use. Victims are afraid of their statements being read out in court in front of the defendant. Timing is regarded as crucial: a statement should be taken before trial, but well after making the witness statement (or if taken earlier, it should be updated). It should not be taken just before sentencing.

²⁴⁷ E.g. 10% at West London, 25% in Leeds

²⁴⁸ although one respondent was keen to become involved.

²⁴⁹ ST has a separate protocol to close gaps in informing victims via the key support agency with the witness service and victim support services network which ST set up and coordinate.

²⁵⁰ except in Wolverhampton

5.3.3 Equality and diversity: support for, and responses to, minority communities

Raising awareness of diversity issues is crucial and this should be done by systematic training of all agencies. There are a number of concerns about the degree to which voices of those from minority communities, including ethnicity, disability and sexuality²⁵¹ are heard in the criminal justice system. These include the degree of reporting of incidents; the availability of representatives who can provide needs-sensitive support and advice on legal and other matters; and the manner in which criminal justice system representatives²⁵² respond to them. Evidence on some of these communities and issues is scant. The case files analysis in the following chapter reinforces the problem: data on ethnicity was not collected for 45% of victims.²⁵³ The Inspectors' report found "quite small numbers of recorded minority group issues."²⁵⁴

Ethnicity and culture issues

According to the Cardiff report, reporting of domestic violence incidents by women in some minority ethnic communities is low. Even those receiving support do not necessarily report the case to the police. Some agencies perceived problems in respect of the awareness of police and court staff, especially regarding cultural needs.²⁵⁵ The Wolverhampton report stated that, following interviews conducted with women whose cases were heard in *non-specialist* courts, the conclusion was that:

"There were particularly acute problems for women from minority ethnic groups who felt their cultural and linguistic needs were not addressed. If help was received, it was provided on what seemed to be an ad hoc basis."²⁵⁶

Interview with key informant CJS

Advocacy groups themselves represent women from minority ethnic communities. For example, 11% of those supported by HALT are from minority groups, which is slightly above the average population in the last census. Only 1% of those supported are declared disabled.²⁵⁷ Advocates' groups have generally established links with local minority support groups.²⁵⁸ Despite some good examples, there are concerns over the extent of representation²⁵⁹ of minority support groups and over liaison between support groups themselves and with criminal justice agencies.

GOOD PRACTICE

WSU is seeking funding (with the Haven, Wolverhampton) to provide legal advisers who

²⁵¹ Although most evidence relates to ethnicity.

²⁵² Police, CPS, MCS and magistrates.

²⁵³ Chapter 6.4.1 below. Five victims had a disability.

²⁵⁴ At 5.6

²⁵⁵ P.75 Robinson, A. *WSU Cardiff Evaluation*. Confirmed by recent interviews at the site.

²⁵⁶ P.30 Cook, D. *Evaluation of Wolverhampton Domestic Violence Court*. Interviews conducted after the new court was set up reported little change.

²⁵⁷ Key informant interview

can be directed to help minority ethnic communities. Meanwhile, criminal justice system-trained workers from WSU are attached to some minority support groups.

Ethnicity – language issues

Most respondents stated that very small numbers of non-English speakers come to court²⁶⁰ and that information leaflets were available in other languages. There were said to be no problems with translation services at court. The Wolverhampton report, however, found that women trusted those from outreach services rather than court-appointed, usually male translators.²⁶¹ The report also found that there were very few Asian volunteers working for the Witness Service and Victim Support, with language support being provided by volunteer groups and the police domestic violence unit.²⁶² The Inspectors' report found that language remains an area of difficulty, and it was not possible to gauge the level of use or the effectiveness of interpreting arrangements which were in place²⁶³.

BAD PRACTICE

One respondent had come across instances of courts allowing the victim to be translated by members of her (and the defendant's) family. Another reported that an Asian lawyer who happened to be in court on another case could tell that the words of the witness were not being correctly interpreted by her translator.

The Inspectors' report referred to several examples of poor practice. For instance, children were used as interpreters, translators were provided who did not speak the victim's language and a retraction statement was provided by an interpreter claiming to have acted for the victim for years without his independence being verified.²⁶⁴

Some out of court language problems can be solved by use of the Language Line – a telephone service which provides a translator to speak the women's language in a conference call between all three parties. The service is apparently, however, very expensive.

Disability

There may be a difficulty in accessing the court itself. Some older courts are not accessible by wheelchair and one respondent referred to a case where a defendant in a wheelchair sat in the well of the court rather than in the dock. Some Crown Courts have no wheelchair available for the use of witnesses. Even newly built premises with wheelchair access may have courtroom doors which are too heavy for a wheelchair user to open.

²⁵⁸ But nothing is known of support groups for other minorities.

²⁵⁹ On domestic violence court steering groups, for instance.

²⁶⁰ estimated by WS at one site as one per month.

²⁶¹ p.31

²⁶² p.30

²⁶³ Inspectors' report at 5.4

²⁶⁴ *ibid.* at 4.7 and 5.14

5.3.4 Assessment of victim satisfaction

Has there been any improvement in victim satisfaction as a result of the special court? Victims may have contact with a variety of different agencies during the course of their cases, including the police, Witness Service, Victim Support, advocates, CPS and MCS. They may be happier with some agencies more than others.

“Women reported varying levels of satisfaction with the agencies they came into contact with, though there has been a particular improvement of provision of initial information to the women from the police ... and in the information and support provided by HALT.”²⁶⁵

In the majority of sites, the court itself, which mostly women do not attend, is not what impacts on satisfaction. The existence of the court, however, may be a catalyst for improved services and heightened awareness of domestic violence issues, and a signal to the victim that she is being taken seriously.

“Although I believe that clustering [cases] makes no difference to victims, the court has the benefit of demonstrating an attitude – believing her and taking her case seriously.”

“The establishment of the court has raised awareness of domestic violence and sends out a signal about the way in which it is regarded by the criminal justice system.”

“The court has had a positive impact in changing the attitude to domestic violence.”

“Victims really do not understand that there is [a special court] and it makes no difference to them. They want to be heard and believed and someone to take their case seriously. They do not attend the hearings – except to retract – they only attend the trial.”

Interviews with key informants CJS

Consultation with survivors²⁶⁶ indicates that women are generally positive about the court. Victims/Witnesses have said that they feel more confident in attending court and the support of advocates is available to them if they want it.

“Survivors like the fact that those dealing with their cases are specially trained. They also believe that female prosecutors and magistrates provide positive models. Survivors made several suggestions for further improvements, including being able to use special measures.”²⁶⁷

The Cardiff report stated that women believed that “the masculine court culture was a barrier to the effective and fair treatment of domestic violence cases.”²⁶⁸

²⁶⁵ *Leeds Report 2000*. The improvement of information is also reported at other sites (see for example Wolverhampton, p.30 Cook’s report) as a consequence of the court, but as coming from advocates, not police or CPS.

²⁶⁶ *Heard and Not Judged, One Year On* (Standing Together)

²⁶⁷ *Heard and Not Judged*.

“I felt that all my concerns and complaints were taken seriously.”

“[Her] support was brilliant throughout.”

“Very helpful and supportive. She seemed to understand my problems and [tried] to find out my needs.”

“I felt that people were interested and keen to help me. I found out about a lot of services and information which I was unaware of before” [of VS/WS staff].

Outreach workers (notably from The Haven) were an invaluable source of personal and emotional support, often accompanying women to court.

*Interviews with women who had experience of the court*²⁶⁹

Research of various kinds²⁷⁰ has been conducted by the sites into victim satisfaction. Usually, the focus is on the voluntary agencies²⁷¹ (including the Witness Service, which conducts questionnaire research with those who attend court). **Research universally indicates good to high levels of satisfaction with the support, information and advice provided by the voluntary sector.**²⁷²

Where victims had reported that the court was “unpleasant and intimidating” and “magistrates did not understand issues of domestic violence” in proceedings before the new court was established, those with experience of the new court said that staff were polite and made them feel at ease, but magistrates needed more training in domestic violence issues.²⁷³

5.4 COSTS AND BENEFITS OF THE MODELS

5.4.1 Introduction

Research on the cost implications of domestic violence is limited. There have been a few studies that have attempted to identify the costs of domestic violence, some of which address the costs of particular interventions. However the methods employed for this purpose vary and there is no agreement on the proper approach to evaluating costs.²⁷⁴ There may be a number of obstacles to carrying out an evaluation of costs, for example the lack of baseline data against which the financial and other consequences of intervention can be addressed.

²⁶⁸ At p.30

²⁶⁹ See also, for example, summary bullet points on Cardiff in Chapter 4 above.

²⁷⁰ E.g. Derby City Partnership’s recent report evaluates responses from 12 victims.

²⁷¹ who have predominantly been the commissioners of the research

²⁷² See *Cardiff WSU report*, pp 42, 44, 71; *DCP DVC Report* Jan 2004; p.30 *Wolverhampton Court report*; *One Year On* (Standing Together); *HALT Draft report* Jan 2004.

²⁷³ P.31 Cook’s report. There remain a number of important concerns for victims, which are described therein.

²⁷⁴ Crisp, D. and Stanko, B. (2001) ‘Monitoring costs and evaluating needs’, in Taylor-Browne, J. (ed) *What works in reducing domestic violence? A comprehensive guide for professionals*, Whiting and Birch.

However, as a general point, there is a high degree of consensus that the costs of domestic violence for range of service providers are substantial. Furthermore studies that have attempted to calculate the emotional costs of domestic violence (as well as the cost to public services) have estimated that the costs to society are high. For example it is estimated that each domestic homicide costs £1.2 million and that the total cost of domestic homicide of adult women is an estimated £112 million each year.²⁷⁵ These costings are based on research that shows every week two women are killed by their partners and around 12% of all homicides are domestic homicides.

The Home Office has published research into domestic homicides that recommends the development of strategies to identify, and disseminate information on, the risk factors for domestic homicide and noted that women are particularly at risk before and after separations.²⁷⁶ Effective multi-agency programmes of intervention and the monitoring of high-risk cases were also recommended. It is significant that the safety aims and risk assessment strategies of some of the SDVC/FTS models evaluated in this report are consistent with these recommended policy directions for reducing domestic homicide. In these respects, the development of the courts and their multi-agency linkages may serve as a significant element in homicide reduction and the associated substantial costs noted above.

5.4.2 Estimates of the costs of domestic violence

It is hoped that new research on the costs of domestic violence by Sylvia Walby (to be published shortly) will help to provide a more accurate picture of the costs of domestic violence across all services. Despite its limitations, existing published research indicates that there are significant financial savings to be made if domestic violence is tackled effectively early, in order to avoid the trend of violence escalating in severity and frequency over time. A holistic approach to DV is seen as beneficial in these respects. This approach underpins some of the notable features of SDVC initiatives, in particular the high level of multi agency working. Such an approach has benefits for a range of public and voluntary sector agencies as well as for the criminal justice system itself.²⁷⁷ For instance, it is acknowledged that reductions in domestic violence would have benefits in terms of:

- **Health Care:** in relation to A&E services, primary care and mental health services.
- **Housing:** in relation to provision of emergency accommodation and refuge accommodation.
- **Social Services and Child Protection:** notably the costs of monitoring children and families at risk as a consequence of DV
- **Voluntary & Community sector agencies:** Voluntary sector agencies often perform a valuable role addressing the support needs of women and children as direct and/or indirect victims of DV. There are clearly costs involved in the provision of both advocacy and support by the voluntary sector.

²⁷⁵ See the interim findings on the costs of domestic violence based on research by Sylvia Walby (http://www.womenandequalityunit.gov.uk/domestic_violence/interim_findings.htm)

²⁷⁶ Brookman, F. and Maguire, M. (2003) *Reducing Homicides: a review of the possibilities*, Home Office Online Report 01/03.

²⁷⁷ Various methods have been employed to produce estimates of the costs of expenditure on service provision in these different areas but few are informed by information on the help seeking patterns of victims of domestic violence (see Crisp and Stanko (2001)).

Examples of estimates of these kinds of costs are given in Box 4 below.

Box 4 : Research evidence on the costs of DV for key agencies

A study conducted in Hackney in 1996²⁷⁸ indicating the costs of DV for selected agencies- police (but not for a murder case); civil justice; housing (not repairs or moving); Social Services and Health (but not hospital admission)-amounted to £5,130 per case, or an extra £90 for each household in the borough.

Recent Women's Aid research shows that every year more than 23,000 children stay in refuges in England with their mothers (45% of children living in refuges are under age 5), and about 110,000 children use support services provided by refuge organisations²⁷⁹

Women's Aid Research²⁸⁰ indicates that of 180 women surveyed for one study:

- 46% had contacted outreach services
- 68% had contacted health services in relation to domestic violence.
(GPs were the second most used frontline service after the police)²⁸¹
- 80% had used the police to assist them in domestic violence situations
- 64% of women had contact with their local authority housing department
(42% of these were accepted as homeless)
- 44% of women had contact with social services in relation to their children

An audit in Greenwich indicated that 60% of mental health service users were found to have experienced domestic violence²⁸².

In summary, research into the costs of DV for specific agencies has indicated that the costs of domestic violence are high and the savings to be made from effective interventions are therefore great.

5.4.3 Evaluating the five sites

This evaluation of the five sites did attempt to collect data to assess the cost-benefits of specialist court interventions. The data that was necessary to complete this exercise was not available consistently across all five sites.²⁸³ It was not possible to assess the unit cost per domestic violence case. However in each of the five sites it was possible to collect some data on the start up costs of the court and the costs of the provision of advocacy and training. Some agencies were able to give estimates of the costs of their ongoing involvement in the court.

²⁷⁸ Stanko, B. (1998) *Counting the Costs: Estimating the impact of domestic violence in the London Borough of Hackney*, London, Crime Concern.

²⁷⁹ Women's Aid (2003) July 2003

²⁸⁰ Humphreys and Thiara (2002) *Routes to Safety: Protection issues facing abuse women and children and the role of outreach services*, Women's Aid.

²⁸¹ 49% of women had contacted GPs in relation to domestic violence and 19% had contacted A&E.

²⁸² www.womensaid.org

²⁸³ Baseline data was in particularly short supply (see Section 2.x above).

Start up costs

The budget and source of funding for each site varied considerably. It is possible to set up a specialist domestic violence court with few additional resources, but this does not appear to be ideal because without additional funding the scope of the court's activities will be limited. In other jurisdictions specialist courts have been set up with little or no extra funding through reallocation of resources. For example the Clark County Domestic Violence Court discussed in the literature review was accomplished through reallocation of resources, including eventually the reallocation of resources from the court that had dealt with the civil orders to the combined court to increase clerical support for the combined court.²⁸⁴ Some of the courts in the five site evaluation had very limited additional resources to set up their pilot, for example Derby appeared to have little in the way of funding specifically for the SDVC.

The time specific nature of funding provided and consequential concerns about continuation funding were raised in KI interviews at some sites. At all sites the availability of resources was signalled as an issue in setting up and running the courts. In particular there appeared to be few or no additional resources for the criminal justice agencies.

The setting up of several of the courts is intertwined and embedded in existing partnership work, often involving multiple projects including the specialist court. It is therefore difficult to isolate elements of funding specifically for the court project.²⁸⁵

- The **Leeds** court was firmly grounded in the Leeds Inter Agency Project (LIAP) that had secured Home Office funding for a range of projects. A significant element of funding that is related to the court is the three-year funding obtained from the National Lottery Charities Board for HALT of £138k per annum.
- The **Cardiff** court was set up with Home Office funding for the WSU for two years²⁸⁶ of £300,000 and subsequently secured continuation funding from the Welsh Assembly. Funding was also raised for projects to which the WSU makes regular referrals e.g. 'Homesafe' received £300,000 for five years (from the Lottery) to provide target hardening services for victims of domestic violence (e.g. changing locks).²⁸⁷ The court itself only required a few days of the clerk's time to rearrange the listings.
- The **West London** court was set up through Standing Together being allocated pump priming money of £72,000 for two years. This money was secured as part of Hammersmith and Fulham's Local Public Service Agreement to reduce repeat victimisation in domestic violence cases.²⁸⁸ The court was allocated £4000 of this money for admin/data input.

²⁸⁴ See Fritzler and Simon (2000), chapter 3 above.

²⁸⁵ Attempts to disentangle the elements of funding run against KI views that the court operates as part of a wider range of initiatives with over arching aims.

²⁸⁶ Robinson (2003) p.1

²⁸⁷ See Robinson (2003) p.29.

²⁸⁸ The money was stretched over three years with only half of £72,000 being taken in year one to leave the remaining half for year 3 (KI).

- The **Wolverhampton** court was set up with Community Partners Initiative funding for the CJSSC post of approximately £30,000.²⁸⁹ However, the evaluation of the SSDVC has indicated the pressing need for a further outreach post to supplement the CJSSC role²⁹⁰.
- There appeared to be no additional funding directed to the SDVC for the **Derby** pilot.

Advocacy

Voluntary advocates perform different functions in different courts; some have wider remits than others.²⁹¹ The cost of the provision of advocacy varies according to the role performed. In the five sites the advocacy role was shaped to some extent by the resources available. In sites where funding was more limited the advocacy role was also more restricted. In these sites KIs wished to provide a fuller advocacy service but cited resource issues.

- **Leeds:** HALT provides advocacy support in the Leeds court on Monday afternoons but also ensures that an advocate is present at court on other days for trials. This is resource intensive as the advocate who attends court is obviously not available to advise victims and track cases back at the office.²⁹² HALT estimates that it costs them £350 to provide intensive support to a woman throughout the legal process. Bearing in mind that HALT has intensively supported around 250 women in the year to December 2003, the costs of this support could be estimated at £87,500.
- In **West London** ADVANCE received £30,000 from the pump priming money to provide an advocacy service that includes the attendance of a representative from ADVANCE at the court every Thursday. Representatives from Eaves also attend the court but apparently receive no dedicated funding to do so. There is no advocate in attendance on other days (unless the advocates are specifically aware of a trial in a case where they are supporting a woman).²⁹³ A representative from Standing Together also usually attends court to coordinate the victim/witness support network and perform monitoring functions.²⁹⁴ ADVANCE have supported 72 victims and witnesses during the first year of operation of the SDVC.²⁹⁵ This would amount to £416 per victim.
- In **Cardiff** an advocate from the WSU is present to support victims, but also attends the court on behalf of victims (e.g., Pre-Trial Reviews). The WSU costs are estimated at £225,000 per year, which includes court based and outreach advocacy. The court-based element of the support provided by WSU has not been separately costed.

²⁸⁹See advocacy costs below.

²⁹⁰ Cook (2003).

²⁹¹ See discussion of advocates roles in chapter 7.

²⁹² The overall estimated costs of running HALT's services from April 2004-March 2005 are £138,000.

²⁹³ Ordinarily back up support and referrals are provided by witness support.

²⁹⁴ It is estimated that 2 ? days per week is devoted by a Standing Together employee to functions related to the court. The salary of this person is £29, 487 plus on costs (KI interview).

²⁹⁵ Standing Together, *One Year On*, p.11.

- One of the cornerstones of the **Wolverhampton** court is the Criminal Justice Support Services Coordinator (CJSSC) employed for a salary of £25,000 plus on costs.²⁹⁶ It is clear from KI interviews that CJSSC is a vital but overstretched resource. Several informants pointed to the need for more than one post and the difficulties of juggling court support and outreach support and advocacy. Currently, the costs of an outreach worker are estimated at £30,000 p.a. (including on-costs, but without any budget for travel and expenses, which may add a further £1-2,000).²⁹⁷
- In the **Derby** court advocacy workers were recruited from the domestic violence partnership to cover a weekly rota for attending the court. The costs of 26 hours per week of advocacy and coordination time equate to around £19,000 including on-costs, which, if full time would amount to £26.3k²⁹⁸. The evaluation of advocacy support in the court observes that there is a *'need to mainstream the service, reduce its reliance on volunteers input and address some of the gaps that have been identified as a result of not having a dedicated advocacy coordinator'*.²⁹⁹

Given that one of the most consistently positively evaluated aspects of the courts is the provision of advocacy, appropriate level of funding for advocates does produce cost-benefits. When fewer resources are available for advocacy services, service users and service providers do not always so positively evaluate the support that victims are given.³⁰⁰ The cost benefit of advocacy provision has also been identified in relation to other projects.³⁰¹ Crisp and Stanko (2001) observe:

*'This kind of service can undoubtedly result in overall cost savings for the Treasury: the resources needed to employ a team of dedicated domestic violence workers will almost certainly be less funds than the repeated visits to health, police, housing and social services which would otherwise ensue.'*³⁰²

5.4.4 Training

Most informants seemed to agree that an important element of the success of the courts is appropriate training for all of the partners. The training arrangements varied across the five sites and the ways that training was funded also varied. However there seemed to be a good deal of reliance upon the provision of training in kind. The provision of 'training in kind'

²⁹⁶ KI VS

²⁹⁷ KI VS

²⁹⁸ KI CJS and estimated 15% on costs.

²⁹⁹ Derby Dedicated Domestic Violence Court: Report for Domestic Violence Partnership (2004) p.1.

³⁰⁰ KI interviews at one site.

³⁰¹ See Crisp and Stanko (2001) op cit p. 343-4. Women not only valued the advice and support they received from advocates but there were benefits in terms of convictions following guilty pleas where supported women were enabled to continue with prosecutions.

³⁰² Crisp and Stanko (2001) p.344

where one agency provides an experienced individual to train other agencies personnel in return for that other agency providing training for their more junior staff, disguises the true costs of training to some extent. However it is valuable in the sense that it promotes joint training and an awareness of other agencies' roles.³⁰³ In house training was also evident in a number of sites, where one or more people would receive joint training or training by another agency and then act as trainers within their own organisation.

In **West London** Standing Together have provided training for 290 police officers and magistrates courts staff per year. They have a dedicated trainer (who also helps with things such as survivor consultations) because this is regarded as 'a cost effective way to provide training'.³⁰⁴ The cost of providing twelve training sessions was £11,000 (£5,000 came from the police and the remainder from Standing Together's other grant headings).

The dissemination of training in house was also evident in West London, for example within West London Magistrates Court itself. When asked about the costs of this type of training it was observed:

'The costs of training are my time and it hasn't really been properly evaluated what the costs are. I have never had to close a court to do domestic violence training. My own training was a two day course and I have spent 6 days delivering training in house.'

In **Wolverhampton** the CJSSC has thus far delivered training to a total of 293 people from 21 different agencies³⁰⁵. While training is a valuable part of the CJSSC role it does show again how stretched that one resource is.

In **Cardiff**, the WSU has, at time of writing, delivered training to around 1,550 persons in a range of agencies.³⁰⁶ Key Informants at that site noted there were costs incurred in developing and updating training materials as well as carrying out the training exercise. One key informant said that it had taken two weeks to develop a training package because at the time no national model training pack was available.

The development and dissemination of national training packages for police, magistrates and prosecutors could potentially help to reduce some of the costs involved in developing materials for training. CENTREX has a national training pack for police officers and the JSB/Magistrates' Association has produced a DV training pack aimed at adult criminal magistrates. A programme of training for trainers began in October 2003 (all Justices' Clerks were invited to nominate a representative from their Magistrates' Courts' Committee). A key informant from one of the courts in this study noted that they were aware of the magistrates training pack but had not, as yet, been able to take up the training opportunity:

'I have not received any training but I have requested it. I have asked to go on a course that is being run by central training unit on the new domestic violence pack from the JSB.'

³⁰³ This has been evaluated as a positive model in the development of SDVCs in other jurisdictions. See Chap 3.

³⁰⁴ KI VS interview.

³⁰⁵ KI VS

³⁰⁶ KI VS

I haven't had a response about it yet. I am involved in delivering training to magistrates. Not every magistrate has had training on domestic violence. They all do it as part of their general training but I have done two lunchtime 1 hour sessions and one all day (6 1/2 hr) session for magistrates who wanted to attend. It was by invitation (attendance was voluntary) but I think that a large proportion of magistrates have been to either the lunchtime or day session. I don't say that magistrates can't sit in the domestic violence court if they haven't had the training but before the court I will check if the magistrates have done the training or up date them on where we are with the court. A lot of magistrates know about the court because they have sat in it before (so it is on the job training). But I have a 15 minute session before we go into court to explain to magistrates what the ethos of the court is, what the sentencing options are and what will be expected of them in that regard.'

The costs associated with delivering training can be assessed in terms of the time of both the trainers and those being trained. For example, in Cardiff running one half-day training session for magistrates involves staff from the WSU, police and CPS, in addition to those being trained (e.g., magistrates). It is possible to estimate some of these costs, for example, the cost of releasing a prosecutor for one day would be £300. While a lay magistrate would not normally receive any payment for attending a training session, they can, if they chose, claim expenses associated with attendance. The key informant from one magistrates' court (quoted above) was paid £200 to deliver a 6 1/2 hour training session to magistrates.

The benefits of training are a greater awareness of the dynamics of domestic violence, the approaches need to support victims and (in relation to the police) effective evidence gathering. At one site it was observed that participants were more receptive to training that was grounded in organisational concerns. Magistrates courts staff and magistrates tended to be regarded as particularly receptive to training, although the availability of appropriate training resources had caused concern in some sites. The ability to draw on nationally devised training packages, such as the Centrex course for police domestic violence training, and JSB/Magistrates Association pack, is perhaps cheaper and promotes consistent and good practice across all areas.³⁰⁷ Some key informants were looking forward to the roll out of a national training package on domestic violence for magistrates. Such packages, like any training programme, require regular updating to feed into the ongoing delivery of training that is a feature of best practice. However the costs of developing and disseminating such packages produce benefits beyond the scope of SDVCs.

5.4.5 Ongoing costs for the criminal justice agencies

Some KI's were able to talk in general terms about the cost implications of their agency's involvement in the court. While these costings may not be especially robust they do give useful indications of the perceived costs of running a SDVC. All agencies have costs related to their attendance at partnership meetings and in some instances through sharing the managerial functions of the court. In this section the perceived costs for the criminal justice agencies will be documented.

³⁰⁷ It has already been noted that where historically such training packages have not been available materials have to be developed or customised.

Court

The prioritisation of domestic violence does seem to have resource implications for some courts particularly in terms of the listing arrangements for trials. The reluctance to double list trials does have resource implications when trials are cracked and ineffective. At Cardiff it was estimated that there was 20% uplift in the trials court list (despite the perception by many that the FTS was 'resource neutral'). Other potential cost implications for the court are variations in the numbers and lengths of hearings.

Quantitative data presented in chapter 6 will assist in generating a picture of the costs to the courts. It was also noted above that some existing reports from individual sites indicate a reduction in number of hearings for their site. In sites where there is an overall reduction in the average number of hearings this can be said to represent a cost saving. However at one site at least it was observed that the length of hearings had gone up because the magistrates were dealing with input from a wider range of sources. Again while this might pose additional costs in terms of court time the benefits in terms of getting better decision-making need to be taken into account. Cost benefit analysis is a difficult exercise, in that it is not always possible to link the benefits to a particular cost.³⁰⁸ Key informants attribute better outcomes to more careful and informed decision-making.³⁰⁹

Other costs for the court include **collecting data and monitoring outcomes**. Across the five sites some courts are more involved in this activity than others. Research suggests that data collection and monitoring are a core component of a SDVC so this element is not one where resources should be skimmed because of the implications for evaluating and improving the practice of the court.³¹⁰ The West London project is heavily reliant on the court for the provision of statistical information for monitoring exercises coordinated by Standing Together. Out of the pump priming funding £4,000 was provided to the court for an admin/data input person. In addition Standing Together employs a person to do data input and analysis.³¹¹ A key informant at another site (where the court does not collect data) observed:

'When I heard that [other court] has a budget I was amazed. It would be nice to have a proper budget for the court that would enable us to do proper training ... Also a budget would enable us to employ someone to input and analyse data from the court. At the moment we can't afford to do that'.

CPS

It seems that in general no new staff have been employed as a result of CPS involvement in the courts. The CPS commitment to the court has been achieved mainly through the reallocation of existing staff. Some KIs were of the opinion that the court had no resource

³⁰⁸ All cost benefit analysis encounter difficulties in establishing causal connections between the strategy and the benefits and empirically measuring cost benefit.

³⁰⁹ This is noted for example in relation to bail decision-making (see above).

³¹⁰ See Chap 3.

³¹¹ The salary is 25,533 plus costs two days per week, the remainder devoted to other data tasks (KI Interview)

implications for the CPS at their site either because prosecutors with a DV specialism were not allocated to the court or providing specialist cover for the court did not increase the overall workload of the CPS; domestic violence cases would have to be dealt with by prosecutors in other courts on other days.

Police

One of the key costs for the police is that of providing police cover for the court in cases where that is provided. Some sites have a higher level of police involvement/commitment to the court than others, with consequential resource implications.

The **Cardiff** court has a police officer seconded, full-time, into the WSU on a rolling six months basis. The term 'secondment' is not entirely accurate as the arrangement involves the SWP locating an officer within the WSU as opposed to a police station, which is a strategic decision for the Basic Command Unit (BCU). The estimated costs³¹² of the officer would be between £35,000 and £38,000 p.a. and the South Wales police consider this to be a very worthwhile allocation of resources as it has benefits for them in terms of:

- Enhancing the experience of DV officers in engaging with and supporting victims directly
- Providing opportunities to work with Basic Command Unit (BCU) and Crime and Disorder Reduction (CDRP) partners in the genuine multi-agency context offered by the WSU and Cardiff FTS
- Helping the South Wales police to better meet their BCU objectives in terms of public protection, notably in relation to DV, child abuse and child protection
- Taking back good practice from involvement with the WSU into the police force
- Enhancing the quality of evidence in DV cases

Demands on police resources have created issues for some sites.

The **West London** court covers two police areas, Hammersmith and Fulham and Kensington and Chelsea, however there is only a police officer from Hammersmith and Fulham in regular attendance at the court each week. The *One Year On* evaluation of the court documented partners' views on the provision of police coverage for the court. Hammersmith and Fulham police expressed their concern that not having a common policy for domestic violence across the two police areas covered by the court will lead to difficulties. The Community Safety Unit (CSU) in Hammersmith and Fulham is aiming to have the same CSU officer at the court each week but 'this is a resource cost to the Met'. The possibility of rotating attendance at the court with a police officer from Kensington and Chelsea was floated, but it was noted that Kensington and Chelsea had not yet agreed to send a police officer to the court. The representative from Kensington and Chelsea said that she believed having an officer at court would be a good thing. While a rota for police officers covering different areas might be less resource intensive the impact on service provision and benefits to the court and court users concerns should be taken into account.

Wolverhampton again covers two police areas (G1 and G2) and the domestic violence officers in each of those areas cover the court by a rota (6 weeks on/off). Some key informants would like to see police officers from both areas present to ensure that the benefits of a police presence were consistently available. The channels of communication

³¹² Senior KI in the South Wales Police.

and support are less satisfactory where the court is dealing with the case of the officer off rota. The provision of two officers to attend the court has additional resource implications but is likely to produce benefits.

In broad terms, the costs of an officer attending an SDVC/FTS would be (at a minimum) £140 per day.³¹³ This is a small investment given the benefits which SDVC/FTS give to CJS partners, not least in terms of:

- The likelihood of enhanced partnership working.
- Effective evidence being presented in DV cases.
- Increased possibilities, therefore, for prosecutions using evidence other than the victim by the CPS and reductions in repeat victimisation.

5.4.6 Costings – Summary and Conclusions

Box 3 below summarises some likely costings for key staff involved in SDVC/FTS arrangements. While patterns of deployment of resources (and their availability) vary widely between the 5 sites being evaluated, this summary indicates the levels of funding available for key staff, and any time input which key informants regard as probably the ‘minimum’ in terms of effective SDVC working.

The purpose of a cost benefit analysis is not to show whether allocating domestic violence cases to a specialist court saves money but rather whether the specialist court is ‘**good value**’, for example improving victim satisfaction, decreasing repeat victimisations, and increasing guilty pleas. Whether the specialist courts represent ‘good value’ is partly a subjective judgement, based on service users’ and service providers’ views of the benefits. The benefits have been documented to some extent throughout this chapter and can be compared across the five sites using quantitative data presented in the next chapter. The analysis presented so far suggests that a lot has been achieved with relatively limited resources, but perhaps that some sites need more resources to build on best practice demonstrated elsewhere.

The long term and most far reaching benefits of the specialist courts, in terms of reduction in recidivism, are difficult to quantify (particularly in cases where pilots have not been running long and the data on recidivism are limited). Most sites are reporting a reduction in recidivism which represents excellent value for money in terms of the costs of repeat victimisation not only to the criminal justice system but society generally.

³¹³ This estimate is based on an annual salary of £35,000 divided by 250 working days per year. It is a conservative estimate as it does not include organisational costs such as pension plans, and in all probability fewer than 50 weeks are worked per year.

Box 5: Indicative Costings for SDVC/FTS staffing

SDVC/FTS Role	Estimated Costs: F/T Annual Costs (to be calculated Pro Rata ³¹⁴)
Advocacy: court based (recommended minimum 2 days per week)	£33,500
Advocacy: community outreach (recommended full-time)	£31,600
Outreach expenses (see footnote 24 above)	£2,000
Advocacy: training Delivery of one multi-agency training session (to 24 people)	£31,600 £1,000
Police time (minimum 1 day per week)	£35,000 - £38,000 £140/day - i.e £7-8kpa
Magistrates Courts data and administration	£4,000
Statistical monitoring: (minimum 2 days per week)	£29,500
Release of CPS staff for training CPS lawyers full day average CPS admin two-hour training average	£315 (London); £300(national) £47 (London); £42 (national)
Judges daily rate Magistrates Legal Advisor daily rate	£572 Expenses (if claimed) £200

Other uncosted elements:

Potential increase in listing at MCS
CPS³¹⁵ DV Co-ordinator costs (development and implementation) 2 days per week³¹⁶

³¹⁴ Including 15% on costs

³¹⁵ The CPS report that the SDVC/FTS have not required additional input, but there may be 'hidden' costs in terms of training and multi-agency working.

³¹⁶ The use of a part-time CPS DV Co-ordinator working in a SDVC is due to be piloted in Gwent

5.5 QUALITATIVE EVALUATION – SUMMARY

Specialist and Non-Specialist Courts

There is little evidence available to ensure a full comparison between specialist and non-specialist courts. **The courts, however, provide a good example of “putting the victim at the centre of the criminal justice system”:**

- In terms of victim satisfaction, they send a message to the victim that she is being heard.
- They send a message to the offender that domestic violence will not be tolerated and that the offence is taken seriously.
- This has the effect of increasing public confidence.
- The courts additionally provide a catalyst for multi-agency working; and
- Promote the co-ordination of effort to support the victim and bring offenders to justice.

5.5.1 Narrowing the Justice Gap

In general, the reports stated and the respondents believed that the SDVCs did **speed** up the process and that this was facilitated, so far as court processes were concerned, by the presence of a police domestic violence officer. According to two reports, the number of **hearings** decreased. There was no apparent difference in the level of **charges** brought.

Victim withdrawals remain high, whether in specialist or non-specialist courts, because of the nature and circumstances of the offence. Again, however, recent research conducted by HALT suggests that a much lower number of women retract if they are properly supported and fully informed. Some respondents agree that their experience reflects the same finding. The specialist courts provide a focus for the provision of this support.

5.5.2 Bringing the perpetrator to justice

A problem for domestic violence cases is that the case so often rests on only one witness: the victim herself. Crucial to the success of the case, then, is that there should be effective **evidence** gathering, which does not depend entirely on the victim. The SDVCs again provide the impetus for taking this forward and raising awareness of the issues. Agencies at all sites agreed on the importance of building stronger cases and were working to improve the effectiveness of the evidence. One site had developed a risk assessment tool to prompt officers to appropriate evidence; other sites were emphasising photographic evidence. It was agreed that **training on effective evidence gathering** was essential. Views on the use of **children as witnesses** were varied. It did not seem that the SDVCs had made any difference to this.

Respondents thought that defendants did not necessarily plead guilty more often since the introduction of SDVCs, although some evidence from HALT suggests that more guilty **pleas** are promoted by having better supported victims. Rates of late guilty pleas (pleading guilty on the day of trial) were very high.

It was believed that the SDVCs had certainly made a difference to and improved **bail** decisions. It was felt important to have good information-sharing practices between the agencies to enable an informed approach to setting bail conditions, especially where children were concerned. Some respondents felt, however, that breaches of bail were not

taken sufficiently seriously. Effective **training** of magistrates specifically on the nature of domestic violence cases was essential.

The use of **witness summonses** was perceived by many respondents as potentially beneficial in removing from anxious victims the burden of supporting the prosecution of the case, but it was recommended that each case be treated carefully on its own merits. The use of a warrant following breach was largely unsupported (except where issues of child protection may be involved).

Respondents believed that the quality of sentencing and **sentencing outcomes** had improved under SDVCs, with magistrates using a wider range of sentences than in non-specialist courts. **Bind-overs** might be the result of poor evidence-gathering or over-reliance on the victim's testimony, but were regarded as the best outcome achievable in certain cases.

Referrals to **perpetrator programmes** were varied across the sites and there was a lack of available programmes in some areas. Respondents felt that schemes needed to be evaluated to ascertain their effectiveness in reducing repeat offending.

5.5.3 Improving victim satisfaction

Lay advocacy services score very highly with both victims and members of the criminal justice system agencies. Reports and respondents indicate high levels of victim satisfaction and comment most favourably on the advice, support and information provided by **lay advocates** and others in the voluntary sector. Victim satisfaction surveys point to a link between supported victims and their participation in the criminal justice process.

Respondents believed that the **Victim Personal Statement** was very little used, although there was evidence of some variable practice. Victims had little input into **pre-sentence reports**, other than in Leeds, where the Probation Service made contact with every victim to seek an input.

Special measures were available for child witnesses, and respondents believed that the rolling out of these for adult victims of domestic violence would make a significant impact on their willingness to testify.

Information on **equality and diversity** issues was sketchy. Predominantly concerned with issues relating to ethnicity, some respondents stated that they rarely came into contact with people who did not speak English, but the evidence suggests that there are problems with awareness of diversity issues and needs, including language needs. It is believed that this is not necessarily a feature of SDVCs alone, although their existence highlights the need for awareness and sensitivity.

5.5.4 Costs and benefits

Whether SDVCs give rise to additional costs and whether, if they do, these are balanced by benefits is problematic. The benefits have been outlined above. Getting at the costs is difficult because respondents believe there are no extra costs in running SDVCs. There are, however, costs in: **starting up** the court, **training** (which should be ongoing) of all court

personnel, operating lay **advocacy** services and paying for the presence in court of the **police domestic violence officer**. Costs also arise for **data collection** and **monitoring** of the process, which are essential (not always in evidence at our five sites). Regular **review** of issues raised by monitoring, and meetings to resolve those issues is another cost. It is argued that training and monitoring are good practice which should be adopted regardless of the existence of special courts.

6 Quantitative Analysis of Data from Case Files

6.1. Overview

This section of the evaluation reports on the findings from 216 domestic violence case files. This section first explains the sampling process before describing the coding instrument used to gather the necessary information from the CPS case files. It then proceeds to discuss the descriptive statistics for the entire sample of cases, an important exercise because detailed information about case processing and outcomes in domestic violence cases is limited generally but virtually unknown in the realm of specialist courts/fast-track systems. Describing the sample in its entirety places the case file analysis in the broader context of domestic violence research, research on attrition, and studies of specialist courts generally. This enables readers to get an overall sense of the data before moving on to describe the differences and similarities across the 5 sites. This is accomplished with the use of bivariate statistics, which allows for a determination to be made regarding whether any observed differences between sites are statistically important or meaningful.

The last statistical job entails conducting more detailed multivariate analyses of key variables of interest including victim retraction, defendants pleading guilty, case discontinuances and the use of bindovers. These analyses reveal what factors significantly predict the chances of these outcomes occurring when many important factors are included in the analysis at the same time (e.g., characteristics of victims, case processing and evidence).

The similarities and differences that emerge from these analyses will be used to inform the thematic comparison of the 5 sites in terms of: Narrowing the Justice Gap; Bringing the Perpetrator to Justice; Improving Victim Satisfaction; and Costs-Benefits of the Models. Finally, the chapter concludes by discussing the gaps in existing information to enable future research more successfully to overcome the hurdles that confront criminal justice researchers.

6.2. Sampling Strategy

The files comprising the sample represent a proportion of cases finalised in the 5 sites (Magistrates Courts) over the 3-month period Aug-Oct 2003. While the research design called for an equal number of cases from each site (n=50), difficulties with the fieldwork meant that this was not possible in two of the sites. The sampling strategy was designed to enable comparisons to be drawn across the 5 sites, each of which serves different sized communities and processes different amounts of domestic violence cases each month. While not perfect, the numbers from each site do enable these comparisons to be made. The breakdown of cases is as follows:

- Cardiff (n=50, 23%)
- Derby (n=35, 16%)
- Leeds (n=50, 23%)
- W London (n=31, 14%)
- Wolverhampton (n=50, 23%)

The original sampling strategy also intended for cases to be chosen randomly from all of the cases finalised in the sites over the 3-month period. In all sites it was less than straightforward for the CPS to identify the total number of cases proceeding through the

courts. Therefore, the sample of case files is not a random sample but rather a convenience sample (i.e., representing those cases that could be identified, retrieved, and made available to fieldworkers in the extremely short timescale of the study). Only in Leeds could it be said that something approximating a random sample was obtained as more than 50 files were available from which the fieldworkers could select. There is however a substantially larger caseload progressing through Leeds compared to the other sites (recall the police data in chapter 4), so this is logical.

The sample of case files includes both violent (e.g., assault) and non-violent (e.g., criminal damage) offences. The sample also contains a small proportion of cases (n=12) where the victim and defendant were in a domestic relationship other than former or current partners or spouses. These characteristics of the sample are consistent with the CPS and ACPO definition of domestic violence (and thus what cases may be progressed through a specialist court or fast-track system).

6.3. The Coding Instrument

For the purposes of the current evaluation, an instrument was developed to assist in gathering information from CPS domestic violence case files. The instrument is 10 pages long and contained in Annex 4. It contains the following sections which are used as a framework for the subsequent analysis and interpretation of the findings: Date information for key decision points; Charging information; Case progression; Case outcomes and sentencing; Plea information; Bail information; Civil orders; Aggravating and mitigating factors; Evidence; Defendant background information including criminal justice history; Victim background information; Victim retraction; and Child witness information.

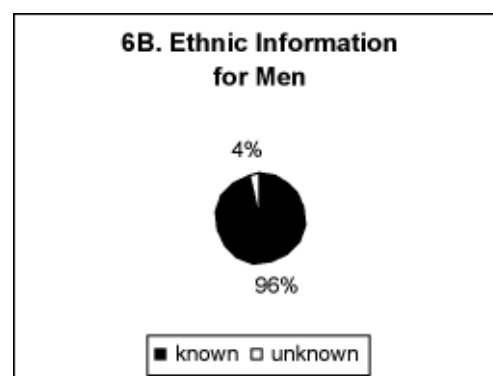
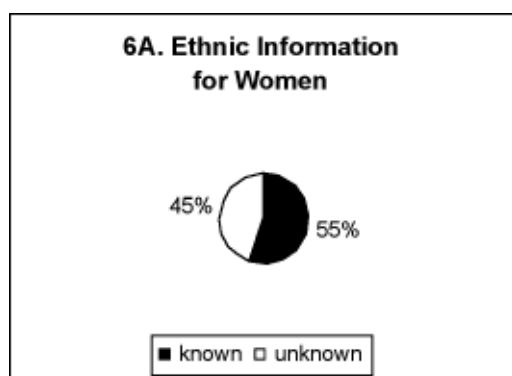
6.4. Descriptive Statistics for the Sample

This section will report on the findings from the 216 case files. The statistics discussed can be found in Tables 6.1 to 6.16 located in Annex 5. For convenience, a List of Tables is provided on the first page of the Annex.

6.4.1. Victims and Defendants

Table 6.1 presents background details of victims and defendants. Most victims are female (n=211, 98%) and most defendants are male (n=212, 98%). Where ethnicity is known, the majority of both victims and defendants are white – this information is missing for almost half of victims (n=97, 45%). Substantially more defendants than victims are from minority ethnic communities (24% compared to 11%), but this may be in part due to less complete ethnicity information available for victims (a systemic problem within the criminal justice system).³¹⁷ From defendant data 73% were white, 13% black and 7% Asian.

³¹⁷ Some statistical comparisons are made throughout this section in order to investigate whether the experiences of victims and defendants differ to a statistically significant extent. This means that the relationship between two variables has less than 5 in 100 probability of occurring by chance ($p < .05$). Generally only the statistically significant findings about race are reported.



On average, defendants were slightly older than victims at the time the offence was committed (33 compared to 31 years old). Roughly similar proportions of victims and defendants are unemployed (36% and 40%, respectively).

The relationship between victims and defendants was most often described as partner (38%), followed by spouse (25%), former partner (24%), and former spouse³¹⁸ (8%). Approximately one third of offences, therefore, were perpetrated by defendants who were no longer in relationships with the victims. In almost half of cases (43%) the victim and defendant did not live together. Twelve cases in the sample involved other relationships, for example offences committed by sons, step-fathers, and other males. The majority (87%) of relationships are intra-racial (e.g., white victims with white defendants).

None of the defendants were known to be lesbian, gay, bisexual or transgendered (LGBT). One victim identified as a lesbian: she was assaulted by her former (male) spouse in front of their two children. Another victim was known to be transgendered.

More than half of defendants have prior criminal convictions (55%) and more than half of victims have a recorded prior history of domestic violence³¹⁹ with the defendant (60%). It is likely that a substantial proportion of both victims and defendants have previously come to the attention of criminal justice or community agencies. This finding draws attention to the notion that much of the workload associated with domestic violence is *repeat* work which perhaps could be addressed by agencies at an earlier stage. Innovations such as specialist courts and multi-agency approaches have been designed with this in mind.

Table 6.2 provides a glimpse into what may be described as the ‘special circumstances’ of victims and defendants (i.e., issues with drugs, alcohol, mental health and physical disabilities). Again reflecting the systemic lack of personal information across the criminal justice system, this information was not widely available in this study.³²⁰ About a quarter of

³¹⁸ Includes those that are in the process of divorcing.

³¹⁹ This information usually came from the victim’s statement to police, although indications of previous incidents could be found in many parts of a case file (e.g. police reports, advocates, etc.).

³²⁰ Unless there was a comment made by the victim or the defendant in their interviews, or a precon for a drug or alcohol-related offence, then it was unknown whether or not these factors featured in their lives. It is probable that the figures are underestimates of the issues facing victims and defendants, because there is not a section of the CPS or police files that is specifically designed to gather this information. On the other hand, these could be overestimates of the extent to which these issues confront victims and defendants as people might exaggerate the negative qualities of those they are in conflict with. In addition, the nature of the CPS case files is that they are focused on gathering evidence on defendants, so the information for them is more complete.

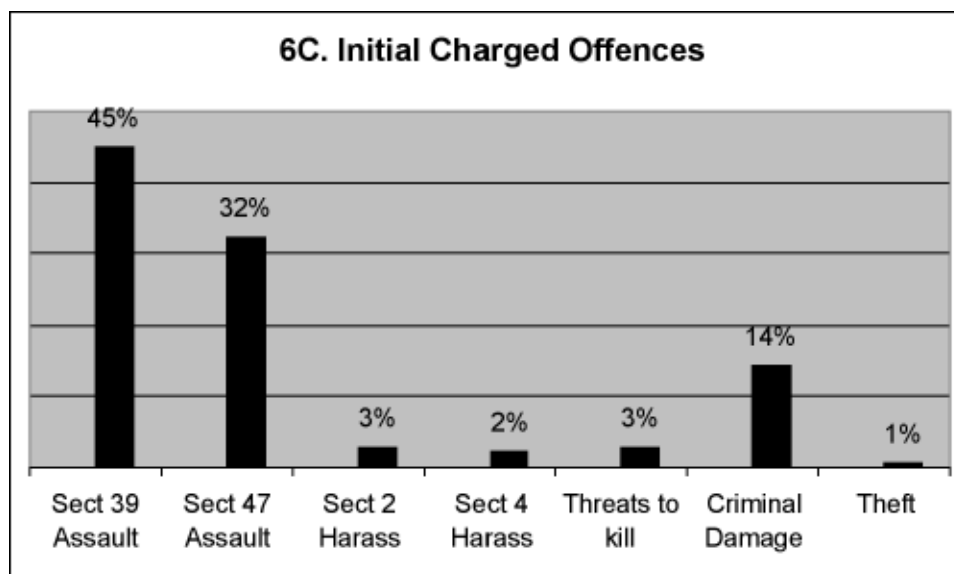
defendants were thought to have a problematic relationship with alcohol. Thirty-one defendants were known to have been drinking or intoxicated at the time of the incident. About 1 in 5 defendants were known to have experience with illicit drugs. Mental health issues (usually depression) were known to exist in the lives of 27 defendants, while three were currently disabled. A small proportion of victims (5%) were deemed to have a problematic relationship with alcohol, and a similar proportion (6%) was drinking at the time of the incident. Even fewer were thought to have a problem with drugs (4%) or mental health issues (3%). Five victims had a physical disability.

6.4.2. Offences Charged

A description of the offences committed by defendants in the sample is contained in Table 6.3. Information was taken for the first three offences charged. The number of offences charged is as follows:

- One offence (n=216, 100%)
- Two offences (n=72, 33%)
- Three offences (n=26, 12%)
- Four offences (n=5, 2%)
- Five offences (n=4, 2%)

Therefore only about one-third (72 of 216) defendants had multiple charges against them. The most frequently charged offences were Sect 39 Common Assault (n=124) and Sect 47 Assault/ABH (n=79). Criminal damage was the next most frequently charged offence (n=51).

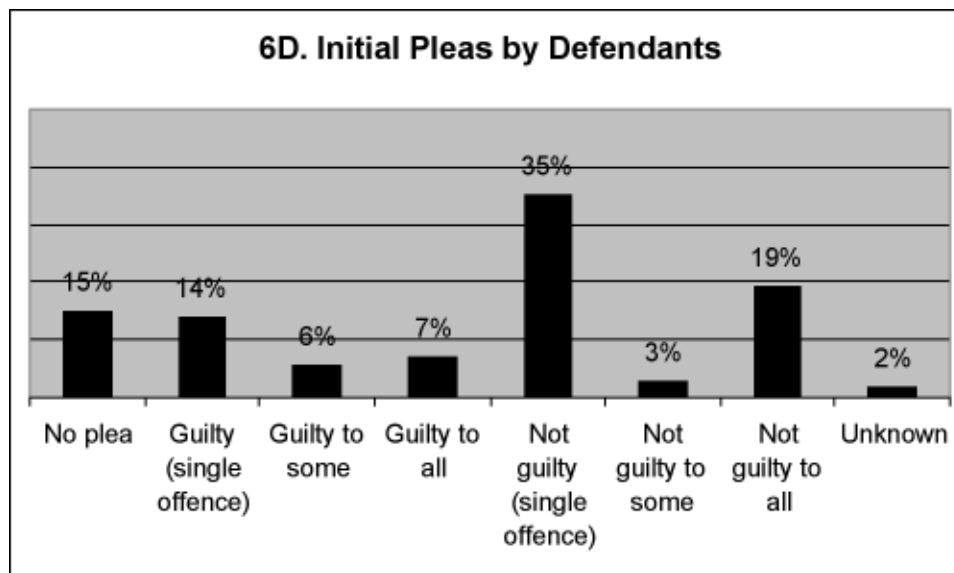


In a small proportion of cases the original charges were altered at some stage of the proceedings (n=30, 14%). Charges were usually altered prior to trial (n=22, 71%). Most charging alterations were actually reductions (n=27, 90%), usually from Sect 47 Assault/ABH to Sect 39 Common Assault. A significantly larger proportion of white defendants had their charges reduced compared to non-white³²¹ defendants (14% compared to 6%).

³²¹ Due to the small numbers of minority ethnic victims and defendants included in the sample, those other than 'white' were categorized as 'non-white' to facilitate statistical comparisons. While not ideal it does allow for a determination to be made if any minority ethnic victim or defendant is being treated differently compared to their white counterparts. It cannot be stressed enough however that victim ethnicity information is to a large extent missing and therefore any findings relating to victim ethnicity should be interpreted with extreme caution.

6.4.3 Pleas and Bail

Information about defendants' pleas to the above charges is provided in Table 6.4 (see also Chart 6D below). Over half defendants initially pleaded not guilty to all or some of the charges (n=123, 57%). By the final stage the number of not guilty pleas had been about halved (n=66, 31%). Guilty pleas increased from 26% (initial pleas) to 31% (final pleas). Information about the final pleas entered by defendants, however, was missing in a substantial number of cases (n=52, 24%). White defendants were more likely to plead guilty at any stage compared to Black and minority ethnic (BME) defendants (36% and 24%, respectively).



Bail information is presented in Table 6.5. Most defendants (n=148, 69%) were bailed with conditions. Thirty-four of the defendants were held in custody by the police, and three were known to be remanded into custody by the court.³²² BME defendants were significantly more likely to be remanded into custody by police compared to white defendants (24% and 14%, respectively). For the majority of cases the court action with respect to bail was unknown (n=177, 82%).

Of the files investigated, 35 defendants were known to breach their bail conditions. In five of these cases there was further violence to the victim and in seven cases the defendants further threatened the victim. However detailed information about what transpired in the situation resulting in the breach was usually not available.

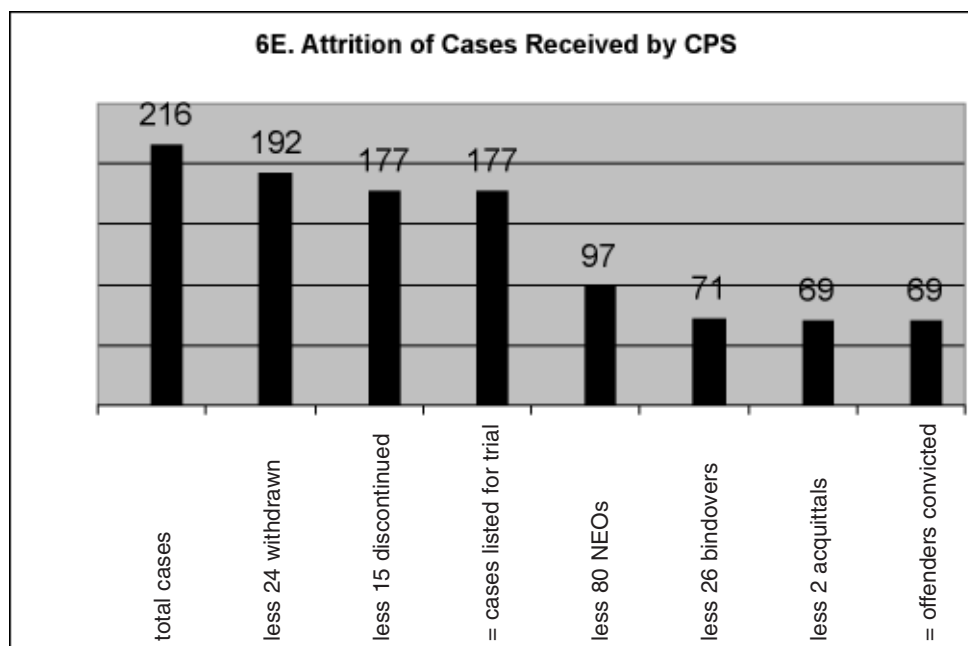
6.4.4. Attrition and Progression of Cases

Information about the progression of cases can be found in Table 6.6 (see also Chart 6E below). A small proportion of cases were withdrawn or discontinued before trial (n=24, 11% and n=15, 7%, respectively). Being withdrawn or discontinued before trial means that the cases dropped out of the system before they had a trial date listed. The majority of cases withdrawn before trial were due to victim withdrawal (n=19, 79%), while the majority of cases discontinued had equal numbers of victim withdrawals (n=6, 40%) and lack of evidence (n=6, 50%). Overall then, most cases progress to the stage where they are listed for trial (n=177, n=82%).

³²² For the majority of cases the court action with respect to bail was unknown (n=177, 82%). This undoubtedly reflects missing information from the case files rather the bail conditions being largely unknown to the courts.

Pre-Trial Review (PTR) is a stage in the process where the defendant, his or her solicitor, the CPS and a Magistrate/Court Clerk meet to determine whether the case can be resolved without having a trial hearing; to identify evidence which can be agreed or needs to be disclosed to the other side; and to fix a trial date. While not compulsory or used in all cases, they are considered useful by the courts because they provide an opportunity for the defendant to change his or her plea to guilty without expending the resources necessary for a trial. In terms of implementing a specialist court or fast-track system, PTRs are valued as a tool that can expedite the finalisation of cases. About one-third of cases were scheduled for PTR (n=79, 37%), although whether a PTR was scheduled was unknown in a similar proportion of cases (n=71, 33%). White defendants were more likely to have their cases sent to PTR compared to BME defendants (61% compared to 43%).

Once a trial date was fixed, it was adjourned in almost a third of cases (n=65, 30%). Usually a case was adjourned to a later date to gather more information. For example, in 11 cases a full file was needed from police, in 8 cases a PSR report was needed from probation, and in 11 cases the CPS wanted to review further the information in the file. Sometimes the adjournment was due to the absence of key parties (e.g., in 7 cases the defendant did not attend, and in 5 cases the victim did not attend). Adjournments therefore are usually seen as delays in the progression of a case, often for reasons that could have been avoided with better preparation. BME defendants were significantly more likely than white defendants to have their cases adjourned (77% compared to 51%). A similar pattern also holds for victims: 82% of BME victims experienced adjournments compared to 46% of white victims.



6.4.5. Outcomes of Trials

What happened to the 177 cases listed for trial is presented in Table 6.7 (see also chart above). The most common outcomes were no evidence offered (NEO) by the prosecutor (n=80, 45%), followed by guilty plea at trial (n=58, 33%), bound over (n=26, 15%) and found guilty after trial (n=11, 6%). Therefore 69 defendants (32% of the total sample) pleaded or were found guilty.

Defendants pleaded or were found guilty in less than one-third of the sampled cases.

At the trial hearing, many cases resulted in no evidence being offered (NEO) by the prosecutor. In other words, these were discontinued *at trial* (as opposed to those 15 cases discontinued before trial). Most of these discontinuances were due to a lack of evidence (n=47, 59%), while the others were specifically due to reasons associated with victims (n=33, 41%) such as failing to attend, refusing to give evidence, or withdrawing after the case was listed for trial.

Obviously, if the court has used resources listing a case for trial and summoning and/or otherwise assembling all the relevant parties, the outcome of NEO is less than satisfactory. However it may indicate that in these relatively early days of specialist courts every attempt is being made to bring perpetrators to justice and cases continue up to the point of trial in that attempt. The proportion of cases listed for trial resulting in NEO will be called here the *NEO Rate*.³²³ The average *NEO Rate* across the 5 sites is 45%. NEOs varied significantly according to ethnicity. White defendants and white victims were less likely to experience these outcomes compared to their BME counterparts. For example, the cases involving white victims resulted in NEO 43% of the time, whereas for BME victims the figure is 58%.

For obvious reasons, this is a rate that the criminal justice agencies try to keep low but this task is more complex than it may seem at first glance. One might try to reduce the number of victims who retract late in the process i.e., if they are going to retract get them to do so before the trial is listed (or at least, before the day of trial). This might put undue pressure on victims. It also neglects the fact that victims might sincerely change their minds at some point in a long and complicated process in which they are undoubtedly being pulled in different directions. It may be that the *NEO Rate* may be more difficult for courts to resolve for cases of domestic violence compared to other cases. As long as cases continue to rely primarily (and often exclusively) on victims giving evidence (and correspondingly continue to pay attention to what victims want to happen to their cases), then *NEO Rates* will be to a large extent out of the criminal justice agencies' control. Using this figure as an indication of performance should be undertaken with caution.

Another performance indicator relevant to this discussion is the number of defendants who plead guilty after the case is listed for trial. This will be called here the *Late Guilty Plea Rate*; in this study the average was 33%. A significantly larger percentage of white defendants offered a late guilty plea (30%) compared to BME defendants (18%).

Again, the less straightforward nature of domestic violence makes *Late Guilty Plea Rate* difficult to interpret. Nationally and for the entirety of cases finalised by magistrates' courts, it is viewed as an indicator of wasted resources. The rate should be kept as low as possible because defendants should be pleading guilty *before* a case is listed for trial. On the one hand, it could be argued that effective case preparation by the CPS should result in defendants wanting to offer an early guilty plea so that they can benefit from a reduced sentence.³²⁴

³²³ This is one of the outcomes included in the broader CPS term 'ineffective trials'. For transparency and to simplify the interpretation of findings, it was considered useful to employ a more specific term.

³²⁴ See Chapter 5.1.1

On the other hand, in cases of domestic violence defendants are often wise to the fact that victims are likely to withdraw. The intimate nature of the relationship between the victim and defendant means that defendants can exert more influence on victims than say in cases of burglary or theft from a motor vehicle. Consequently, defendants in domestic violence cases often plead not guilty, depending on the withdrawal of evidence by the victim. The *Late Guilty Plea Rate* in cases of domestic violence within specialist courts may indicate that defendants decided that it was too risky to continue to plead not guilty and go to trial. Anecdotal evidence suggests that domestic violence defendants might (for example) view a victim who is supported by an advocate as less likely to withdraw. Late guilty pleas may also indicate that specialist courts are enabling cases to progress for longer due to the expertise within the courts, and it is only at the last moment that defendants are prepared to admit their guilt. For the reasons discussed above, it may be that a higher late guilty plea rate could be considered a more successful measure in cases of domestic violence compared to other crimes.

Only a small number of cases (n=13) actually went to trial, of which 11 defendants were found guilty and 2 were found not guilty. For the latter, both victims were injured as a result of the offence, neither retracted, and both defendants breached bail. For one of the cases, no extra information was available about why the defendant was found not guilty. The other case involved a couple considering a divorce, with a history of domestic violence but no previous offences charged to the defendant. The case file explained that “the victim failed to attend, both parties of good character, defendant found not guilty and given the benefit of the doubt”.

Most of those defendants receiving bindovers³²⁵ had time periods of 12 months imposed (n=17, 65%), while some had as little as 6 months (n=7, 27%) and others had as much as 24 months (n=2, 8%). For these defendants the average bindover amount was £142, with a range from a low of £50 to a high of £500. There is a substantial amount of variation in the type of bindover orders imposed.

Bindovers can be regarded as an equivocal outcome. Some commentators view bindovers as ‘lazy prosecuting’ because if there was enough evidence to get a defendant to admit some responsibility and agree to a period of time and financial sum to guarantee his or her good behaviour, then some would consider that to be a case worthy of pursuing to a conviction.³²⁶ Others regard bindovers as ‘better than nothing’ outcomes in difficult cases.³²⁷ If we take the former position (in line with CPS policy) then white defendants were more likely to benefit from ‘lazy prosecuting’ as they were bound over more often (17% compared to 8% for BME defendants).

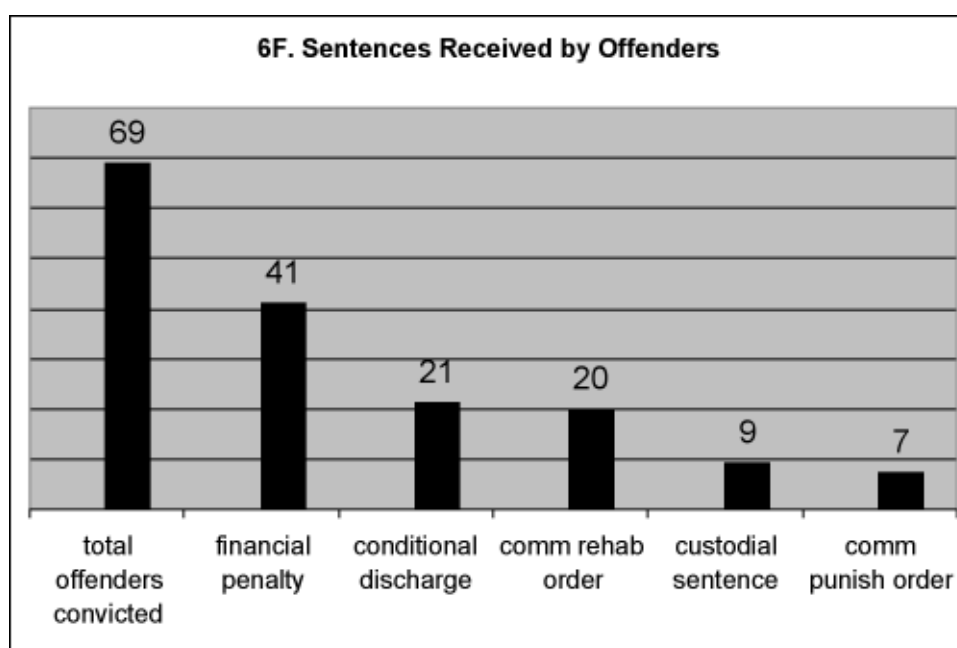
6.4.6. Sentencing Defendants

Out of a starting sample of 216 cases, 69 defendants were sentenced (32%) (see Table 6.7 and Chart 6F below). Of these defendants, 58 pleaded guilty at trial (84%) and 11 were found guilty after trial (16%).

³²⁵ A ‘bind-over order’ is an exercise by the magistrate of their power within civil (rather than criminal) jurisdiction to require the defendant to enter into a recognisance with the court that they misbehaved. Such orders will specify a specific sum of money (usually £50-£400, dependant on means) over a specific period of time that requires defendants to keep the peace. Failure to do so may result in an arrest, a return to court, a forfeiture of the money, and/or additional charges.

³²⁶ Cretney and Davis (1997) found that bindovers were much more likely in Section 47 cases that were domestic rather than non-domestic assaults (16% compared to 4%).

³²⁷ See Chapter 5.2.4.



Fines or financial penalties were the most common type of sentence received by defendants (n=41, 59%). These include fines, court costs, and/or compensation to the victim. The average financial penalty payable by defendants was £161, and ranged from a low of £5 to a high of £480. Half of defendants were sentenced to pay £140 or less.

Twenty-one defendants (30%) received a conditional discharge. For the majority (n=15, 71%) this was for 12 months, while two received 24 months, two received 6 months and one received 18 months. Twenty defendants (29%) received community rehabilitation orders, for example attending a DVPP (Domestic Violence Perpetrator Programme).

A small fraction of the original 216 defendants eventually received a custodial sentence (n=9, 4%). These ranged from 1 day to 20 weeks, with the average custodial sentence being 12 weeks long. Who were these defendants? All of them had both initial and final pleas of guilty. Two of them had breached their bail conditions. Eight of these cases cracked on the trial day, while the other defendant was found guilty after trial. Four had multiple charges against them. All were male perpetrators with female victims. Four defendants were former partners, four were current partners, and one was a former spouse. All but two defendants had served previous custodial sentences. Considering that these facts are true for most of the sample, it is not clear that these nine defendants differentiated themselves in terms of being the most dangerous offenders.

Fines were the most common sentence received by defendants.

There was no statistical correlation between the type of sentence received and whether the defendant was white or from a black or minority ethnic community.

6.4.7. Victim Retraction

Table 6.8 provides information about the 108 victims (50%) who retracted at some stage of the proceedings.³²⁸ Of those retracting, almost half of victims retracted before trial (n=48,

³²⁸ The Inspectors' Report found that in 44% of cases (184 of 418) victims retracted

44%), and more than one-third (n=38, 35%) retracted before the defendant entered a plea. Seven victims (7%) retracted on the day of the trial.

The most common way that victims retracted was through the police (n=77 of 108, 71%). In most files where retraction occurred statements from the victim were present (n=79 of 108, 73%). The majority of the statements were known to be satisfactory (n=62 of 79)³²⁹ rather than perfunctory (n=17). Perfunctory statements only include documentation that the victim does not want to proceed with the case. Satisfactory statements require that there be an explanation as to why the victim wants to retract and must satisfy several criteria, such as explaining whether any pressure has been placed on the victim, whether any civil proceedings have been instigated, etc.³³⁰

A victim retraction statement was present in most case files.

Similar proportions of white (50%) and BME victims (54%) decide to retract at some stage of the process. Neither the likelihood of a statement being in the file, nor the type of retraction statement (perfunctory or satisfactory) was found to differ statistically according to victims' ethnicity.

Who are the victims that decide to retract? They are more likely to be currently in a relationship with the defendant rather than the ex-partners or ex-spouses of defendants. Corroborating this finding is that victims who cohabit with defendants are twice as likely to retract (66% compared to 32%). Victims who retracted did not differ significantly in terms of age or ethnicity. For example, 50% of white victims retracted compared to 54% of BME victims.

Victims who were injured as a result of the offence were more likely to retract than those who were not (56% compared to 30%). Section 47 Assault/ABH were the offences most likely to have victim retractions (67%), compared to the non-violent offences of Section 2 or 4 Harassment (33% and 25%, respectively) and criminal damage (32%). However vulnerable victims were not significantly more likely to retract and neither were those who were very frightened.

Injured victims and those living with defendants are more likely to retract.

Two of twelve aggravating factors (discussed in section 6.4.10) differentiated the victims who retract from those who do not. Those that have a prior history of domestic violence with the defendant are more likely to retract (57% compared to 43%). Those defendants who commit their offences following alcohol also increase the likelihood that victims will retract (60% compared to 43%), perhaps because victims can blame the offence on a defendant's substance problem rather than on a character flaw.

The presence of other witness statements in the case file significantly reduced the likelihood that victims would retract.

³²⁹ If we consider that 62 of the total 108 cases (57%) had satisfactory retraction statements present, then a substantial proportion of victims were evidently able to retract with no written documentation to confirm whether they retracted according to CPS guidelines. The Inspectors' Report found that the withdrawal statement conformed to CPS policy in 64% of relevant cases.

³³⁰ See page 29 of the *CPS Guidance on Prosecuting Cases of Domestic Violence* (2001).

This could indicate that having another person participate in the prosecution of the defendant bolsters the resolve of the victim. No other types of evidence were significantly related to victims retracting.

Space was provided on the coding instrument for written comments about *why* victims chose to retract.³³¹ The reason for retraction was unknown for 25 of the 108 victims (23%) who retracted. The most common reason given was that the couple had reconciled (n=29, 27%). Proceeding with a criminal matter and reconciling with the same person often do not go hand-in-hand, a real-world fact often lost in the halls of courts (and academia).

Quite a few victims (n=15, 14%) expressed concern that the process was overly punitive, without attention paid to the need for rehabilitation. As one victim stated, “[I] would like to get him help ... locking him up won’t help”. Another indicated that pursuing the complaint would have detrimental effect on the defendant who is attending training, counselling and anger management. These are the opinions of victims, which are likely to differ from those working in community or criminal justice agencies.

Concerns related to their children or child care responsibilities also lead some victims to retract (n=9, 8%). As one victim said, “He looks after the children while I work ... we have two children together”. Others want to reconcile for “the sake of the children”. Another victim was scared that the defendant would try to “use her son against her”. The victim and son currently live together but as the defendant is in another relationship elsewhere the victim was afraid these happy living arrangements might change if she pursued the complaint.

Others blamed themselves for the situation (n=7, 7%). One victim retracted because she felt that she is “often to blame”, and in the most recent incident she says she attacked the defendant first and “that’s why she got injured”. Some just want to forget the matter or “put it behind them” (n=6, 6%). For example, the ex-husband of one victim has moved on to a 17-year-old girlfriend who is pregnant, and the victim “just wants the matter to end”. Others had found what they perceived to be resolutions elsewhere, such as receiving a civil injunction (n=4, 4%). A few victims describe reasons that are especially unsettling, such as “cultural pressure” or “fear of repercussions” from family (n=3, 3%).

The above findings should demonstrate the complex factors surrounding a victim’s decision to retract. Acknowledging the varied and often understandable reasons why victims retract is important, as it should remind criminal justice officials that their agency’s performance indicators are actually difficult decisions made by people confronted with traumatic circumstances.

6.4.8. Timing of Key Decisions

The average length of time between key decision points in the progression of domestic violence cases through the criminal justice system is presented in Table 6.9. This information

³³¹ This information was usually provided in victim retraction statements. These statements are written documents that the victim knows will be read by prosecutors and perhaps the court. They may therefore mask or give only superficial details of the reasons behind retraction. Ideally victims would be interviewed by a non-criminal justice official at a later date to get more in-depth information about why they retracted, and whether this decision resulted in perceived positive or negative changes to their life circumstances.

is useful to get a sense of when key decisions are being made and when cases tend to drop out of the process.³³² Firstly it should be noted that the timing of key decisions was not significantly affected by either the defendant's or victim's ethnicity.

The first length of time that will be discussed is the average number of days between an arrest being made and a case being finalised, as this represents the length of time that any criminal incident is within the purview of the criminal justice system. Subsequently it is also a good indicator of how speedy the entire process is for domestic violence cases, important to know given that one of the main aims of specialist domestic violence courts is to "speed the process up". From arrest to finalisation the average for the sample is 72 days.

It takes about 10 weeks for the average case to go from arrest to finalisation.

On average, 9 days lapse between the offence being committed and police making an arrest, although for most cases (n=135, 63%) these events happened on the same day. Offences tended to be charged very soon after an arrest is made (on average within 2 days). On average, defendants entered a plea within one month (23 days), but the most frequently observed value (mode) indicates that most defendants entered their pleas within the same week as being charged (5 days). A similar pattern is seen for case file review: on average files were reviewed within one month of charging (21 days) but the most frequently observed value indicates this usually occurred within one week (3 days). For the cases where a PTR was known to be scheduled, this usually occurred around one month after charging and within a recognised timetable for service of papers and defence instructions.

The average length of time that most cases spend under the purview of the CPS (from charging date to case finalisation date) is 69 days, or almost 10 weeks. This varies from a minimum of 1 day to a maximum of 335 days. Obviously the strain on court staff time, court resources and victim resilience will both affect and be affected by how long it takes to dispose of a case.

Keeping in mind that half of victims did not retract at any stage of the process, those that did retract stayed with the process until about one month (31 days) after the charging date, or about 39 days after the offence was committed. The first month of case progression can therefore be considered vital, as it is during this time that victims are weighing up the pros and cons of continuing their involvement.

Most victims retract within one month of the offence.

Finally, it may be worth noting that on average, victim retraction occurred before cases were scheduled for PTR. Given that one of the primary aims of PTRs is to speed up the progression of cases through the system, it may be that they need to be scheduled earlier so that they may take place before many victims decide to retract. PTRs might more successfully facilitate guilty pleas if the defendants are confronted with cases strengthened by victim involvement. Another interpretation of this finding is that victims may decide to

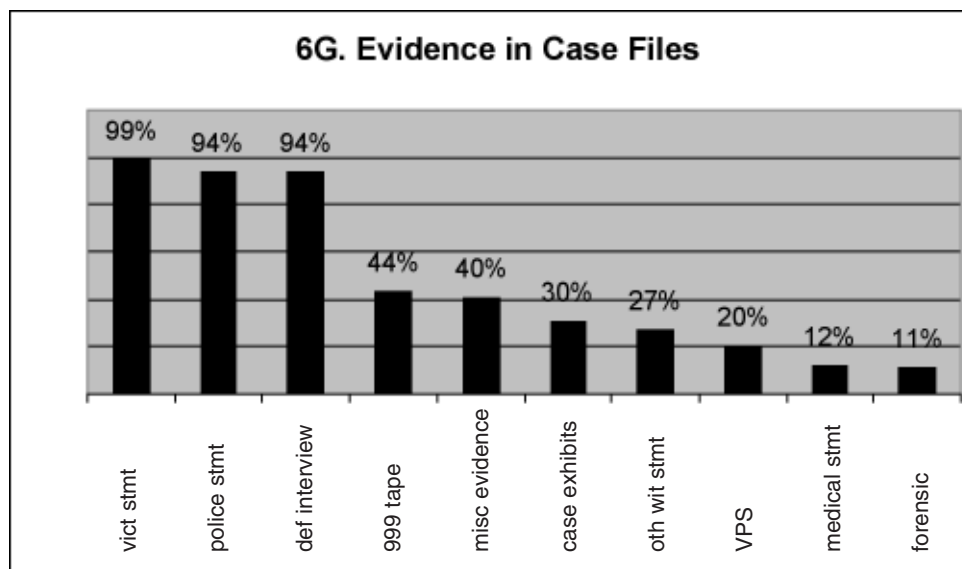
³³² It is important to note that while the average length of time will be discussed, that there exists wide variation amongst the cases and also that the distributions are often skewed (e.g., often the modal value is much different from the mean value).

retract because they do not see any progress being made on their cases. Most (69%) victims retracted before the first hearing date. Therefore a substantial proportion of victims are retracting without knowing what would happen to their case at PTR or the initial court hearing.

6.4.9. Evidence

Information about the types of evidence present in CPS can be found in Tables 6.10 and 6.11 (see also Chart 6G below). A description of what evidence is present in files should not be confused with what evidence was actually used, or what exactly impacted (or failed to impact) on the outcomes of cases. To state this another way: For *all* types of evidence examined in this study, we cannot know exactly how a particular piece of evidence impacted upon a particular case outcome, victim decision, or sentencing option. Rather, the evidential variables just represent the types of information prosecutors had available to them.

The most common forms of evidence present in case files include: witness statements from victims (n=213, 99%), witness statements from police officers (n=202, 94%), and police interviews of defendants (n=202, 94%). An overwhelming majority of the case files therefore had these three vital pieces of information.³³³



The next most common type of evidence found in case files was a copy or transcript of the 999 tape (n=94, 44%), followed by ‘miscellaneous evidence’ (n=87, 40%), case exhibits (n=65, 30%), statements from other witnesses (n=59, 27%), medical statements (n=26, 12%) and lastly forensic evidence (n=23, 11%).

The ‘miscellaneous evidence’ category reflects miscellaneous items in the file that may or may not be considered or used as evidence across all the sites. Like *all* the types of evidence discussed in this study, there is no way to be certain whether it had an impact on the outcome of the case. Miscellaneous items were usually from police, such as pocket notebooks, risk assessment forms, crime reports from previous incidents of domestic violence, incident logs, or custody records. Also included in the ‘miscellaneous’ category

³³³ In comparison, the Inspectors’ Report found that 78% of files received from police were deemed ‘satisfactory,’ and none was above average.

were Pre-Sentence Reports from probation, damage reported to the council, and evidence of the defendant contacting the victim (letters or phone records).

Case exhibits almost invariably were photos of the victim's injuries or bloodstains caused by the injuries, although there were also photos of property damage caused by the defendant and weapons used. Forensic evidence typically consisted of fingerprints, blood, forensic medical exams or DNA from mouth swabs. Given that the case files indicated that 168 victims (78%) were injured by the defendant, the infrequent use of medical statements, case exhibits, and forensic evidence seems particularly problematic. For example, 91 of 97 common assaults resulted in injuries to the victim (such as bruising or swelling). *All* injuries should be viewed as opportunities to collect additional evidence about the offence.

Despite high numbers of victim statements, police statements, and interviews with defendants, the level of evidence in most case files could be increased substantially.

The presence of some forms of evidence did vary according to ethnicity. For example, BME defendants were more likely to have case exhibits in the file (45%) compared to white defendants (24%). A similar result was not found for victim ethnicity. However, victim ethnicity was significantly related to whether forensic evidence was in the file (16% for white victims compared to 0% for BME victims). Finally, copies of 999 tapes were more likely to be in files for BME defendants (59%) compared to white defendants (39%).

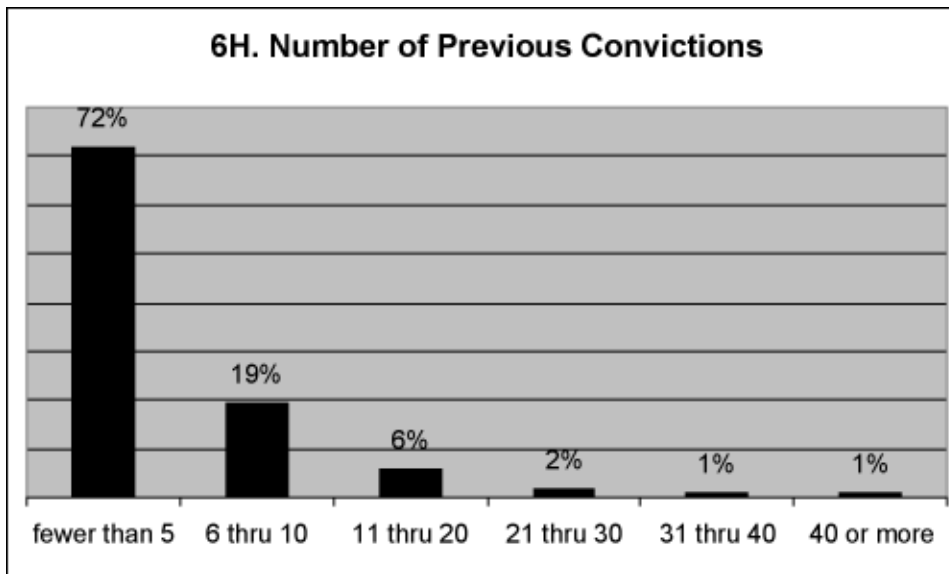
A substantial proportion of victims' statements indicated a willingness to proceed with the case or otherwise cooperate with the prosecution of the case (n=101, 47%). This is despite the fact that many victims were also assessed as being vulnerable or intimidated witnesses³³⁴ (n=88, 41%). Only a small proportion of files included Victim Personal Statements (VPS) (n=43, 20%).

Police interviews of defendants indicated an admission of guilt in 61 cases (30%). While most of these defendants also entered guilty pleas, 8 entered pleas of not guilty and 10 did not enter any plea. Therefore in 18 cases the police interview could have provided an especially valuable form of evidence. In the multivariate analyses to follow this proves to be true.

Information about the criminal justice history of defendants can be found in Table 6.12 (see also Chart 6H below). What is immediately apparent is that most defendants have had prior contact with the criminal justice system. Most have prior criminal convictions, with the average defendant having 7 convictions on record. These include convictions for property offences (n=89, 41%), violent offences (n=57, 26%) and drug offences (n=47, 22%). Also noteworthy is the fact that many defendants had served previous custodial sentences – the average defendant had been in custody twice previously. The offences for which defendants had served custodial sentences include property offences (n=25, 12%), violent offences (n=21, 10%) and drug offences (n=18, 8%). Unfortunately it was impossible to determine whether any previous convictions or custodial sentences for violent offences included domestic violence against the same victims, or other victims. The CPS is working with the police to introduce this flagging system in the Magistrates as well as the Crown Court.

³³⁴ These were assessments made by the fieldworkers as well as the CPS.

White defendants were more likely to have prior convictions for violent offences compared to BME defendants (31% and 14%, respectively). White defendants were also more likely to have convictions for property offences (47% and 22%, respectively).



Given that the majority of witness statements from victims included an indication that there had been previous incidents of domestic violence (n=120, 99%), it is perhaps troubling that in only a fraction of cases had police identified the defendant as a Persistent Offender (n=23, 11%). The definition of a persistent offender is someone convicted of six or more recordable offences or someone defined as such locally.

6.4.10. Aggravating and Mitigating Factors

The factors which might impact upon prosecutorial decision-making include aggravating factors (see Table 6.13) and mitigating factors (see Table 6.14). Readers should bear in mind that information about the presence of these factors was taken from a variety of sources within the case files, but police interviews with defendants and victims statements were the most common sources. In addition, we cannot determine whether or to what extent these factors actually impacted the decision-making of prosecutors.³³⁵

The following were the most common aggravating factors present in case files:

- Prior history of domestic violence (n=108, 50%)
- Committed after alcohol (n=99, 46%)
- Victim is very frightened (n=86, 40%)³³⁶
- Likely repetition (n=73, 34%)
- Committed in front of children (n=72, 33%)
- Property damage (n=61, 28%)
- Weapons were used in almost 1 in 5 cases (n=40, 19%).

³³⁵ To link a particular aggravating or mitigating factor to a particular decision or case outcome would require an interview with each prosecutor who was assigned to each particular case. This is a worthy research endeavour, but one beyond the scope of the current study.

³³⁶ While this is not an official 'aggravating factor' in terms of CPS policy, based on past research and anecdotal evidence it does tend to impact upon prosecutorial decision-making. Victim fear is also one of the key indicators in risk assessment tools being used by police (e.g., in Cardiff).

These were usually striking objects such as hammers, baseball bats, chairs or bricks. However, knives were also reportedly used as weapons in four cases.

Additional analyses were conducted to determine the relationship between the various aggravating factors. Correlation analyses revealed several statistically significant and positive relationships amongst the factors (e.g., the likelihood of one occurring significantly increases the chances of another occurring). Some examples of these relationships include:

- Planned attack and use of weapon
- Committed on bail and violation of restraining order
- Breach of civil order and further threats made
- Victim is very frightened and offence committed in front of children
- Victim is very frightened and prior incidents of DV
- Likely repetition and further threats made

However there was also one negative relationship: committed after drinking and committed in front of children. Specifically, those defendants who committed their offences after alcohol were less likely to commit their offences in front of children (i.e., of the 72 committed in front of children, 24 were drunk while 48 were not drunk). This draws attention to the fact that children may be witnessing domestic violence that cannot be 'blamed' on drink to a greater extent than was originally supposed.

Some ethnic differences did emerge with respect to aggravating factors. For example, white defendants were more likely to commit offences after drinking (52% compared to 28% of BME defendants). With BME defendants, it was more likely to be reported that the victim felt very frightened (49% compared to 35%).

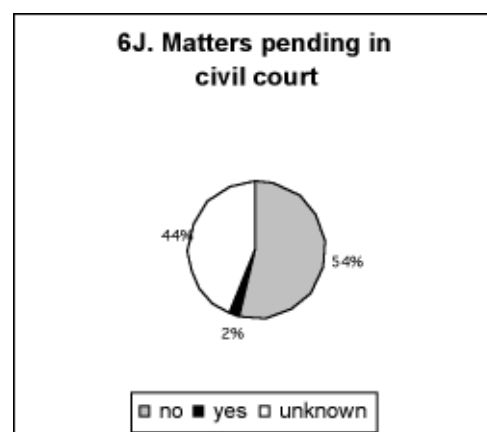
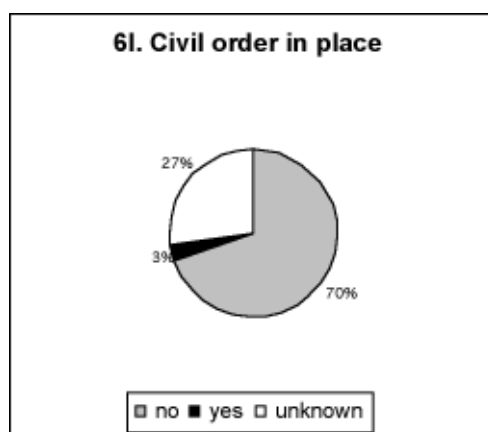
Table 6.14 presents descriptive information for four mitigating factors.³³⁷ It is apparent that most case files did not show much evidence of mitigating factors as all were infrequent: no victim injuries (n=27, 13%), remorse shown by defendant (n=20, 9%), early guilty plea (n=23, 11%), and improved state of relationship (n=25, 12%). No significant ethnic differences were present for mitigating factors.

6.4.11. Civil Orders

The available information from the jurisdiction of civil courts can be found in Table 6.15. What is perhaps most notable is the lack of information in domestic violence case files about civil matters, despite the obvious relevance (e.g., should not the presence of a civil order inform prosecutorial decision-making in criminal affairs?).

In only seven cases (3%) were civil orders known to be in place, and in only five cases (2%) were matters known to be pending in civil court. The likelihood of civil information being known did not vary according to victim or defendant ethnicity. The sharing of information between civil and criminal courts should be encouraged as it is also apparent that where civil orders are in place, defendants often breach them (4 of 7 were breached in this study).

³³⁷ These factors were adapted from the National Domestic Violence Monitoring Form created by the CPS in 2002.

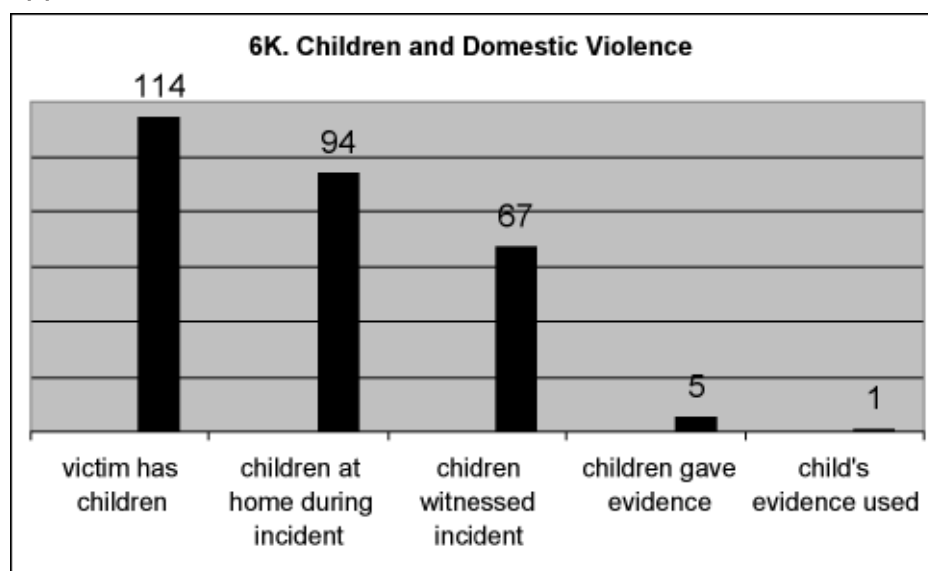


Sharing of information between civil and criminal courts is extremely rare.

6.4.12. Child Witnesses

The proportion of cases where children are present or involved is described in Table 6.16. More than half of victims were known to have children with the defendant (n=114, 53%), and a substantial proportion also had children from other partners (n=46, 21%). The figure is probably higher in actuality but as mentioned previously, case files are orientated toward gathering information about defendants rather than victims.

In almost half of cases children were known to be home at the time of the incident (n=94, 44%), and a further 67 children (31%) were known to have witnessed the incident. Of those 67 child witnesses, only five (8%) provided evidence to the court (this was video link evidence). In only one case was child evidence used (the offender pleaded guilty at trial). The age of those child witnesses ranged from 10 to 15 years, and all had special measures applied to them.



It can be argued that the CPS is neglecting a potentially rich source of evidence by not including children as witnesses in cases of domestic violence. In a great number of cases they are not only in the home but also witnessing the offences being committed against their mothers. The term 'children' might obfuscate the situation as at least some of these witnesses are probably teenagers. While they too may be eligible for special measures and to be afforded extra care and sensitivity, regarding them as 'too vulnerable' to give evidence might

be ignoring the closure and/or vindication that they might experience as a result of being involved in the process. Additional research is necessary to investigate this issue.

Children and young adults are rarely used as witnesses.

6.5. Comparisons of the Five Sites

Tables 6.17 to 6.32 (also located in Annex 5) describe whether the variables discussed above differ across the 5 sites to a statistically significant extent.³³⁸ Using the same headings as the previous section, findings are discussed in order to highlight similarities and differences amongst the different courts.

6.5.1. Victims and Defendants, by Site

The background characteristics of victims and defendants are located in Tables 6.17 and 6.18, respectively. Only two victim characteristics vary significantly across sites: ethnicity and having a prior history of domestic violence with the defendant. In regards to ethnicity, Leeds and Wolverhampton have much more complete information. Wolverhampton also has the largest number of black and minority ethnic victims, although the lack of information from the other sites may be contributing to this finding. Derby and Leeds are more likely to report that victims do not have a prior history of domestic violence.

More of the defendant characteristics tend to vary across sites: ethnicity, employment status, relationship to victim at time of offence and prior criminal convictions. Again there is less missing information for defendants compared to victims. West London and Wolverhampton have significantly larger proportions of black and minority ethnic defendants compared to the other sites (n=16 or 52% and n=20 or 40%, respectively). Cardiff, Leeds and Wolverhampton process more unemployed defendants (n=19 or 38%, n=20 or 40%, and n=22 or 44%, respectively). Defendants from Cardiff are significantly more likely to have prior criminal convictions (n=35 or 70% compared to sample average of 55%).

With respect to the relationship between victims and defendants, the court in Derby was more likely to process the 'other' relationships (i.e., non-intimate partner violence). Otherwise, the sites were similar in terms of handling partners/ex-partners most often, with spouses/ex-spouses less common.

Table 6.19 presents information related to alcohol, drugs, mental health and disabilities for victims and defendants across the 5 sites. Every variable is statistically different by site, but these differences should be interpreted with caution due to the substantial amount of missing information related to these issues. Cardiff appears to have more defendants with alcohol and/or drug issues/problems as well as mental health issues. Derby appears to see more victims with alcohol issues/problems.

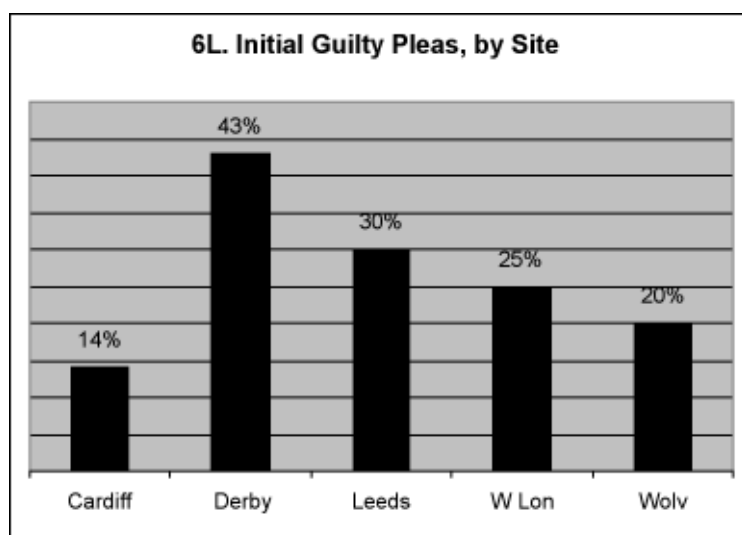
³³⁸ Depending on the level of measurement of variables, different tests of significance were utilised (e.g., chi-square, F-test, etc). When results are described as 'statistically significant' this means that the relationship between two variables has less than 5 in 100 probability of occurring by chance ($p < .05$). In other words, there is 95% confidence that the finding is a true result.

6.5.2. Offences Charged, by Site

Information about offences charged and charging alterations by site is contained in Table 6.20. Across all sites the offences most likely to be charged are physically violent (namely Section 47 Assault/ABH and Sect 39 Common Assault). Wolverhampton tends to have more criminal damage offences compared to the other sites. Cardiff has more defendants with multiple charges against them. Cardiff also has the highest level of charging alterations (n=12 or 39% of the 31 total alterations), with most of these being reductions from Section 47 Assault/ABH to Sect 38 Common Assault, which may be linked to the implementation of the 'positive action' policy. However the change of charges needs to be balanced against the benefits of removing the perpetrator from the scene immediately. It is hoped that the proposed legislative changes to attach power of arrest to common assault will positively affect this situation.

6.5.3. Pleas and Bail, by Site

Plea information by site is provided in Table 6.21. The types of initial pleas and final pleas vary significantly across the sites. Three of the sites had a large amount of missing information in relation to the final plea offered by defendants (Leeds, W London and Wolverhampton). There is wide variation in the percentage of defendants who offer either a guilty (single offence), guilty (to some) or guilty (to all) plea initially at each site:



This undoubtedly has implications for the overall amount of work and time that a CPS office (and the court) has to devote to a particular case, as early guilty pleas by defendants provide the opportunity for a case to be resolved quickly. Cardiff and Wolverhampton therefore have more work cut out for them at the start because they have lower rates of defendants offering an initial guilty plea. The pattern is similar at the final plea stage, as Cardiff and Wolverhampton again have the lowest percentages of defendants pleading guilty, with Derby having the highest proportion of initial guilty pleas.

Two other plea-related variables differentiate Cardiff from the others sites: it has the highest number of acceptable pleas being offered at trial, and 4 of the 5 victims known to have been consulted before a plea was accepted were located in Cardiff.

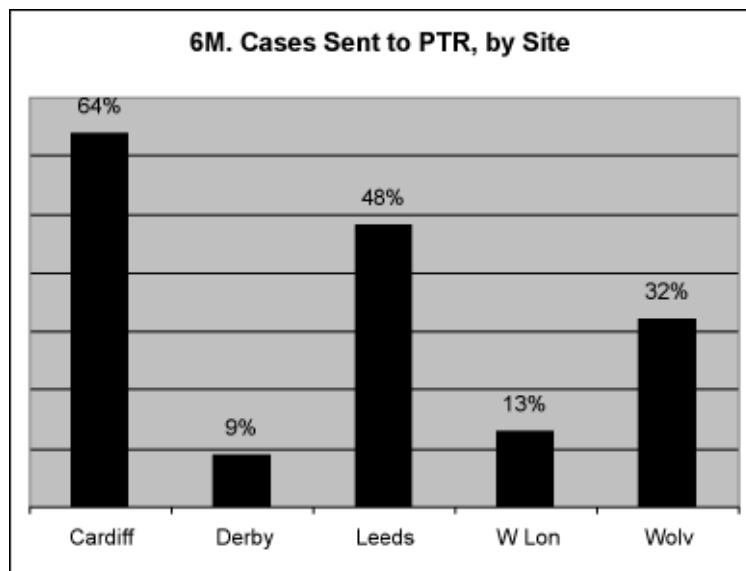
Cardiff and Wolverhampton have the fewest defendants pleading guilty.

Bail conditions also vary across the sites (see Table 6.22). West London and Wolverhampton had significantly greater proportions of defendants held in custody by police or remanded into custody by the court (n=14 or 48% and n=14 or 28%, respectively). The other sites were more likely to bail defendants with conditions. In general, court decisions with respect to bail/remand are much more likely to be unknown compared to police decisions. Bail applications were more likely to contain references to child contact in Cardiff (4 of the 6 total), which could be due to better recording. Generally there was a lack of information about the content of bail applications.

More defendants are held in custody in W London and Wolverhampton.

6.5.4. Attrition and Progression of Cases, by Site

Table 6.23 displays information related to case progression by site. The proportion of cases discontinued or withdrawn before trial was higher in Derby and Wolverhampton compared to the other sites. The courts were also significantly different in terms of their use of PTR, although it must be remembered that whether a PTR was scheduled was unknown for about one-third of cases:



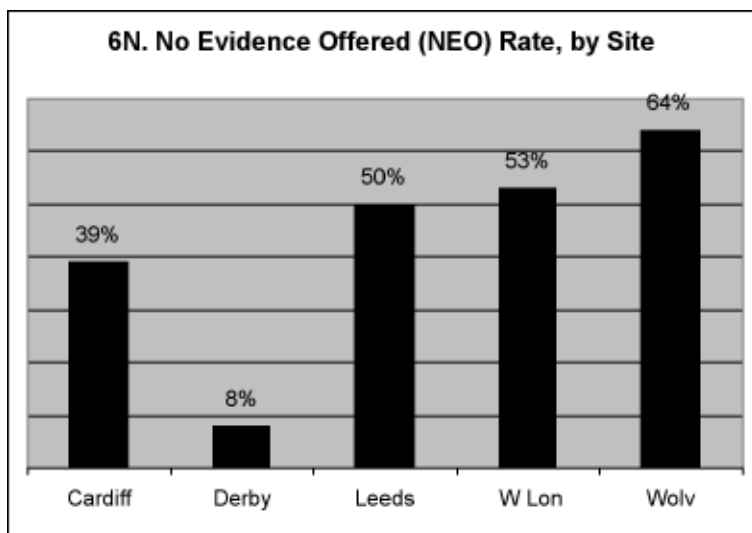
Cardiff and Leeds schedule PTRs more frequently than the other courts, and they also appear more willing to schedule multiple PTRs.³³⁹ The rate of adjournments did not vary to a statistically significant extent across sites, although that variable had a particularly high rate of missing information (n=102 or 47% of all cases) that could be significantly impacting the results.

Pre-Trial Reviews are used more frequently in Cardiff and Leeds.

6.5.5. Outcomes of Trial Hearings, by Site

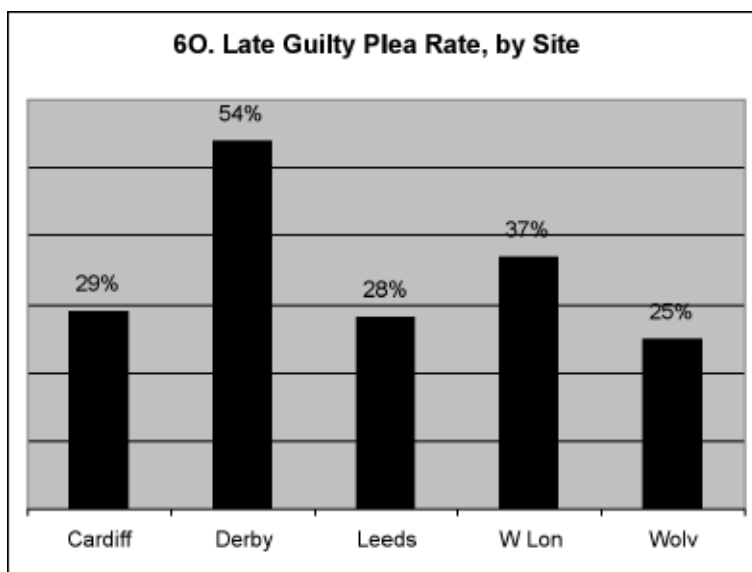
Table 6.24 presents information about the outcomes of trial hearings for the 5 sites. Prosecutors discontinuing cases (by offering no evidence) after they have been listed for trial, or the *NEO Rate*, varies significantly:

³³⁹ In Cardiff 'positive action' explicitly affects higher level of cases sent to PTR as it is often at PTR that Sect 47 is dropped to Sect 39 and a guilty plea entered by the defendant.



Derby's unusually low rate could be explained by its relatively high rate of discontinuances and withdrawals *before* trial (see Table 6.23). In other words, Derby may be jettisoning its weak cases sooner rather than later, thus saving court resources. However, Wolverhampton also had high rates of discontinuances and withdrawals before trial, yet it also has the highest *NEO Rate*.

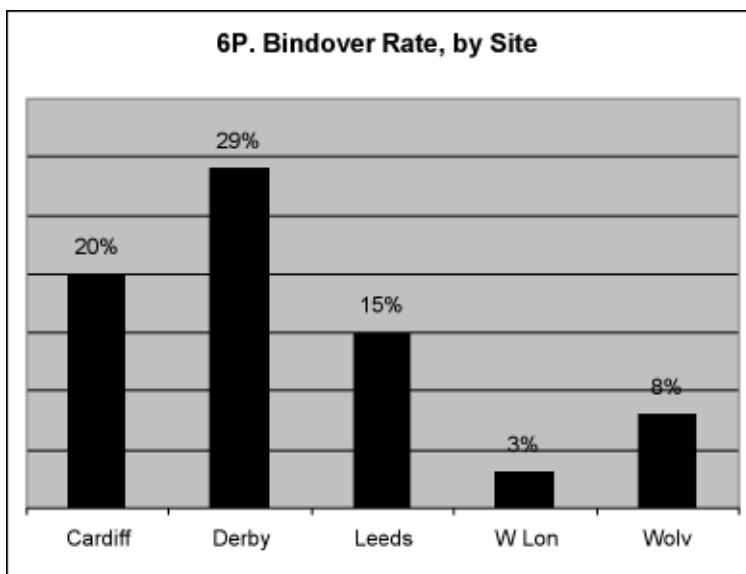
As mentioned previously, the *Late Guilty Plea Rate* is the proportion of cases listed for trial in which the defendant pleads guilty at trial. Here again there is wide variation across the courts:



The *Late Guilty Plea Rate* is in part determined by what defendants decide to do at the initial plea hearing: if they plead not guilty then the case must be progressed and listed for trial. We know that this is more likely to happen in Cardiff and Wolverhampton, where defendants are more likely to plead not guilty and also where the *Late Guilty Plea Rates* are lower than average.³⁴⁰

³⁴⁰ These contradictory findings draw attention to the impact that the proportion of cases listed has on case outcomes: the relatively low number of cases listed for trial in Derby benefits the court in terms of its *NEO Rate*, but hurts it in terms of its *Late Guilty Plea Rate*. In Wolverhampton, the low number of cases listed for trial does the opposite: gives it a better-than-average *Late Guilty Plea Rate* yet a worse *NEO Rate*.

Another noteworthy case outcome is the use of bindovers³⁴¹, which varied greatly across the sites in its proportion of cases listed for trial:



As discussed previously, because the use of bindovers in cases of domestic violence has both positive and negative connotations, it is difficult to judge whether these statistics are indications of performance that should be improved or examples of good practice.³⁴²

The prevalence of late guilty pleas, cases discontinued due to NEO, and bindovers differs greatly across the 5 sites.

6.5.6. Sentencing Defendants, by Site

Only one type of sentence was used to a statistically different extent across the sites: community rehabilitation orders. They were most often used in Leeds (8 or 40% of the 20 total) and W London (7 or 35% of the 20 total). Wolverhampton did not use them at all, and they were used infrequently in Cardiff and Derby. Given that research indicates that victims of domestic violence often desire rehabilitation as a sentencing goal, courts may want to consider whether they are using these orders frequently enough. However, this finding may be a reflection of the local capacity (or even existence) of local perpetrator programmes.

Community rehabilitation orders are more likely to be used in Leeds and West London.

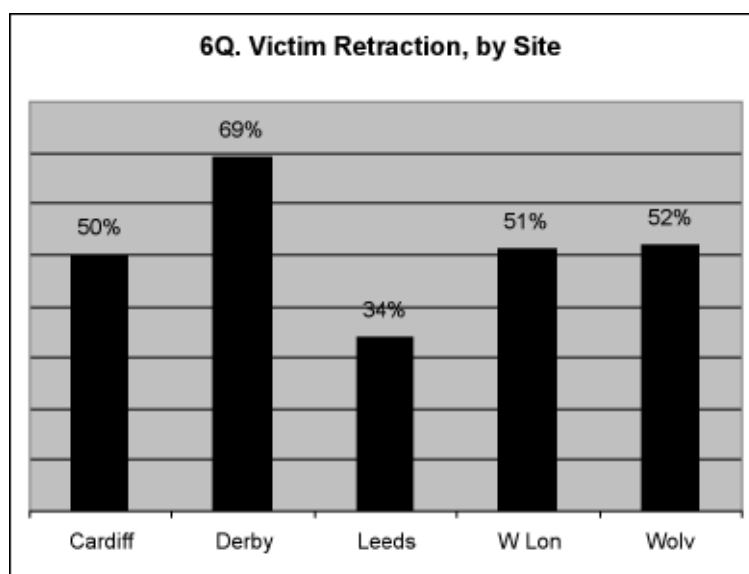
Sites were also different in terms of the proportion of cases resulting in a defendant receiving *any* type of sentence. Derby had the highest rate (n=16, 46%), while Wolverhampton had the lowest (n=9, 18%).

6.5.7. Victim Retraction, by Site

The proportion of victims who retracted at some stage of the proceedings varied significantly across the 5 sites (see Table 6.25). The proportions are as follows:

³⁴¹ The qualitative evidence suggests that bindovers are used much more frequently than is reflected in these figures, suggesting that perhaps bindovers are hidden in NEOs.

³⁴² The complicated nature of determining whether a particular rate is 'good' or 'bad' or indeed how courts should aim to reduce their NEO or Late Guilty Plea rates is very significant (refer to 6.4.5).



Wolverhampton, W London and Cardiff have similar rates of victim retraction, while Derby has a much higher rate and Leeds has a much lower rate.

Leeds had the lowest rate of victims retracting, while Derby had the highest.

When a victim decides to retract also differs by sites. For example, the general trend across sites is that fewer victims retract before plea than do before trial, with the exception of Derby where the trend is opposite (i.e., 18 victims retracted before plea compared to 5 who retracted before trial). That Derby has a much higher rate of victim retraction generally suggests that it is the time *before* plea where: a) victims do not feel supported and decide to retract, or b) prosecutors ascertain at much earlier stages the likelihood of victims proceeding. These two competing explanations are also relevant to the findings that Derby's use of bindovers is the highest, its *NEO Rate* is the lowest, and its *Late Guilty Plea Rate* is the highest of the 5 sites. Additionally, Derby has the highest rate of perfunctory retraction statements from victims, but also the highest rate of defendants pleading guilty *after* retraction. There is evidence to suggest that out of the 5 sites, Derby might be doing something differently.³⁴³

6.5.8. Timing of Key Decisions, by Site

Four of the ten timing variables are significantly different across the 5 sites (see Table 6.26). The average number of days between charging and plea is much higher in Derby (59 days) and much lower in Wolverhampton (2 days). The average length of time between charging and PTR is longest in W London (64 days), while Cardiff and Leeds are similar (48 and 47 days, respectively) and the time is shortest in Derby and Wolverhampton (25 and 27 days, respectively). Wolverhampton appears to move cases from charging to plea and PTR significantly faster than the other sites. Wolverhampton also has the shortest time period from arrest to case finalisation (58 days).

Cases move through the system fastest in Wolverhampton.

³⁴³ While the smaller number of case files from Derby (35 compared to 50 in other sites) was thought to be exaggerating this perceived difference, the multivariate findings presented later do not support this assumption. Because Derby is the youngest specialist court, and because their performance on some indicators is significantly better than average, while for others significantly worse it is difficult to make any generic assessments about their overall performance.

6.5.9. Evidence, by Site

Table 6.27 provides a description of the types of evidence and their prevalence across the 5 sites. Several significant findings emerge from the data. First, victims in Cardiff are much more likely to indicate their willingness to proceed with the case in their witness statements, despite the fact that they are also more likely to be viewed as vulnerable or intimidated witnesses (from information provided in the data). This could be evidence of the substantial amount of support that victims are provided by the Women's Safety Unit.

Wolverhampton was significantly more likely to use Victim Personal Statements. Of the 43 total statements in the sample, 31 (72%) come from Wolverhampton! It might be worth investigating why the other sites seem to use these valuable tools so infrequently. However, one possible explanation could be that establishing a 'duty towards the victim' can take many forms (i.e., not having a Victim Personal Statement in a file does not necessarily mean that care was not taken with the victim). For example, if quality witness statements are taken by police then Victim Personal Statements may be considered redundant exercises.³⁴⁴

Wolverhampton is the only site where a majority of case files contain Victim Personal Statements.

Police interviews of defendants were much more likely to include an admission of guilt in Cardiff (n=18, 40%) and in Leeds (n=17, 35%). However Cardiff has one of the lowest rates of defendants pleading guilty initially (n=7, 14%), while Leeds has one of the highest (n=15, 30%). It may be that prosecutors in Leeds are taking greater advantage of this useful form of evidence compared to prosecutors in Cardiff.

In terms of the other forms of evidence that differ significantly by site, no real pattern tends to emerge except that Cardiff and Derby tend to make the least use of evidence (other than the basic components of victim and police statements, and police interviews of defendants). For example, W London makes the most use of both medical statements (n=12, 39%) and 'miscellaneous evidence' such as police incident logs or custody records (n=26, 84%). Leeds is most likely to use forensic evidence (n=11, 22%) and copies of 999 tapes (n=32, 64%). Wolverhampton is most likely to use case exhibits (n=25, 50%). In general however it can be said that *all* sites make infrequent use of all but the most basic forms of evidence (i.e., increased evidence collection would benefit all sites).

While all sites could increase their use of evidence, Leeds, W London, and Wolverhampton frequently collect additional types of evidence.

Table 6.28 provides a breakdown of defendants' previous convictions, custodial sentences, impending convictions and reprimands, cautions or warning, by site. It is evident that Cardiff and Wolverhampton tend to have defendants with more extensive criminal justice histories.

6.5.10. Aggravating and Mitigating Factors, by Site

³⁴⁴ Additionally, in cases of domestic violence targeted information about risk is of better value than the (typically) generic information provided by Victim Personal Statements. To this end, gathering information about risk in order to prevent future harm might be taking precedence over gathering information about the harm caused by the current offence. In Cardiff, the use of a risk assessment tool has led to improved detail and content of witness statements, and that may be a reason that VPSs have become less important.

Differences in the presence of aggravating factors by site are presented in Table 6.29. Four factors are significantly different: further threats made, prior incidents of domestic violence, victim is very frightened, and likely repetition. Cardiff and Wolverhampton are more likely to have all four of these present in their case files compared to the other sites. Rather than interpreting this finding as evidence that more severe cases are seen in these two sites, it is more likely to reflect better, more complete evidence available about victims. For example, Wolverhampton also had more complete ethnicity information for victims, and in Cardiff victims are more likely to be consulted before pleas are accepted by the CPS, and to retract via support groups (Women's Safety Unit). There were not any differences by site relating to the presence of mitigating factors (see Table 6.30).

6.5.11. Civil Orders, by Site

What is apparent from Table 6.31 is that what little information is known about civil matters is most likely to be known in Leeds. Of the seven civil orders known to be in place, five of them were from Leeds. In addition, two of the four civil court matters were from Leeds. While the information is very limited, it does appear that Leeds has made more progress integrating the information from civil courts into the prosecution of criminal matters. However it should be clear that *all* sites are privy to very little information from the civil courts.

Information sharing between civil and criminal courts is infrequent in all sites, but most likely in Leeds.

6.5.12. Child Witnesses, by Site

Table 6.32 presents information related to children's involvement in domestic violence incidents across the 5 sites. Several of the variables are significantly different: victim has children with the defendant, victim has children with other partner, children were at home at time of incident, and children witnessed the incident. Cardiff is more likely to have victims with children, for these children to be at home at the time of the incident, and for the children to witness the incident. Cardiff is also more likely to use child witnesses in court. For example, 3 of the 5 cases involving child witnesses occurred in Cardiff. Again this could also reflect the more extensive victim history information that is collected in Cardiff via the Women's Safety Unit. Regardless, the prosecutors in Cardiff are more likely to make use of this information.

While still very rare, Cardiff appears most willing to use evidence from children/young people.

6.6. Multivariate Analyses

The goal of this section is to identify the factors that significantly influence the likelihood of four key outcome variables occurring: Victim retraction; Discontinued cases (NEO outcomes); Guilty defendants; and the use of Bindovers. The analyses thus far have shed some light on what tends to increase or decrease the odds of these events occurring, and how also how these key indicators vary across sites. However, multivariate analyses will greatly increase the knowledge related to these issues as it allows the understanding of how variables behave *relative* to other important variables. For example, to what extent does a

particular court impact these key indicators, in comparison with important victim, offence and evidential factors?

The following variables are tested in all of the multivariate regression models³⁴⁵:

- *Victim characteristics* (e.g., whether the victim is cohabiting with the defendant, an ex-partner or spouse of the defendant)³⁴⁶
- *Offence characteristics* (e.g., resulted in an injury to the victim, was a Sect 47 or Sect 39 assault)
- *Features of case processing* (e.g., defendant offered an initial plea of guilty to a single offence, guilty to some offences, or guilty to all offences, the case was sent to PTR)
- *Evidence present in the file* (e.g., victim personal statements, other witness statements, defendant admits guilt in police interview, medical statements, case exhibits, forensic evidence, copies or transcripts of 999 tapes, or any 'miscellaneous evidence')

Obviously this is not an exhaustive list³⁴⁷ of all the factors that might potentially impact these outcomes, however the chosen variables represent those found significant in the bivariate analyses described earlier as well as past research. In addition, victim retraction is included as an additional variable in the Discontinued cases, Guilty defendants, and using Bindovers regression models.

As the overriding goal of the evaluation is to focus on how different courts operate, a 'site' variable was also included in the models. To facilitate more meaningful comparisons, it was deemed necessary to test each site against the others (rather than have one site as the reference category to which all others are tested). This required testing separate models for each site, totalling 20 models (5 sites x 4 outcomes). The 'site' variable in one of the Derby models therefore means 'Derby versus the other four courts' for that particular outcome. A significant coefficient³⁴⁸ would be interpreted as the Derby court impacting the outcome in a significantly different way, or sharing a significantly different relationship with the outcome, compared to the other courts.

Another benefit of this method is that it does not mask other potential differences between the sites. For example, victim injuries might be related to victim retraction in some of the sites, but not others. This potential difference could not emerge by testing one model with all the courts included together (but one excluded as the reference category). The models are presented in Tables 6.33 to 6.36 (located in Annex 5).

³⁴⁵ Multivariate regression examines the impact of each variable with the impact of the other variables controlled, allowing for a comparison of the *relative* impact of each variable on the outcome measure. Logistic regression is the appropriate regression equation for outcome measures that are dichotomous (e.g., yes/no), which describes the four outcome measures being tested here.

³⁴⁶ Ethnicity was not included due to the high degree of missing information. Including it would decrease the sample size (and the resulting statistical power) by about half.

³⁴⁷ Statistical concerns also preclude an 'entering everything but the kitchen sink mentality', as a standard practice is that regression models should have at least 10 cases per variable (in this case, no more than 20 variables should be analysed simultaneously for the 216 cases). The models tested here include 18 or 19 independent variables.

³⁴⁸ This is the beta (or B in the tables). Boldfaced coefficients are those that are statistically significant. Additionally, the Exp(B) describes the odds-ratio. For example, an Exp(B) value of 3.98 could be interpreted as variable x increasing the odds of the outcome variable by almost 4 times.

In the face of these numbers, it is important to recognise the overwhelming amount of similarity that is seen across the courts. Out of almost 20 variables tested for each outcome, generally the same ones are important regardless of the court. Having said that, there are some ‘site’ variables that are statistically significant (meaning important differences amongst the courts) and also some other independent variables that impact the outcome measures differentially across the courts.

6.6.1 Victim Retraction

Table 6.33 presents the logistic regression models for each site on victim retraction. Firstly it should be noted what significantly impacts a victim’s decision to retract across all five sites. The significant relationships include:

Increases Retraction

Victims and defendants living together (+266%)³⁴⁹
 Past domestic violence (+119%)
 ‘Miscellaneous evidence’ in the file (+119%)

Decreases Retraction

Ex-relationship status (-65%)
 Initial guilty plea by defendant (-73%)
 Other witness statements (-55%)

The findings are generally intuitive: victims who are currently living with the defendant and who have previously experienced domestic violence from the defendant are more likely to retract. On the other hand, victims who are no longer in relationships with defendants are less likely to retract. Obviously the potential future contact between the defendant and victim plays a vital role: if they are going from court to the same home or flat then she may understandably decide that pursuing the case is not safe/in her interests.

Defendants who initially plead guilty also make it easier on the victims, who are less likely to decide to retract. The presence of other witness statements also means that victim retraction is less likely, perhaps because having the involvement of other people makes victims feel less alone in the process, or perhaps it just means that they do not need to go through the formality of retracting (even though they might in practice) because the CPS can rely on other witness statements.

‘Miscellaneous evidence’ in the case files makes victims more likely to retract. This is somewhat counterintuitive, as it is generally perceived that ‘extra’ evidence (e.g., aside from victim and police statements) takes weight of responsibility off the victim’s shoulders. Perhaps this is the case, but because that weight is lifted victims no longer feel the need to be involved. However it could also mean that the cases which require such minutia of evidence are the most complex. It is important to reiterate that for *all* the types of evidence examined in this study, we cannot know exactly how a particular piece of evidence impacted upon a particular case outcome, victim decision, or sentencing option. Rather, the evidential variables just represent the types of information prosecutors had available to them.

³⁴⁹ These percentages represents the average odds-ratio Exp(B) across all five sites converted into a percentage for ease of interpretation. This was calculated using the formula
 [percent=(1-(SUM(Cexpb,Dexpb,Lexpb,WLexpb,WOexpb)/5))*-1].

In terms of site differences, victim retraction is significantly more likely in Derby and significantly less likely in Leeds. This mirrors the bivariate findings; however, now we know that levels of victim retraction vary in these two courts even when the effects of other important variables are held constant.

Victims are more likely to retract in Derby and less likely to retract in Leeds.

Finally, attention should be paid to those factors that do *not* impact victim retraction. Victims decide to retract regardless of whether they have children with the defendant, whether the offence was one against the person, whether they are deemed to be a vulnerable witness, whether the case is sent to PTR, whether the defendant admits guilt in the police interview and a whole host of other types of supporting evidence.

6.6.2. Discontinued Cases

The regression models predicting whether a case will be discontinued at the trial hearing due to NEO are contained in Table 6.34. The variables that significantly impact this outcome in a similar fashion across all 5 sites include:

Increases NEOs

Copies of 999 tapes (+161%)

Decreases NEOs

Victims and defendants living together (-56%)

Defendants admitting guilt in police interviews (-82%)

While cohabitation increases the chances that victims will retract, it decreases the chances that a prosecutor will not offer any evidence at the trial hearing.³⁵⁰ Having a record of a police interview where the defendant admits his or her guilt also decreases the likelihood of this unfavourable outcome, but having other evidence in the form of 999 tapes increases the chances (discussed below).³⁵¹

Several significant site differences also emerge in these models. Again, Derby stands out from the rest. First, victim injury increases the chances of NEO in Derby but not in any of the other sites. Second, sending a case to PTR increases the chance of NEO in all of the sites *except* Derby.

Cases ending in NEO are significantly less likely in Derby.

It is interesting to note that the presence of evidence, which would be considered to impact whether or not a case is discontinued at trial by the prosecutor offering no evidence, does not really feature in these models. For example, having victim personal statements, other witness statements, medical statements, forensic evidence, case exhibits or 'miscellaneous evidence' in the case file does not significantly impact whether a case is discontinued. Indeed one form of evidence *increases* the chances of discontinuances – 999 tapes.

³⁵⁰ The impact of cohabitation should not be confused with the victim and defendant reconciling or having an 'improved state of relationship.' Further analyses reveal that an improved relationship status is not related to victims retracting, NEOs or the use of bindovers.

³⁵¹ It was considered that perhaps this relationship was due to children calling 999 coupled with a general unwillingness to use evidence from children. However, further statistical testing did not support this hypothesis.

Another counterintuitive finding is that sending a case for PTR increases the likelihood of NEOs in most sites. Both this and the 999 tapes might be contributing to NEOs in this unexpected way for similar reasons. Discussions with key informants suggest that both of these variables might be proxies for ‘problem cases’ which are evidentially weak but with a strong public interest (i.e., the defendant seems particularly dangerous, so the prosecutor is especially unwilling to discontinue the case). Another issue is the *content* of 999 tapes. Because 999 tapes are not provided in all cases (only 44% in this study) there is some element of selectiveness operating (i.e., perhaps prosecutors are only requesting them in the cases where they are ‘clutching at straws’). There is an obvious need for additional research to investigate why 999 tapes are being requested for certain cases, the nature of their quality and content, and to what extent they impact upon prosecutor decision-making.

6.6.3. Guilty Defendants

Table 6.35 presents the findings from the regression models of defendants pleading or being found guilty at trial. Guilty defendants are generally viewed as successful resolutions to cases.

The variables that significantly predict whether defendants are found guilty (through whatever means)³⁵² similarly for all sites include:

Increases Guilty Defendants

Vulnerable victim witnesses (+242%)

Other witness statements (+208%)

Defendants admitting guilt in police interviews (+576%)

‘Miscellaneous evidence’ in the file (+144%)

Decreases Guilty Defendants

Victims retracting (-71%)

Copies of 999 tapes (-65%)

Understandably, the level of evidence appears to make a difference as to whether defendants will plead guilty or be found guilty after trial. For example, having statements from witnesses other than the victim or the attending officer, having police interviews where the defendant admits guilt, and having any other type of evidence all increase the chances of guilty defendants. The admission of guilt in police interviews seems particularly important as it tends to increase the chances that defendants are found or plead guilt by 576% across the sites.

The only site differences for this outcome measure belong to Derby and Wolverhampton. Derby tends to have more guilty defendants compared to the other sites, while Wolverhampton has significantly fewer guilty defendants. Recall that Wolverhampton had significantly fewer initial pleas of guilty than the other courts, the lowest *Late Guilty Plea Rate* (i.e., defendants pleading guilty on the day of the trial), and the smallest proportion of defendants receiving any sentence (while Derby was the opposite on these indicators).

Defendants plead or are found guilty to a greater extent in Derby, and to a lesser extent in Wolverhampton.

³⁵² The same findings were generally true for regression models predicting whether defendants received any sentence, with the exception that this outcome measure was also impacted by whether victims and defendants lived together (defendants were more likely to be sentenced when this was the case).

6.6.4. Using Bindovers

Table 6.36 displays the regression results for whether and how bindovers are used by the courts. Several variables consistently impact the use of bindovers across the sites:

Increases Bindovers

Victims and defendants living together (+428%)
Injured victims (+800%)

Decreases Bindovers

Vulnerable victim witnesses (-90%)
Other witness statements (-82%)

Bindovers are more common when victims and defendants live together. It was thought that perhaps the courts were being sensitive to those couples who had reconciled, but there was no relationship between the use of bindovers and an improved state in the couple's relationship. Bindovers are also more likely to be used when victims are injured as a result of the offence, rather than when they do not sustain injuries.

Several differences also emerged across the sites with respect to bindovers. They were much more likely to be used in Cardiff and Derby, while they were much less likely to be used in W London and Wolverhampton. In addition, victims retracting significantly decreased their use in Derby, but did not affect their usage in the other sites. The offence being assaultive decreased the likelihood of bindovers in all sites except W London. In Wolverhampton the contents of a Victim Personal Statement greatly increased the chances of a bindover, but in the other sites this variable did not make a difference.

Bindovers are more likely to be used in Cardiff and Derby.

6.6.5. Summary

The multivariate models offer a wealth of information about how the different sites operate. The following broad trends may be observed, keeping in mind that these findings hold even with the inclusion of many other relevant variables:

- Whether victims and defendants live together has pronounced consequences for whether the victim will eventually retract, and also whether a case is discontinued and whether a bindover is used.
- Victim retraction significantly increases the likelihood that cases will be discontinued and whether defendants are found guilty.
- The presence of 'miscellaneous evidence'³⁵³ in the case file significantly increases the chances that victims will retract, but also that defendants will be found guilty.
- Other witness statements significantly reduce the likelihood that victims will retract, increase the chances that defendants will be found guilty, and reduce the use of bindovers.
- Copies or transcripts of 999 tapes increase the chances that cases will be discontinued, and subsequently decrease the likelihood that defendants will be found guilty.
- Defendants admitting guilt in police interviews reduces the chances that cases will be discontinued and increases that chances that defendants will be found guilty. Initial guilty pleas by defendants also reduce the likelihood that victims will retract.

³⁵³ Again, this refers to items such as police notebooks, risk assessment forms, crime reports from previous incidents of domestic violence, incident logs, custody records, Pre-Sentence Reports from probation, damage reported to the council, and evidence of the defendant contacting the victim (letters or phone records).

- Injured victims are more likely to retract, and victim injuries also increase the chances that bindovers will be used.

While the above trends are consistent across the courts, some differences amongst the courts also emerge from the multivariate models:

- Across all four outcome measures, Derby is significantly different. In Derby victims are more likely to retract, but cases are less likely to be discontinued and defendants are more likely to be found guilty. PTR increased the chances that a case would be discontinued at trial in all sites except Derby. Derby is also more likely to use bindovers compared to the other sites.
- In Wolverhampton defendants were less likely to be found guilty and bindovers were less often used.
- Victims were less likely to retract in Leeds.
- Bindovers are more likely to be used in Cardiff while in W London they are less likely to be used.

These findings are largely similar to what was found by the bivariate analyses. Now however we can have confidence that they are findings that hold despite the addition of many victim, offence and evidential characteristics of domestic violence cases. In other words, they are likely to reflect real differences in how the courts operate rather than statistical anomalies.³⁵⁴

6.7. Thematic Comparisons of the Five Sites

This section aims to bring together the findings from the quantitative analyses to make some general observations about the 5 sites in terms of the CPS objectives of narrowing the justice gap, bringing more perpetrators to justice, improving victim satisfaction, and the costs-benefits of specialist courts/fast-track systems. Recommendations are made where appropriate.

6.7.1. Narrowing the Justice Gap

Victim retraction is viewed as a key performance indicator by the CPS, and is almost universally viewed by criminal justice officials as a problematic outcome. Victim retractions in domestic violence cases may not be one of the key indicators to measure the success, or otherwise, of specialist courts. The intimate/personal pressures and possible intimidation faced by victims of domestic violence makes them more likely to retract than in other crimes. Although some of the courts have indicated success in supporting victims to come to court, this needs to be addressed within the broader context of building cases where possible using evidence other than that from the victim herself. Bearing in mind the many factors that do (and do not) impact these choices made by victims, there are some findings with regard to victim retraction that should be highlighted.

A general concern that specialist courts or fast-track systems might be ‘speeding up retractions’ was not supported by the analysis of the case files. For example, in Wolverhampton cases move through the system the fastest, but this did not have any bearing

³⁵⁴ To bolster this assertion, additional analyses were performed with the ‘other’ relationship cases removed from the sample (resulting in n=204). The same variables were significant in the regression models, which suggests that the results (for Derby especially) were not affected by these cases.

on how often their victims retract. In Leeds victims retract the quickest, but the most infrequently. In Cardiff victims continue with their cases a significantly longer amount of time before retracting, perhaps reflecting the notion of ‘supportive retractions’ whereby the process of retracting takes more time and communication between victims and agencies such as the Women’s Safety Unit.

Given the clear guidance about how to manage victim retraction in the *CPS Guidance on Prosecuting Cases of Domestic Violence* (2001), the quality of victim retraction statements in the case files – like courts nationally – could continue to be improved. Leeds can be considered the exemplar, as in 16 of 17 cases where victims retracted a statement was present in the case file, and none of the statements were perfunctory as the CPS has a standard minute to police stating all the issues to be addressed. Leeds also had the lowest rate of victim retraction across the sites.

The unusual findings with regard to Derby merit attention. The multivariate analyses showed that victims were significantly more likely to retract in Derby, but that NEOs were less likely and defendants pleading or being found guilty were more likely in the face of this. The qualitative data suggest that the CPS tends to go forward with other evidence, and they also more likely to summons victims. PSRs there are also of excellent quality, which could be contributing to these outcomes.

PTRs are much more likely to be scheduled in Cardiff and Leeds, despite the fact that they are vital components of each site’s innovative response to domestic violence. The fact that PTRs were found to increase the likelihood of cases being discontinued due to NEOs should be considered a reflection of the more complicated nature of those cases. In other words, both PTRs and NEOs are more likely to occur for ‘problem cases’.

Charging alterations and reductions are infrequent, although when they do occur they are almost exclusively to do with Sect 47 Assault being reduced to Sect 39 Common Assault. This is partly an issue of a power of arrest currently not being available for Sect 39 Common Assault, and it is accepted that it is proper to arrest for Sect 47 in the knowledge that it will be amended. There is also an agreed charging standard in offences of assault. Changes in the new domestic violence bill address powers of arrest for common assault.

6.7.2. Bringing the Perpetrator to Justice

Evidence is a vital for successful outcomes, yet in all the sites the majority of case files only contained the most basic components (statements from victims, the attending officer, and the police interview of the defendant). The qualitative section documents many innovative attempts to increase the collection of evidence (e.g., via training initiatives or the purchase of equipment such as digital cameras). However, the fundamental truth remains that in cases of domestic violence there are many lost opportunities for evidence collection. Some good practice initiatives regarding the use of medical statements (W London), case exhibits (Wolverhampton) and forensic evidence (Leeds) should be commended. Promoting good practice with regard to evidence should be continued.

Across the criminal justice system, early guilty pleas are preferred to late guilty pleas because they use fewer resources. However, it should not be forgotten that late guilty pleas

do represent successful outcomes in terms of bringing perpetrators to justice. In cases of domestic violence they may also reflect the slow realisation by perpetrators that the case will be taken seriously by criminal justice agencies and the wider community. National monitoring of 'cracked' trials needs to be reconciled with this fact.

Sentencing offenders most often takes the form of fines or other monetary penalties. Community rehabilitation orders are used infrequently, despite comments from victims about the need for 'help' for their partners. They were more likely to be used in Leeds and W London. While the qualitative evidence suggests that magistrates are being more imaginative in their sentencing practices, the case files suggest that more guidance is needed for benches in the effective sentencing of domestic violence offenders.

Views about bindovers are contradictory both across and within the sites. They are used frequently in some sites but rarely in others. When they are used, there is wide variation in the content of the orders themselves. If the CPS documents that victims were consulted (and agreed to) bindovers then it would be better placed to recommend when and how often bindovers are used in cases of domestic violence. Additional guidance to prosecutors about their usage in cases of domestic violence is warranted.

Some findings with regard to the defendants' ethnicity warrant attention. Compared to defendants from black or minority ethnic (BME) communities, white defendants were more likely to have their charges reduced, but were also more likely to plead guilty. This could be a function of white defendants being more likely to have their cases sent to PTR (and thus being given another chance to plead guilty). While defendant ethnicity was not related to the type of sentence received, it was related to the use of bindovers. Specifically, white defendants were bound over more often than BME defendants.³⁵⁵ This finding further suggests the need for more investigation into the use of bindovers, as well as additional training and protocols about their use in cases of domestic violence.

6.7.3. Improving Victim Satisfaction

Consulting victims about pleas and bindovers was rarely done, but it was most likely to take place in Cardiff. This can be considered good practice that should be encouraged, to ensure that prosecutors fully evaluate the safety of witnesses within cases.

There was a discrepancy between how often victim personal statements (VPS) were perceived to be used by key informants at the sites, and their prevalence in the case files. For example, in Wolverhampton they were considered to be used infrequently but the majority of VPSs in the case files were from victims in Wolverhampton. Given that there is a national requirement that VPSs are invited, these findings suggest a training need. However, because the specialist courts are embedded within multi-agency frameworks that promote information-sharing between agencies (e.g., better quality police statements, risk assessment tools, and information from advocates, etc.), it may be that VPSs are becoming redundant in some sites.

³⁵⁵ Including defendant race in the regression models for bindovers revealed that white defendants were significantly more likely to be bound over than BME defendants (for all sites), thus confirming the bivariate finding.

6.7.4. Costs and Benefits of the Models

The quantitative data provide information about the speed with which cases progress through the system, which has implications for court resources (budgets, personnel and time). In all sites as the length of time from arrest to case finalisation increases, the chances of defendants pleading or being found guilty decreases significantly. The goal of 'speeding up the process' therefore continues to hold merit.

6.8. Plugging the Gaps in Existing Information

It is imperative that a user-friendly system be implemented so that the volume of cases proceeding through a court can be identified. While this is an issue in some sites more than others, it was felt that even a book where case numbers are logged by hand (by a central administrator) would be a system that would not be susceptible to many of the issues arising in this study. For example, the ability to confidently know the cases finalised in a particular court per month should not be adversely affected by the implementation of a new computer system or the absence of any CPS staff.

The experience of coding CPS case files was documented by the four fieldworkers. Some general observations about the quality of information can be made:

- File endorsements are often illegible, and vary considerably in their comprehensiveness across cases, prosecutors, and sites.
- Documentation of communication between different agencies (and even between the CPS and the victim) was often lacking (e.g., copies of letters, telephone logs, notes from meetings, etc.).
- Duplication of information (e.g., multiple PNC records, including those for other agencies) and a lack of organisation hampered understanding of files.
- Much missing information in relation to the content of bail applications and breaches, special circumstances of victims and defendants, the changing of pleas, and the frequency and reason for adjournments.

The comments and feedback from fieldworkers can be considered useful information with which to make the following recommendations. These recommendations are intended to assist CPS staff in documenting and maintaining the most complete information necessary for the successful prosecution of domestic violence.

First, file jackets seem to be problematic in that their use as a data inputting location facilitates information being documented inconsistently and often illegibly. Instead the creation of systematic forms to collect the following information is recommended:

- Case outcomes.
- All date information.
- Communication between agencies.
- Communication with the victim.

A second recommendation relates to the last bullet-point. More complete information needs to be collected about victims. Currently information is being collected in a piecemeal fashion despite the fact that important CPS objectives (such as improving victim satisfaction and improving responses to diverse communities) require the reliable collection of this

information. To a certain extent this information is not being collected because there is not a dedicated space provided in case files for its documentation. Alternatively, if victim information is being collected by another agency in the community then perhaps protocols could be implemented for the sharing of this information across agencies, including for example, ethnicity, sexuality, disability, residency, immigration status, English as a second language, socio-economic circumstances, children in the home, past domestic violence, vulnerable/intimidated status, mental health issues, issues with drugs or alcohol. Good practice in Leeds and Cardiff includes 'victim forms' and risk assessment forms (completed by attending officers) being passed directly to the CPS.

7 Good Practice

7.1. Firstly, it is useful to recap on the core components of outlined in section 3 above, which offer a valuable checklist for the design of new specialist courts/fast track systems to process DV cases:

- **Access to advocacy services.**
- **Coordination of partners.**
- **Victim and child friendly court.**
- **Specialist personnel.**
- **Even handed treatment.**
- **Integrated information systems.**
- **Evaluation and accountability.**
- **Protocols for risk assessment.**
- **Ongoing training.**
- **Compliance monitoring.**
- **Consistent Sentencing.**

To a large extent, the success or otherwise of particular models will depend on their ability to deliver on these core issues. Our research has indicated a good deal of success in relation to most of the above, with the exception of integrated information systems.

The remainder of this section will now summarise the examples of good practice which have been identified in the course of our research and are noted elsewhere in the report.

Some good practice examples are identified below and further good practice recommendations are detailed in Section 8.

7.2. Police Presence at SDVC/FTS

- One factor helping to avoid adjournments and thus speed things up is the presence of a specialist DV officer in court who can respond quickly to requests from the court for information and action (for instance, in taking retraction statements, instigating a risk assessment, chasing up missing evidence).
- The presence of the officer may also make the victim and advocate feel safer.³⁵⁶

7.3 Co-operation between police and advocates

- The Cardiff Women's Safety Unit has a seconded police officer as part of the team. This facilitates information sharing between the South Wales Police and WSU and ensures that the court has immediate access to best information. It also serves to disseminate good practice (in terms of engaging with DV victims, and evidence gathering) back into the force, when the secondment period ends.

³⁵⁶ This emerged at all sites. A recurring theme is the beneficial effect of having an officer present in court at domestic violence hearings.

7.4. Court processes

- The court clerk had listing availability ready to hand in court, which speeded up the process.³⁵⁷
- A (physical, not electronic) log was kept in the court recording the progress of the case.³⁵⁸
- A running log of civil orders made at ILFPC is maintained and taken into the SDVC so that the clerk can cross check for any matches of defendants appearing in the SDVC.³⁵⁹
- The Probation Service contacts every victim and they are asked if they wish to contribute to the pre-sentence report. Most are keen to do so. Victims' confidentiality (and safety) is paramount, so their views are not directly quoted, but do form part of the report.

7.5. Multi-agency working

- Monthly meetings of members of all the SDVC agencies (criminal justice and voluntary sector) are held to review operations and solve issues which have arisen since the last meeting.³⁶⁰ Most sites have developed multi-agency protocols.
- At Cardiff, the WSU is seeking funding (with the Haven, Wolverhampton) to provide legal advisers who can be directed to help minority ethnic communities. Meanwhile, criminal justice system-trained workers from WSU are attached to some support groups for women from ethnic minorities.
- HALT has recently experimented with a more clearly defined role for their advocates under a protocol with the Witness Service. At present, advocates are tied up every day at court simply waiting to find out the outcome and relay it to the victim. Under the experiment, the Witness Service makes the first approach to women attending the three courts. WS then take the women to the HALT representative, who talks them through the process. Those who are there only to retract are escorted to the police domestic violence officer, once the advocate has discussed the matter with them. There has been a positive response from advocates that this is a much more worthwhile role. Unfortunately, it requires three representatives to be present the whole afternoon, and this level of staffing is hard to support.

*"Effective multi-agency co-ordination and cooperation of the police, CPS and the support agency is the key to steadily reducing numbers of retractions."*³⁶¹

"Conditions not to go within 500 yards of a particular address are very difficult to police so in the SDVC we make sure that it is done by street name and if necessary we will photocopy the A-Z and highlight the areas where the defendant is not allowed to go."

³⁵⁷ Cardiff, Derby

³⁵⁸ Derby

³⁵⁹ West London

³⁶⁰ Leeds. These include CPS, MCS, WYP, HALT, LIAP, Probation, and recently Witness Service. Other sites also meet regularly to discuss data and issues arising.

³⁶¹ KI VS and Robinson, A. "Cardiff Women's Safety Unit; Final Evaluation Report" pp 69-70.

There is a pink bail form which is passed to the Witness Service so that they can notify the victim of the conditions imposed on bail. ³⁶²

“Mandatory completion of FSU9³⁶³ which is then faxed to WSU means direct links between police and WSU, and this ensures speedy contact is made with the victim (within 48 hours of incident, but usually within 24). This contact is maintained throughout the CJS process and AFTER the finalisation of the case.”

7.6. Evidence Gathering

- Polaroid photographs are taken of the victim and scene of crime.³⁶⁴
- A protocol on evidence gathering exists between CPS and Police.
- Training in evidence-gathering techniques is regarded as essential.

“Better quality evidence is being collected as a result of the risk assessment tool.”³⁶⁵

Using the tool means that police officers are duty bound to ask these questions at outset – this means evidence is ‘enhanced’ from the start. This also encourages officers to develop better skills in evidence gathering.” ³⁶⁶

7.7. Multi-agency DV Training

- The WSU and the CPS are able to disseminate good practice in respect of evidence gathering and the use of the risk assessment tool via police baton training which enables access to all new recruits, and longer-serving officers on refresher training. By December 2003, WSU had trained around 1,500 people.³⁶⁷
- Survivors like the fact that those dealing with their cases are specially trained. They also believe that female prosecutors and magistrates provide positive models. Survivors made several suggestions for further improvements, including being able to use special measures.

“Defence solicitors were involved in initial training [for the court] so are on board with it. There has been no resistance to [the court] from them.”³⁶⁸

³⁶² KI CPS West London.

³⁶³ Police DV incident form. See Annex.

³⁶⁴ Police now approve WSU staff taking photos of victims and evidence. They hope to introduce digital cameras as resources permit, in due course.

³⁶⁵ FSU 9 Annex 3.

³⁶⁶ KIs CJS, VS Cardiff

³⁶⁷ KI WSU.

³⁶⁸ KI CJS.

7.8. Use of Summonses

- Only to be used in DV cases after extremely careful consideration and where a thorough risk assessment has been conducted within a multi-agency framework (by police, CPS and support services).

7.9. The Civil/Criminal Interface

CASE EXAMPLE

Women being supported by ADVANCE and Eaves will be given advice on parallel proceedings. ADVANCE do not have the resources to systematically support women at court in civil proceedings but they have links with good local solicitors and can advise women about DIY injunctions as ILFMC (where the court are very supportive and helpful).

(Interview with key informant member of voluntary sector agencies)

8 Summary Issues and Implications for Policy

8.1. Overview

8.1.1. The evaluation of the effectiveness of specialist domestic violence courts needs to be addressed in the context of the dynamics of domestic violence, which is a complex problem, incorporating emotional and psychological abuse as well as crimes of a physical and/or sexual nature. Victims are often (understandably) reluctant to be witnesses in court because of their own relationship to the defendant and, in relationships where children are present, the defendant's relationship with their children. They are almost always vulnerable and often intimidated.

8.1.2. The work of the criminal justice system (CJS) in addressing domestic violence needs to be evaluated in terms of its effectiveness in providing safety for victims, within a multi-agency framework that works with victims, perpetrators and their children. Thus, the Government's *Safety and Justice* document addressed issues of **prevention, protection and support**.

8.1.3. Jurisdictions or communities that have taken the innovative step of setting up specialist courts should be commended, because they are **enabling domestic violence to be tackled within a multi-agency framework designed with the specific needs of domestic violence victims in mind**. In addition, they also help reinforce the seriousness of the commitment of CJS, statutory and voluntary agencies to reducing domestic violence.

8.1.4. The evaluation research reported here aims to assist the criminal and civil justice government agencies to judge the effectiveness of specialist courts and thereby help to inform the government policy debate as to whether and how specialist courts should be developed. Overall, our research indicates the notable and positive benefits of Specialist Domestic Violence Courts (SDVC) and Fast Track Systems (FTS) in three key ways:

- Both 'clustering' and 'fast-tracking' DV cases **enhances the effectiveness of court and support services for victims**
- Both SDVC and FTS arrangements **make advocacy and information-sharing easier** to accomplish.
- **Victim participation and satisfaction** is improved and thus **public confidence** in the CJS is increased.

8.2. Summary Findings

8.2.1. Our review of relevant literature on specialist courts identified core components – essential 'ingredients' – which should be taken into account in the extension of SDVC's in England and Wales:

- Access to advocacy services.
- Coordination of partners.
- Victim and child friendly court.
- Specialist personnel.
- Even handed treatment.

- Integrated information systems.
- Evaluation and accountability.
- Protocols for risk assessment.
- Ongoing training.
- Compliance monitoring.
- Consistent sentencing.

8.2.2. While the 5 sites evaluated here were in many ways distinctive, some features that were broadly common and contributed to the success of all sites include:

- A focus on criminal (not civil) matters heard in Magistrates' Courts.³⁶⁹
- Dealing mainly with pre-trial hearings rather than trials,³⁷⁰ and using Pre-Trial Review (PTR) as a tool to facilitate the efficient progression of cases.
- Arrangements in place for identifying/flagging domestic violence cases and thereafter either 'clustering' or 'fast tracking' all domestic violence cases.
- The presence of advocacy support³⁷¹ and/or police domestic violence officers at court to provide relevant information to the court and to advise and support victims.
- Multi-agency working, which is both central to, and crucial for the success of, all models.
- All courts and agencies recognise that training is a priority issue and must be delivered to everyone involved with cases of domestic violence.

8.2. The functions of advocates varied between sites and included some or all of the following:

- **Reporting** progress to victim.
- **Informing** courts, on behalf of victim.
- **Supporting** victims.
- **Co-ordinating** information-sharing and the development of protocols.
- Engaging in **outreach** in the community.

8.2.4. All the courts have created the infrastructure necessary for continued improvements in the effectiveness and efficiency in dealing with domestic violence cases. Even though three of the five courts have been in existence for one year or less, **significant changes in practice** have occurred.

8.2.5. While the five different courts have illustrated different strengths, one generalisation about "all specialist courts" which can be made is that such courts enable the development of best practice in multi-agency, integrated ways of working that **place the victim at the heart of the process**. Further development is needed to fine-tune court and support systems, and ultimately further reduce attrition rates and repeat victimisation in DV cases.

³⁶⁹ In Derby these were volunteers, while in other sites they were paid workers from well-established community agencies. All advocates had received training related to supporting victims of domestic violence.

³⁷⁰ West London is the only SDVC that deals with trials, but trials are also encompassed within the FTS at Cardiff.

³⁷¹ In Derby these were volunteers, while in other sites they were paid workers from well-established community agencies. All advocates had received training related to supporting victims of domestic violence.

8.5. In relation to issues around the ‘scope’ of the courts, the research also reveals a set of issues for consideration:

- In the interests of consistency and continuity of support, it is desirable that SDVC arrangements should also be applied to trials, although this has clear resource implications for courts and advocates.
- Protocols should be developed to enhance continuity into the Crown Court (again, ensuring consistency of service for victims).
- There was very little positive overlap/linkages with civil courts and this remains an area for future development³⁷²
- The purposes of ‘clustering’ and ‘specialisation’ were primarily to enhance court and support effectiveness; Fast Tracking is also a system to both streamline the processing of cases and enhance advocacy. Both are workable and beneficial models and it is clearly not the case that ‘one size fits all’ where the development of SDV/FTS courts is concerned.
- There are wide variations in court size and volume of cases which the 5 sites were working with: once again, differing models and resources will be necessary to deliver SDVC/FTS models in differing local contexts in England and Wales.
- There remain many problems of information sharing and taking account of civil/Family court issues which need to be addressed if SDVC/FTS’s are to maximise their potential for a holistic service for victims and survivors of DV and their children.
- Child Protection awareness and initiatives (from bail conditions to court discourses) vary greatly across sites: a strategic emphasis on these issues should underpin future SDVC/FTS developments or roll-out.

8.3. Specialist and Non-Specialist Courts

8.3.1. There was little existing evidence available to enable a comprehensive comparison between specialist and non-specialist courts in processing DV cases. But, where available, the information and data we have analysed (on the working of court and support systems prior to the establishment of SDVC/FTS and from our case file analysis), indicate that their introduction does:

- Act as a beacon of good practice in terms of victim centred justice.
- Enhance victim satisfaction.
- Send a message to the victim that she is being heard.
- Send a message to the offender that domestic violence will not be tolerated and that the offence is taken seriously.
- Increase public confidence in the criminal justice system.
- Provide a catalyst for multi-agency working.
- Promote the co-ordination of effort to support the victim.

8.3.2. Victim withdrawals continue to be a problem, whether in specialist or non-specialist courts, because of the nature and circumstances of the offence. However, recent research³⁷³ suggests that a lower proportion of women retract if they are properly supported and fully

³⁷² A CPS led Pilot seeking to ‘integrate’ the civil and criminal will commence in Croydon in 2004.

³⁷³ Conducted by HALT

informed. The focus provided by specialist courts enables a continuity and framework within which this support can be delivered.

8.4. Narrowing the Justice Gap

8.4.1. Charging: Charging alterations and reductions are infrequent, although when they do occur they are almost exclusively to do with Sect 47 Assault being reduced to Sect 39 Common Assault. Changes in the new Domestic Violence Bill address powers of arrest for common assault.

8.4.2. Speeding up the Process: Overall, there is a worrying lack of hard data on the speed of progressing domestic violence cases *across the criminal justice system*. This evaluation represents a significant step in understanding the timing of decisions made by key people (e.g., police, prosecutors, magistrates, defendants, and victims). The quantitative data provide information about the speed with which cases progress through the system, which has implications for court resources.

In general, it was believed that the SDVCs did speed up the process and that this was facilitated by the presence of a domestic violence officer at court. Respondents also noted the paradoxical issue of whether ‘speed’ is always a positive measure, especially when domestic violence victims may need time to benefit from support.

Keeping in mind that half of victims did not retract at any stage of the process, those that did retract stayed with the process until about one month after the charging date. This indicates that *the first month of case progression is vital*, as it is during this time that victims are weighing up the pros and cons of continuing their involvement. The national goal of ‘speeding up the process’ therefore continues to hold merit.

8.4.3. Victim Withdrawal: Victim withdrawal is viewed as a key performance indicator by the CPS, and is almost universally viewed by criminal justice officials as problematic outcome. Our research suggests that victim retractions in domestic violence cases should *not* be used to measure the success, or otherwise, of specialist courts. Although some of the courts have indicated success in supporting victims to come to court, this issue needs to be located within the broader context of aiming to (wherever possible) *build cases using evidence other than that from the victim herself*. Bearing in mind the myriad factors that do (and do not) impact on these choices made by victims, there are further findings with regard to victim retraction that should be highlighted.

A general concern that specialist courts or fast-track systems might be ‘speeding up retractions’ was not supported by the analysis of the case files. For example, in Wolverhampton cases move through the system the fastest, but this did not have any bearing on how often their victims retract. In Leeds victims retract the quickest, but the most infrequently. In Cardiff victims continue with their cases a significantly longer amount of time before retracting, perhaps reflecting the notion of ‘supportive retractions’ whereby the process of retracting takes more time and communication between victims and agencies such as the Women’s Safety Unit.

Given the clear guidance about how to manage victim retraction in the *CPS Guidance on Prosecuting Cases of Domestic Violence* (2001), the quality of victim retraction statements in the case files – like courts nationally – could be significantly improved. Leeds can be considered the exemplar, as in 16 of 17 cases where victims retracted a statement was present in the case file, and none of the statements were perfunctory as the CPS has a standard minute to police stating all the issues to be addressed. Leeds also had the lowest rate of victim retraction across the sites.

The unusual findings with regard to Derby merit attention. Our analyses showed that victims were significantly more likely to retract in Derby, but that cases resulting in no evidence offered (NEO) were less likely and defendants pleading or being found guilty were more likely in the face of this. The qualitative data suggest that the CPS tends to go forward with other evidence, and they also more likely to summons victims. Pre-Sentence Reports provided by Probation there are also of excellent quality, which could be contributing to these outcomes.

8.4.4. Civil/Criminal Interface: There was very little evidence of links with civil courts, and this remains an area for further development.³⁷⁴ There remain many problems of information sharing and how best to take account of civil/family court issues: these need to be addressed if specialist courts are to maximise their potential as a key component of a holistic service for victims and survivors of domestic violence and their children.

8.5. Bringing the Perpetrator to Justice

8.5.1. Evidence: Evidence is vital for successful outcomes to domestic violence cases, yet in all the sites the majority of files contained only the basic components (victim statements, police statements, and police interviews of defendants). Many innovative attempts to increase the collection of evidence were noted (e.g., via training initiatives or the purchase of equipment such as digital cameras). However, the fundamental truth remains that in cases of domestic violence there are **many lost opportunities for evidence collection**. Some good practice initiatives regarding the use of medical statements (W London), case exhibits (Wolverhampton) and forensic evidence (Leeds) should be commended. Promoting good practice with regard to evidence should be continued.

Crucial to the success of a domestic violence case is that there should be effective evidence gathering, which does not depend entirely on the victim. To this end, the development and use of risk assessment tools may prompt police officers to gather and present more appropriate evidence. In all sites the value of photographic evidence of injuries was emphasised, as was the need for training on effective evidence gathering. Once again, the courts provide a crucial focus for raising awareness of this need.

Most adjournments are due to the lack of a full file: the responsibility for this, and the witness non-attendance which is more likely to follow serial adjournments, rests squarely with the CJS agencies. Police resource issues are seen by many to shape the effectiveness of evidence gathering and the timely presentation of cases. For cases of domestic violence,

³⁷⁴ The first 'integrated' court, in Croydon, is to be evaluated in 2004/5.

there remains a **pressing need for better evidence from the start**. This is an endemic problem across the criminal justice system.

8.5.2. Guilty Pleas: whilst early guilty pleas are preferable to late guilty pleas, it should not be forgotten that late guilty pleas do nonetheless represent successful outcomes in terms of bringing perpetrators to justice.³⁷⁵ In cases of domestic violence they may also reflect the slow realisation by perpetrators that the case will be taken seriously by criminal justice agencies and the wider community.

Respondents thought that defendants did not necessarily plead guilty more often, although some evidence from HALT suggests that more guilty pleas are promoted by having better supported victims. One of the key features of SDVCs is their ability to provide timely and comprehensive support to victims.

8.5.3. Bail: It was believed that the SDVCs had certainly made a difference to and improved bail decisions. It was felt important to have good information-sharing practices between the agencies to enable an informed approach to setting bail conditions, especially where children were concerned. Some respondents felt, however, that breaches of bail were not taken sufficiently seriously. Effective training of magistrates specifically on the nature of domestic violence cases was seen as essential. Improving communication between civil and criminal courts regarding bail conditions would also be beneficial.

8.5.4. Sentencing: Sentencing DV offenders most often takes the form of fines or other monetary penalties. Community rehabilitation orders were used infrequently, despite comments from victims about the need for 'help' for their partners. While the qualitative evidence suggests that magistrates are being more imaginative in their sentencing practices, the case files suggest that more guidance is needed for benches in the effective sentencing of domestic violence offenders.

Views about bindovers were contradictory both across and within the sites. They are recorded as being used frequently in some sites but not in others. Bind-overs might be the result of poor evidence-gathering or over-reliance on the victim's testimony, but were regarded as the best outcome achievable in certain cases. When they *are* used, there is wide variation in the content of the orders themselves. If the CPS documents that victims were consulted (and agreed to) bindovers then it would be better placed to recommend when and how often bindovers are used in cases of domestic violence. Moreover, additional guidance to prosecutors about the use of bindovers in cases of domestic violence is called for.

8.5.5. Witness Summons: The use of witness summonses in respect of victims was perceived by many respondents as potentially beneficial in removing from victims the burden of prosecuting the case, but it was recommended that each case be treated carefully on its own merits. There is also a strong argument that summonses may be appropriate in domestic violence cases where child protection issues are at stake. However, child protection awareness and initiatives (from bail conditions to court discourses) vary greatly across sites: a strategic emphasis on these issues should underpin future SDVC/FTS developments or roll-out.

³⁷⁵ National monitoring of 'cracked' trials needs to be reconciled with this fact.

8.6. Improving Victim Satisfaction

8.6.1. Supporting Victims: More women victims of domestic violence are being supported, as SDVC/FTS provide a framework for information, advocacy and support and evidence suggests high victim satisfaction with the advice, support and information provided by lay advocates and others in the voluntary and community sectors. Importantly, victim satisfaction surveys point to a link between supported victims and their participation in the criminal justice process.

Special measures were available for child witnesses and respondents believed that the rolling out of these for adult victims of domestic violence would make a significant impact on their willingness to testify.

8.6.2. Consulting Victims: Consultation with victims about pleas and bindovers rarely took place (except in Cardiff: this can be considered good practice that should be encouraged, to ensure that prosecutors fully evaluate the safety of witnesses within cases). There was some discrepancy between how frequently key informants thought Victim Personal Statements (VPS's) were used and their use in practice. For example, in Wolverhampton they were considered to be used infrequently but the majority of VPSs identified in the case files were from victims in Wolverhampton. Victims had little input into pre-sentence reports, other than in Leeds, where the Probation Service has a policy to make contact with every victim to seek her input.

8.6.3. Equality and Diversity: There is a paucity of data in relation to ethnicity and disability, which are poorly recorded by most CJS agencies working with the courts evaluated here and noted in research elsewhere. Also noted was a lack of awareness of issues around same-sex relationships both in relation to the processing of domestic violence cases and in terms of domestic violence support (which is geared primarily to male on female abuse).

There are significant problems around access to translation and interpreting services – for the police, the courts and in the wider support community. The need for culturally sensitive decision making in domestic violence cases was noted by some key informants.

8.7. Achieving Value for Money

8.7.1. Costs: For very modest costs (mainly in terms of staff time to set up specialist procedures), all courts showed value in: facilitating good multi-agency working across the CJS; finding ways to begin reducing repeat victimisation; and developing different models to meet the Public Service Agreement (PSA) targets. The main costs incurred were for advocacy, training, allocation of police to the courts and monitoring of cases. Training and monitoring are both essential for good practice and thus should be **'built-in'** to the costs of delivering effective DV prosecutions: it can therefore be argued that, irrespective of specialisation/fast tracking, the core elements of training and monitoring should be integrated and mainstreamed.

8.7.2. Benefits

Where cost-effectiveness and cost benefits were concerned, it was established that there are significant financial savings to be made if domestic violence is tackled effectively early, in order to avoid the trend of violence escalating in severity and frequency over time. A holistic approach to domestic violence, such as that provided by the specialist courts, is beneficial in these respects.

The long term and most far reaching benefits of the specialist courts, in terms of reduction in repeat victimisation, are difficult to quantify (particularly in cases where pilots have not been running long and the data on recidivism are limited). Most sites are reporting a reduction, which represents excellent value for money in terms of the costs of repeat victimisation not only to the criminal justice system but society generally.

8.8. Overall Recommendations Arising from the Research

8.8.1. Recommendations within the HMIC/HMCPSI Joint Thematic Inspection of the Investigation and Prosecution of Cases Involving Domestic Violence would help improve the response of the CJS to domestic violence and ensure the streamlining of cases within the courts. In these respects, this evaluation fully supports the recommendations in the Inspectorate Report.

8.8.2. Following on from the research reported here, we recommend that courts are provided with the strategic drive and resources to implement effective SDVC/FTS arrangements, which are best suited to their needs, and those of the victims and witnesses they serve. Differing models and resources will be necessary to deliver SDVC/FTS models in differing local contexts in England and Wales.

8.8.3. The benefits of SDVC models have been made clear, in terms not only of CJS objectives, but broader social and policy goals. We strongly recommend to the CPS, DCA, ACPO and Home Office that:

- ***Further specialist domestic violence courts should be developed, building on the good practice identified within the five courts evaluated here, and the proposed good practice outlined.***
- ***Consideration be given to a national funding programme for victim advocates working in the CJS, as their support role is crucial to the success of the courts.***

The specific recommendations we make for each type of agency working with victims of domestic violence are outlined below.

8.9. Recommendations – All Agencies

1. **Definition:** Development of a unified definition of domestic violence to be used across all agencies.
2. **Extension:** In the interests of consistency and continuity of support, it is desirable that specialist arrangements be applied to trials, and work within the Crown Court. Linkages with civil courts are also recommended to facilitate this.

3. **Multi-agency partnerships:** Meetings of all court agencies (criminal justice, statutory and voluntary sector) to be held to review operations, at least monthly.
4. **Protocols** for each agency within the court system should be developed. Information sharing protocols to cover information to be shared between agencies and between criminal and civil courts are vital.
5. **Monitoring:** Forms to collect details of cases completed by all agencies and centrally co-ordinated. A dedicated administrator, or budget, for inputting data, and plans for continuous monitoring of SDVC/FTS courts is necessary.
6. **Training:** domestic violence awareness training for all agencies, including equality and diversity issues is a priority issue. Training for each agency on their protocols also needs to be included.
7. **Risk assessment:** Given the significance of domestic violence for individual, family and public protection – most notably for women and children – it is essential that all agencies engaging with victims, survivors and their families use appropriate and informed assessments of risk. We recommend that the Cardiff model (see Annex 4) is disseminated more widely and the Multi-Agency Risk Assessment Conference (MARAC) model they use is similarly supported, in line with its adherence to the positive multi-agency ethos of SDVCs.
8. **Equality and diversity:** There should be universal collection of ethnicity monitoring data [of cases], for both victim and defendant. There should be advocacy support for victims to address their differing needs – access, cultural, linguistic, religious and social. In addition, there is a need for more awareness raising and training on the specific needs of domestic violence victims from a range of minority groups for all agencies.
9. **Language and culture:** There is an urgent need to address the problems faced by women from Black and minority ethnic groups whose first language may not be English. Interpreters and translators must be available for use by both CJS and voluntary support agencies, or at the very least at least budget set aside to use Language Line (and Minicom) in all courts. If interpreters are to be used, they must be suitably qualified and independent. Provision should be made for all information to be available in different community languages and other requested formats such as large print.

8.10. Recommendations – Police

1. **Police attendance:** The attendance of a specialist (and ideally seconded) police officer/s at all domestic violence cases in court is vital to the success of the courts. This facilitates support for victims and informed decision-making at court. Where a court covers more than one police area, resources should be made available to provide equal support from both areas for the court in order to ensure fairness to victims and other service providers.
2. **Evidence:** Polaroid photographs should be taken of the victim and scene of crime. Training in evidence-gathering techniques helps ensure that cases can be taken forward even if the victim retracts. Effective evidence gathering could be promoted by templates/checklists for the responding and investigating officers.
3. **Child witnesses:** Consideration should be given to including a requirement for the police to state their reasons for not taking statements. Training on gathering and using evidence from children is needed.

4. **Risk Assessment:** Development (or continued use of) specific risk assessment tools for victims of domestic violence and their children.
5. **Protocols** and minimum standards should be considered for partner agencies (especially police) to share information with other agencies, including for example, ethnicity, sexuality, disability, residency/immigration status, English as a second language, socio-economic circumstances, children in the home, past domestic violence, vulnerable/intimidated witness status, mental health issues, problems with drugs or alcohol³⁷⁶.
6. **Victim Care:** Police should ensure that retraction statements and victim personal statements are taken to the recommended standard. This is especially important where there are not existing protocols facilitating getting detailed victim information to the CPS.

8.11. Recommendations – Crown Prosecution Service

1. **Specially trained, dedicated prosecutors** should be used in all SDVCS. All prosecutors should be trained on domestic violence to ensure appropriate flagging of cases. We recommend that agents should not be used in SDVC courts (as this does not send the right message about CPS commitment and agents may not be well informed about CPS or court policy). If agents *are* used, they should be trained in DV and the protocols and philosophy of the SDVC/FTS.
2. **Information sharing about defendants:** This is particularly important with respect to defendants complying with bail conditions. For example, the Cardiff Women's Safety Unit is able to offer information to the court about whether defendants are breaching bail. Courts need to take breaches seriously.
3. **Information sharing about victims:** If victim information is collected by any agency other than the CPS, the CPS should be *proactive* in making arrangements for the sharing of that information. For example, robust information about victims that is collected by police in Leeds and Cardiff is included in all files sent to the CPS³⁷⁷.
4. **Communicating with victims:** Implementing structures and protocols for the sharing of information will facilitate improved communication *with* victims. Communication with victims in line with CPS policy must be encouraged.
5. **Retractions:** Compliance with CPS's own policy on victim retraction must be monitored and enforced. All retractions should have satisfactory statements taken from victims (i.e., be consistent with criteria outlined in CPS instruction document).
6. **Evidence:** The important role of evidence cannot be stressed enough. We suggest that the CPS may benefit from assuming victims will retract, and build the case accordingly. This would lead to better evidence and case building from the start.
7. **Child witnesses:** Consideration should be given to including a requirement that the CPS record reasons for *not* relying on child witnesses. Proper file endorsement and effective evidence gathering could be promoted by templates/checklists for prosecutors.
8. **Summonses:** Victims should only be summonsed where a thorough risk assessment has been conducted within a multi-agency framework.

³⁷⁶ While this will need to be carefully thought through in terms of any potential disclosure to the defence, the sharing of information on victim's needs, within a multi-agency framework, is vital to the effective delivery of support to DV victims and survivors.

³⁷⁷ See footnote 376.

9. **Monitoring:** A dedicated administrator, or budget, for inputting data, and plans for continuous monitoring of SDVC/FTS courts is recommended. This could assist in more effective identifying or ‘flagging’ of domestic violence cases into courts. A related issue is the need for systematic forms to collect the following information: case outcomes; all date information; communication between agencies. Improved quality of endorsements on file jackets, and consistent endorsements across prosecutors and sites would enable more effective monitoring case outcomes.

8.12. Recommendations – Courts

1. **Court accommodation:** We recommend that support is provided for courts seeking to: enhance the facilities they offer to victims and witnesses; overcome the problems associated with poor (often older) court accommodation/ facilities; assisting the implementation of special measures; and training security guards and all court staff in domestic violence issues and SDVC protocols.
2. **Childcare facilities:** A large number of cases involve children, and even if they are not witnesses women may struggle to find childcare to attend court. The provision of childcare at court or close by can be used as an opportunity for outreach work with children (see US examples in section 3 of the report).
3. **The criminal/civil interface:** Information from the civil courts is necessary for informed decision-making in the criminal courts, and vice versa. A related issue ties into the ‘one-stop-shop’ philosophy of making the courts accessible to victims when they are dealing with both civil and criminal matters (e.g., integration or at least physical proximity of courts³⁷⁸).
4. **Discount for early guilty pleas:** In order to reduce both defence ‘delay tactics’ and late guilty pleas in DV cases, it needs to be made much clearer that sentences may be discounted for an early plea by the defendant.
5. **Bindovers:** The view that bindovers are a negative outcome is not universally held. Training and court protocols need to be further developed around the appropriate use of bindovers in domestic violence cases.
6. **Domestic Violence Perpetrator Programmes** as a sentencing option are not widely available. If they *are* believed to be appropriate and effective, their use should be encouraged and the availability of programmes expanded, but only with close monitoring for compliance and completion by perpetrators (and this requires multi-agency commitment and support).
7. **Court clerks** have a vital role to play in terms of keeping court dates available for trial easily accessible, logging the progress of cases, and cross-referencing information from the civil court. In addition, they need to be encouraged to raise concerns about the conduct of defence solicitors when necessary (for example, where the defence provides information to the court about the victim, retractions, and bail issues unchallenged).

³⁷⁸ The Warwickshire Victim and Witness Information Portal (VIP), a Home Office funded pilot, is a useful exemplar.

8.13. Recommendations – Advocates

1. **The involvement** of advocates is recommended in all specialist DV court settings in order to: provide support and access to services for victims; ensure victims receive regular updates on their cases and information from the CJS; co-ordinate information sharing; and advise on the development of the SDVCs. The involvement of advocates is essential if summonses are to be considered in domestic violence cases.
2. **Training** for advocates on legal issues to ensure they give accurate information to victims is very important. Specific needs and the appropriate support of victims from black and minority ethnic communities should be included in training curriculum.

8.14. Recommendations – Probation

1. **Victim involvement** in the criminal justice process is vital. The Probation Service should contact all victims to see if they are willing to contribute to pre-sentence reports on defendants.

8.15. Summary Implications for Policy

8.15.1. To return to our discussion of the Auld Report (section 1.2.1), there was a suggestion that the success of SDVCs may lie less in their procedural arrangements, and more in *‘gathering together the resources of a number of concerned agencies and focusing minds on the issue.’*

Our research has certainly found evidence that despite their varied working practices, the courts evaluated here have all benefited from this focusing of efforts, within a multi-agency framework.

8.15.2. In terms of the concerns expressed in *Justice for All* around the potentially insufficient demand to require specialisation, the experience of the more established courts evaluated here indicates that lack of demand is not an issue and, moreover, that demand is likely to increase in proportion to the level and quality of services on offer.

8.15.3. The government’s commitment to put *‘the victims at the heart of the criminal justice system’* can only be realised if victims are given the information, support, protection and respect they need. Evidence presented here indicates that specialist domestic violence courts and fast track systems can perform an invaluable role in these respects.

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Annex 1

Existing measures reflecting the following categories (developed by the CPS in the project specification) included:

- Court Processes (7 measures)
- Narrow Justice Gap (13 measures)
- Bringing Perpetrator to Justice (10 measures)
- Improve Victim and Witness Satisfaction (14 measures)
- Good Practices of Agencies (8 measures)
- Evaluation of Effectiveness and Costs (5 measures)

Of these 57 identified measures, we concluded that information was available from **all** of the research sites for 17 of the measures, namely:

Court Processes

1. Who were partners across CJS or other statutory agencies?
2. What were the protocols established/followed
3. Which cases were heard in court?
4. What monitoring of cases was in place?
5. What were the key features of the court set up?

Narrowing the Justice Gap

6. Length of time from beginning to first appearance/end of case
7. Level of charges brought forward
8. Number of discontinued cases
9. Number of charges as % of incidents
10. Number of charges as % of crimes
11. % resulting in conviction

Improve Victim and Witness Satisfaction

12. Number of cases given support by advocates within/outside court system
13. Assessment of support for minority communities
14. Number of cases where victim notified throughout case
15. Number of cases proceeding without victim
16. Number of cases where victims were summonsed
17. Assessment of victim satisfaction

Specialist Domestic Violence Courts	Derby	Cardiff	London	Wolves	Leeds
Court Processes					
Who were the partners across CJS or other statutory agencies?	Y	Y	Y	Y	Y
Protocols established/followed?	Y	Y	Y	Y	Y
Which cases were heard in court?	Y	Y	Y	Y	Y
Which were omitted?	Y	Y	Y	Y	Y
Do they deal with civil and criminal?					
Issues?	Y	Y	Y	N	Y
What monitoring of cases was in place?	Y	Y	Y	Y	Y
What were the key features of the court set up?	Y	Y	Y	Y	Y
Narrow Justice Gap					
Length of time from beginning to first appearance/end of case	Y	Y	Y	Y	Y
Number of guilty pleas	N	Y	Y	Y	Y
Level of charges brought forward	Y	Y	Y	Y	Y
Number of victim withdrawals	Y	Y	N	Y	Y
Number of discontinued cases with reasons	Y	Y	Y – but without reasons	Y	Y
Number of charges as % of incidents	FROM POLICE	FROM POLICE	Y	Y	FROM POLICE
Number of charges as % of crimes	FROM POLICE	FROM POLICE	Y	Y	FROM POLICE
% of convictions	FROM POLICE	FROM POLICE	Y	Y	Y
Number hearings per case	Y	Y	Y	Y ?	Y
Reasons for adjournments	Y	Y	N	Y	Y
Nature of bail conditions	N	Y	Y	Y	Y
Number of breaches/outcomes	N	Y	N	N	N
Any information on costing of cases	?	Y	N	N	N
Bringing Perpetrator to Justice					
Qualitative assessment of evidence presented in cases	N	Y	Y	Y	N
What evidence was used	N	Y	Y	N	N
Qualitative assessment of pre-sentencing reporting	N	N	N	N	N
Comparison of bail conditions by police and courts	N	N	N	N	N
Comparison of detention in custody	N	N	Y	N/A	N
Comparison of sentencing outcomes with non-specialist courts	N – sentencing outcome data available	N – sentencing outcome data available	N	Y	N

Specialist Domestic Violence Courts	Derby	Cardiff	London	Wolves	Leeds
Number of referrals to perpetrator programmes	N	N	Y	Y	N
Number of breaches of bail/civil/children's communities	N	BAIL INFO ONLY	N	N	N
Assessment of response to minority communities (e.g. re ethnicity/disability/sexuality/mental health)	N	Y	Y	Y	N
Do we want to include comparisons based on financial/employment/housing status?	N	Y	Y	N	N
Improve victim and witness satisfaction					
Number of cases given support by advocates within /outside court system	Y	Y	Y	Y	Y
Assessment of support for minority communities (e.g. ethnicity/disability/sexuality/mental health)	Y	Y	Y	Y	Y
Do we want to include comparisons based on financial/employment/housing status?	Y	Y	Y	N	N
Number of cases where victim has court visit prior to trial	N	Y	N	Y	N
Number of cases where victim has pre-meeting with prosecutor	N	Y	N	Y	N
Number of cases where victim is asked for input into pre-sentence reports	N	Y	Y?	N*	Y
Number of cases using Victim Impact Statement	Y	Y	Y?	N*	Y
Number of cases where victim is given special measures – what they are	Y	Y	Y	N*	Y
Number of cases where victim notified throughout case	Y	Y	Y	Y	Y
Number of cases proceeding without victim	Y	Y	Y	Y	N
Number of cases where victim was summonsed/a warrant put out/arrested/convicted	Y	Y	Y	Y	N
Number and assessment of cases where children were victims/witnesses	N	Y	Y	Y	N
Assessment of victim satisfaction?	Y	Y	Y	Y	N
Correlation between measures for victim with outcomes of case/overall	N	Y	Y	Y	N
Good Practices of Agencies					
Which services received training?	Y	Y	N	Y	Y
What length and content?	Y	Y	N	Y	Y

Specialist Domestic Violence Courts	Derby	Cardiff	London	Wolves	Leeds
Evaluation of attitudes, behaviour, action and implementation of policies of all partners?	N	Y	N	Y	N
What information was shared between which agencies?	Y	Y	N	Y	Y
Did this include information on civil court findings?	Y	N	N	N	Y
Was victim advised to take up parallel civil and criminal proceedings?	Y	N	N	Y	Y
What was the degree of implementation of agreed protocols?	Y	Y	N	Y	N
How was “success” measured	Y	Y	N	Y	N
Evaluation of effectiveness and costs					
Info available to provide costings	N	N	N		Y
Advocates	N	N	N	Y	N
Training	N	N	N	Y	Y
Gathering effective evidence	N	N	N	Y	N
Comparative costs of specialists court ¹ s with non – specialist	N	N	N	N	N

Annex 2 Definitions of Domestic Violence

- Home Office: in 1999 the Home Office introduced a standardised definition of DV which was to be used in all police returns to HM Inspector of Constabulary (to help cross force comparisons). This definition is as follows:

*'The term 'domestic violence' shall be understood to mean any violence between current or former partners in an intimate relationship, wherever and whenever it occurs. The violence may include physical, sexual, emotional or financial abuse.'*¹

- DCA DV Advisory Group: The DVAG was set up in July 2002 and adopted the definition used by the inter-governmental initiative Raising the Standards:

"Domestic Violence and abuse is best described as the use of physical and/or emotional abuse or violence, including undermining of self confidence, sexual violence or the threat of violence, by a person who is or has been in a close relationship." It also includes family members including children.

- CPS Policy Guidelines for Prosecuting Domestic Violence: this definition, used at Derby, defines DV as:

*'any criminal offence arising out of physical, sexual, psychological, emotional or financial abuse by one partner against a current or former partner in a close relationship, or against a current or former family member.'*²

- West Midlands Police (Wolverhampton): however, individual forces may modify this Home Office definition according to local needs and thus the West Midlands Police website indicates that:

'If you are an adult suffering physical, sexual or psychological, emotional or financial abuse, or are being threatened or intimidated in your home by a current or previous partner or any member of your family or household, you are being subjected to domestic violence'.

- South Wales Police (Cardiff) use term domestic abuse and define this as follows:

'Domestic Abuse refers to any incident of violence or aggression, wherever and whenever it occurs. The abuse may include physical, sexual, emotional, or financial abuse of an individual by a family member, partner, or ex-partner in an existing or previous relationship, regardless of gender, culture, or sexual orientation'.

¹ www.homeoffice.gov.uk/crimpol.crimreduc/domviolence/domviol98.html

² CPS Policy Guidelines, November 2001.

- Derbyshire Police: define DV as³

The emotional physical sexual or psychological abuse of a person by their partner ex-partner family member or someone with whom there is or has been a relationship.'

- The Women's Safety Unit (Cardiff) define domestic violence as⁴:

*'The misuse of power and the exercise of control by one adult person, usually a man, over another adult, usually a woman within the context of a close personal relationship. Such abuse may manifest itself in a variety of ways including physical violence, emotional or psychological abuse, sexual violence and abuse, financial control and abuse and the imposition of social exclusion or movement deprivation.'*⁵

- Leeds define domestic violence as

"Domestic violence includes any form of physical, sexual or emotional abuse between people in a close relationship. It can take a number of forms such as physical assault, sexual abuse, rape threats and intimidation such as degradation, mental and verbal abuse, humiliation, deprivation, systematic criticism and belittling".
(Home Office: 1998)

- West London agreed the definition of domestic violence as:

*"Domestic violence includes any form of physical, sexual or emotional abuse within or after an intimate relationship".*⁶

Here, definitions are affected by the fact that the court crosses two police divisions.

³ Service Level Agreement between Derbyshire Constabulary and CPS.

⁴ WSU Scope: they also deal with known perpetrator rape (KPR) and only support women, not male, victims.

⁵ Robinson.A. (2003). p.1.

⁶ First Soundings From the Specialist Domestic Violence Court (2003) p.24.

White Copy – DAC {Domestic Abuse Co-ordinator}

Yellow Copy – CPU {Child Protection Unit}

Green Copy – CMU {Crime Management Unit}

Initial risk indicator: (To be completed by Domestic Abuse Co-ordinator)

Very High ☐ High ☐ Medium ☐ Standard ☐

Division: Station: Crime No:

1. Officer attending Incident: Rank: No: Name: Supervisory Signature:

Incident No: Time: Date: Date submitted:

Location of Incident:

2. **Victim:** (Print in capital letters)

Name: D.o.b: M ☐ F ☐ Occupation:

Address:

Ethnic Appearance: Code..... Religion.....

Tel No: Other contact point:

Aggravating Factors/suspicion of: Alcohol ☐ Drugs ☐ Mental Health ☐

3. **Assailant:** (Print in capital letters)

Name: D.o.b: M ☐ F ☐ Occupation:

Address:

Ethnic Appearance: Code..... Religion.....

Tel No: Other contact point:

Aggravating Factors/suspicion of: Alcohol ☐ Drugs ☐ Mental Health ☐

4. Arrested Yes ☐ No ☐ Charged Yes ☐ No ☐ Further enquiries Yes ☐ No ☐
(Indicate in summary)

Main Offence:..... Court & Date:

Bail Conditions:

Tick box if victim refuses to make a formal complaint: Yes ☐ No ☐

5. Relationship to Victim: Spouse ☐ ex-spouse ☐ Partner ☐ ex-partner ☐ other ☐ (State)

6. Children in Household: N.B. This report will be sent to Social Services where children are normally resident in the household. If there are children under the age of 5 yrs and/or the victim is pregnant the local Health Visitor/Midwife will also be notified of the incident. In these circumstances you must also fax this report to the relevant police Domestic Abuse Co-ordinator.

Name: d.o.b M ☐ F ☐ Family G.P.

Name: d.o.b M ☐ F ☐

Name: d.o.b M ☐ F ☐

Name: d.o.b M ☐ F ☐

Name of Victim

Faxed to Police CPU:Time: Date:

Family are aware of this referral/notification to Social Services Yes ☐ No ☐

Family is aware of this referral/notification to the relevant Health Visitor/ Midwife Yes ☐ No ☐
If 'No' please give reason/s why

Social Services /Emergency Duty Team informed: Yes ☐ No ☐

Definition: “Domestic Abuse refers to any incident of violence or aggression, wherever and whenever it occurs. The abuse may include physical, sexual, emotional, or financial abuse of an individual by a family member, partner, or ex-partner in an existing or previous relationship, regardless of gender, culture, or sexual orientation”.

Evaluation of Specialist Domestic Violence Courts/Fast Track Systems

Appendix 3

8. Victim Initial Risk Indicator: *Officers attending incident must obtain this information to enable the Domestic Abuse Co-ordinator to identify the risk factors*

Faxed to Social Services (By CPU) Time & Date
Faxed to NHS Trust (By DAC) Time & Date

Name of Victim

APPENDIX 4

CPS Domestic Violence Case File Data Form

Site: Cardiff <input type="checkbox"/> Derby <input type="checkbox"/> Leeds <input type="checkbox"/> W. London <input type="checkbox"/> Wolverhampton <input type="checkbox"/>	Coder: <input type="checkbox"/> A Clancy <input type="checkbox"/> K Kaur <input type="checkbox"/> A Morgan <input type="checkbox"/> J Tregidga
---	--

Summary Details

URN: _____ CPS File Ref # _____

Defendant's Name: _____ **DOB** __dd__mm__yy

Sex: ☐ Male ☐ Female **Ethnicity:** _____

Victim's Name: _____ **DOB** __dd__mm__yy

Sex: ☐ Male ☐ Female **Ethnicity:** _____

Important Dates

(List any others alongside, such as further court hearings, and specify.)

Offence	__dd__mm__yy	<input type="checkbox"/> D/K
Arrest	__dd__mm__yy	<input type="checkbox"/> D/K
Charge	__dd__mm__yy	<input type="checkbox"/> D/K
Bail	__dd__mm__yy	<input type="checkbox"/> D/K <input type="checkbox"/> N/A
Plea	__dd__mm__yy	<input type="checkbox"/> D/K <input type="checkbox"/> N/A
Case review	__dd__mm__yy	<input type="checkbox"/> D/K
Pre-Trial Review	__dd__mm__yy	<input type="checkbox"/> D/K <input type="checkbox"/> N/A
Court hearing	__dd__mm__yy	<input type="checkbox"/> D/K <input type="checkbox"/> N/A
Case finalised	__dd__mm__yy	<input type="checkbox"/> D/K
Victim retracted	__dd__mm__yy	<input type="checkbox"/> D/K <input type="checkbox"/> N/A

Charging Information

(Circle which applies for both original and outcome charge(s).)

Original Charge(s):				Outcome Charge(s):			
S39 Common Assault	1st	2nd	3rd	S39 Common Assault	1st	2nd	3rd
S47 Assault/ABH	1st	2nd	3rd	S47 Assault/ABH	1st	2nd	3rd
S20 Wounding/GBH	1st	2nd	3rd	S20 Wounding/GBH	1st	2nd	3rd
S2 Harassment	1st	2nd	3rd	S2 Harassment	1st	2nd	3rd
S4 Harassment	1st	2nd	3rd	S4 Harassment	1st	2nd	3rd
Threats to Kill	1st	2nd	3rd	Threats to Kill	1st	2nd	3rd
Damage (£)	1st	2nd	3rd	Damage (£)	1st	2nd	3rd
Theft	1st	2nd	3rd	Theft	1st	2nd	3rd
Other:	1st	2nd	3rd	Other:	1st	2nd	3rd

For more than 3 offences, note number here: _____

At what stage were charges altered?

- ☐ Not applicable
☐ Prior to trial at Mags
☐ At Mags court trial
☐ Unknown

Any comments about charging:

Case Progression

Defendant pleaded guilty? ☐ yes ☐ no ☐ don't know

If yes, skip to Sentence.

Case withdrawn (before trial)? ☐ yes ☐ no ☐ don't know

If yes, note reason then skip to next section.

☐ Evidence ☐ Victim Withdrawal

Case discontinued (before trial)? ☐ yes ☐ no ☐ don't know

If yes, note reason then skip to next section.

☐ Evidence ☐ Public Interest ☐ Victim Withdrawal

Case sent to PTR (Pre-Trial Review)? ☐ yes ☐ no ☐ don't know

Did defendant attend PTR? ☐ yes ☐ no ☐ don't know

Total number of PTRs scheduled: _____

Case listed for trial? ☐ yes ☐ no ☐ don't know

Case adjourned? ☐ yes ☐ no ☐ don't know

Reason(s) for adjournment: (Specify) _____

Outcome of trial hearing: ☐ No evidence offered
☐ Guilty plea at trial
☐ Found guilty after trial
☐ Found not guilty after trial
☐ Bound over

Warrant(s) issued to def for failure to appear? ☐ yes ☐ no ☐ don't know
Comment: _____

Did proceedings take place in def's absence? ☐ yes ☐ no ☐ don't know
Comment: _____

Were there matters pending in Crown Court? ☐ yes ☐ no ☐ don't know
Comment: _____

Were there matters pending in Civil Court? ☐ yes ☐ no ☐ don't know
Comment: _____

Any comments about case progression:

Sentence:

- ☐ Conditional discharge
Specify: _____
- ☐ Bindover
Specify: _____
- Victim consulted? ☐ yes ☐ no ☐ don't know
Victim agreed? ☐ yes ☐ no ☐ don't know
- ☐ Fine
Specify: _____
- ☐ Custody
Specify: _____
- ☐ Community punishment order
Specify: _____
- ☐ Community rehabilitation order (perpetrator program)
Specify: _____

Was the sentence discounted for an early plea by defendant?

☐ yes ☐ no ☐ don't know

Comment: _____

Plea Information

Initial Plea:

- ☐ No plea (*skip to next section*)
- ☐ Guilty (single offence)
- ☐ Guilty to some
- ☐ Guilty to all
- ☐ Not guilty (single offence)
- ☐ Not guilty to some
- ☐ Not guilty to all
- ☐ Unknown

Final Plea:

- ☐ Not applicable (*skip to next section*)
- ☐ Guilty (single offence)
- ☐ Guilty to some
- ☐ Guilty to all
- ☐ Not guilty (single offence)
- ☐ Not guilty to some
- ☐ Not guilty to all
- ☐ Unknown

If plea was changed, at what stage did this occur?

- ☐ Prior to PTR
- ☐ At PTR
- ☐ Prior to trial date
- ☐ On the trial date
- ☐ Unknown

Was acceptable plea offered at trial?

- ☐ Yes
- ☐ No
- ☐ Unknown

Was victim consulted before plea was accepted?

- ☐ Yes
- ☐ No
- ☐ Unknown

Bail/Custody Information

Police action:

- ☐ Held defendant in custody
- ☐ Bail with conditions
- ☐ Bail without conditions

Court action:

- ☐ Remand in custody
- ☐ Bail with conditions
- ☐ Bail without conditions

Did bail application involve reference to contact with children?

- ☐ Yes
- ☐ No
- ☐ Unknown

Did the defendant breach bail?

- ☐ Yes (# times: _____)
- ☐ Not applicable (*skip to next section*)
- ☐ No (*skip to next section*)
- ☐ Unknown (*skip to next section*)

Did breaches involve a condition not to contact children?

- ☐ Yes (specify: _____)
☐ No ☐ Unknown

Did breaches involve further violence to victim?

- ☐ Yes (specify: _____)
☐ No ☐ Unknown

Did breaches involve further threats to victim?

- ☐ Yes (specify: _____)
☐ No ☐ Unknown

Were further charges brought as a result of breach?

- ☐ Yes (specify: _____)
☐ No ☐ Unknown

Did any breaches of bail result in:

- ☐ Remand in custody ☐ Amended bail conditions ☐ Unknown

Civil Orders

Was there a civil order in place?

- ☐ Yes
☐ No (*skip to next section*)
☐ Unknown (*skip to next section*)

What type of civil order was it?

- ☐ Restraining order
☐ Non-molestation order
☐ Child contact order

Did the defendant breach the civil order?

- ☐ Yes (# times: _____)
☐ No ☐ Unknown

Aggravating and Mitigating Factors

Were any aggravating factors present? (*Tick all that apply*)

- | Yes | Maybe | |
|--------------------------|--------------------------|--------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Planned attack |
| <input type="checkbox"/> | <input type="checkbox"/> | Use of weapon (specify: _____) |
| <input type="checkbox"/> | <input type="checkbox"/> | Committed in drink |
| <input type="checkbox"/> | <input type="checkbox"/> | Committed in front of children |
| <input type="checkbox"/> | <input type="checkbox"/> | On bail |
| <input type="checkbox"/> | <input type="checkbox"/> | Property damage |
| <input type="checkbox"/> | <input type="checkbox"/> | Violation of restraining order |
| <input type="checkbox"/> | <input type="checkbox"/> | Breach of civil order |

<input type="checkbox"/>	<input type="checkbox"/>	Further threats made
<input type="checkbox"/>	<input type="checkbox"/>	Prior incidents of domestic violence
<input type="checkbox"/>	<input type="checkbox"/>	Victim is very frightened
<input type="checkbox"/>	<input type="checkbox"/>	Likely repetition
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Were any mitigating factors present? *(Tick all that apply)*

Yes	Maybe	
<input type="checkbox"/>	<input type="checkbox"/>	No victim injuries
<input type="checkbox"/>	<input type="checkbox"/>	Remorse shown
<input type="checkbox"/>	<input type="checkbox"/>	Early guilty plea
<input type="checkbox"/>	<input type="checkbox"/>	Improved state of relationship
<input type="checkbox"/>	<input type="checkbox"/>	Other: _____

Any comments about aggravating or mitigating factors:

Evidence

Was there a witness statement from the victim? ☐ yes ☐ no ☐ don't know

If yes, did it include:

An indication of past domestic violence ☐ yes ☐ no ☐ don't know

A willingness to attend court/proceed ☐ yes ☐ no ☐ don't know

Comment: _____

Were special measures applied to the victim? ☐ yes ☐ no ☐ don't know

Specify: _____

Was there a statement from a police officer? ☐ yes ☐ no ☐ don't know

Comment: _____

Were there any other witness statements? ☐ yes ☐ no ☐ don't know

If yes, by whom? _____

Comment: _____

Did the police interview the defendant? ☐ yes ☐ no ☐ don't know

If yes, did the interview reveal:

An admission of guilt ☐ yes ☐ no ☐ don't know

Feelings of remorse ☐ yes ☐ no ☐ don't know

Comment: _____

Were there medical statements? ☐ yes ☐ no ☐ don't know

Comment: _____

Were there case exhibits (photos, etc.)? ☐ yes ☐ no ☐ don't know

Comment: _____

Was there forensic evidence (DNA, etc.)? ☐ yes ☐ no ☐ don't know

Comment: _____

Was there a copy of the 999 tape? ☐ yes ☐ no ☐ don't know

Comment: _____

Any other evidence in the file? ☐ yes ☐ no ☐ don't know

Comment: _____

Conflict in the prosecution's evidence? ☐ yes ☐ no ☐ don't know

Comment: _____

Did victim have face-to-face contact with CPS? ☐ yes ☐ no ☐ don't know

Comment: _____

Did victim have pre-court meeting with CPS? ☐ yes ☐ no ☐ don't know

Any other comments about the evidence:

Defendant Information

Relationship to victim at time of offence:

☐ Spouse ☐ Former Spouse
☐ Partner ☐ Former Partner ☐ Other: _____

Employment status

☐ Full time ☐ Part time ☐ Self-employed
☐ Unemployed ☐ Don't know ☐ Other: _____

Occupation: _____

Identified by police as persistent offender? ☐ yes ☐ no ☐ don't know

Comment: _____

Defendant has alcohol problem ☐ yes ☐ no ☐ don't know

Comment: _____

Defendant has drug problem ☐ yes ☐ no ☐ don't know

Comment: _____

Defendant has history of mental illness ☐ yes ☐ no ☐ don't know

Comment: _____

Defendant is disabled ☐ yes ☐ no ☐ don't know

Comment: _____

Defendant is Lesbian, Gay, or Bisexual ☐ yes ☐ no ☐ don't know

From Defendant's PNC Record:

_____ # Custodial sentences. Specify the offence(s):

_____ # Convictions. Specify the offence(s):

_____ # Impending convictions. Specify the offence(s):

_____ # Reprimands/cautions/warnings. Specify the offence(s):

Any other comments about defendant's background:

Victim Information

Is victim a vulnerable/intimidated witness? ☐ yes ☐ no ☐ don't know

Comment: _____

Employment status

☐ Full time

☐ Part time

☐ Self-employed

☐ Unemployed

☐ Don't know

☐ Other: _____

Occupation: _____

Prior history of domestic violence?

With defendant

☐ yes ☐ no ☐ don't know

With other partner

☐ yes ☐ no ☐ don't know

Does victim have child(ren)?

With defendant

☐ yes ☐ no ☐ don't know

With other partner

☐ yes ☐ no ☐ don't know

Victim has alcohol problem ☐ yes ☐ no ☐ don't know

Comment: _____

Victim has drug problem ☐ yes ☐ no ☐ don't know

Comment: _____

Victim has history of mental illness ☐ yes ☐ no ☐ don't know

Comment: _____

Victim is disabled ☐ yes ☐ no ☐ don't know

Comment: _____

Victim is Lesbian, Gay, or Bisexual ☐ yes ☐ no ☐ don't know

As a result of the current offence

Victim was injured ☐ yes ☐ no ☐ don't know

Comment: _____

Victim received medical attention ☐ yes ☐ no ☐ don't know

Comment: _____

At time of current offence

Victim lived with defendant ☐ yes ☐ no ☐ don't know

Child(ren) were present in the home ☐ yes ☐ no ☐ don't know

Any child(ren) present on the 'At Risk' register? ☐ yes ☐ no ☐ don't know

Comment: _____

Victim Actions

Victim made a Personal/VIP statement ☐ yes ☐ no ☐ don't know

Victim had voluntary sector support ☐ yes ☐ no ☐ don't know

Specify: _____

Victim attended court ☐ n/a ☐ yes ☐ no ☐ don't know

If yes, with an advocate? ☐ yes ☐ no ☐ don't know

Specify: _____

Victim retracted ☐ yes ☐ no ☐ don't know

If no, skip to next section.

If the victim retracted...

When did victim retract? ☐ Before plea ☐ Before trial ☐ At trial ☐ Unknown

How did victim retract? ☐ Direct contact with CPS ☐ Police
☐ Defence/defendant ☐ Victim's solicitor ☐ Unknown
☐ Support group (specify: _____)

Why did the victim retract?

Are there retraction statements in file? ☐ yes ☐ no ☐ don't know
If yes, are they: ☐ perfunctory ☐ satisfactory ☐ don't know
Comment: _____

If the case continued after retraction...

<input type="checkbox"/> Victim gave evidence	<input type="checkbox"/> Witness summons issued
<input type="checkbox"/> Other evidence sufficed	<input type="checkbox"/> Victim in breach of summons
<input type="checkbox"/> Defendant plead guilty	<input type="checkbox"/> Arrest warrant issued
<input type="checkbox"/> S23 application made	<input type="checkbox"/> No information available
<input type="checkbox"/> S23 application granted	

Did the CPS try to build a case without the victim? ☐ yes ☐ no ☐ don't know
Comment: _____

Any other comments about victim retraction:

Child Witness Information

Did a child witness the incident? ☐ yes ☐ no ☐ don't know
If no, skip this section.

Is the child to be a witness? ☐ yes ☐ no ☐ don't know
If yes... Number of child witness(es): _____
Ages of child witness(es) (in years): _____

Were special measures applied? ☐ yes ☐ no ☐ don't know
Comment: _____

Victim objected to child making a statement? ☐ yes ☐ no ☐ don't know
Comment: _____

Child made statement alone/without the victim? ☐ yes ☐ no ☐ don't know
Comment: _____

Child(ren)'s evidence was used? ☐ yes ☐ no ☐ don't know
Comment: _____

Thank you for being a great coder!!

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Table 6.1: Background Characteristics of Victims and Defendants.

<u>Variable</u>	<u>Victim Value</u>	<u>N</u>	<u>Percent</u>	<u>Defendant Value</u>	<u>N</u>	<u>Percent</u>
Sex	Male	5	2.3	Male	212	98.1
	Female	211	97.7	Female	4	1.9
Ethnicity	White	95	44.0	White	157	72.7
	Mixed	3	1.4	Mixed	4	1.9
	Asian	12	5.6	Asian	15	6.9
	Black	6	2.8	Black	28	13.0
	Other	3	1.4	Other	4	1.9
	Unknown	97	44.9	Unknown	8	3.7
Age at time of offence	Under 20	18	8.3	Under 20	12	5.6
	21 through 30	47	21.8	21 through 30	69	31.9
	31 through 40	53	24.5	31 through 40	79	36.6
	41 through 50	14	6.5	41 through 50	26	12.0
	51 and Over	7	3.2	51 and Over	14	6.5
	Unknown	77	35.6	Unknown	16	7.4
Employment Status	Employed*	65	30.1	Employed*	69	31.9
	Self-employed	0	0	Self-employed	3	1.4
	Unemployed	77	35.6	Unemployed	87	40.3
	Other**	32	14.8	Other***	1	0.5
	Unknown	42	19.4	Unknown	56	25.9
Relationship to Victim at time of Offence				Spouse	54	25.0
				Former spouse	18	8.3
				Partner	81	37.5
				Former partner	51	23.6
				Other****	12	5.6
Lived with Defendant at time of Offence	No	92	42.6			
	Yes	114	52.8			
	Unknown	10	4.6			
Prior Criminal Convictions				No	37	17.1
				Yes	119	55.1
				Unknown	60	27.8
Prior History of DV with Defendant	No	36	16.7			
	Yes	129	59.7			
	Unknown	51	23.6			

N=216

* Indicates part-time, full-time or unknown to what extent employed.

** The majority are housewives or at-home mothers.

*** Retired.

**** Half of the defendants are sons, three are fathers/step-fathers, one is a brother, one is a pimp, and one is the neighbour of the victim (who is a friend of his girlfriend, also assaulted).

Table 6.2: Special Circumstances of Victims and Defendants.

<u>Variable</u>	<u>Victim Value</u>	<u>N</u>	<u>Percent</u>	<u>Variable</u>	<u>Defendant Value</u>	<u>N</u>	<u>Percent</u>
Potential alcohol problem	No	42	19.4	Potential alcohol problem	No	28	13.0
	Yes	11	5.1		Yes	56	25.9
	Unknown	163	75.5		Unknown	132	61.1
Drinking at time of incident	Yes	13	6.0	Drinking at time of incident	Yes	31	14.4
	Unknown	203	94.0		Unknown	185	85.6
Potential drug problem	No	51	23.6	Potential drug problem	No	50	23.1
	Yes	8	3.7		Yes	41	19.0
	Unknown	157	72.7		Unknown	125	57.9
Mental health issues	No	51	23.6	Mental health issues	No	50	23.1
	Yes	7	3.2		Yes	27	12.5
	Unknown	158	73.1		Unknown	139	64.4
Currently disabled	No	55	25.5	Currently disabled	No	55	25.5
	Yes	5	2.3		Yes	3	1.4
	Unknown	156	72.2		Unknown	158	73.1

N=216

The definitions used are very liberal (e.g., any comment indicating experience with drugs, mental health problems, or problematic drinking resulted in an affirmative label for the victim or defendant). In regards to alcohol, because many 'unknowns' had written comments referring to being drunk at the time of the incident, a new variable was created (i.e., drinking at time of incident did not qualify either victims or defendants as having an 'alcohol problem').

Table 6.3: Offences Charged and Charging Alterations.

<u>Variable</u>	<u>N</u>	<u>Percent</u>
1st Offence Charged		
S39 Common Assault	97	44.9
S47 Assault/ABH	70	32.4
S2 Harassment	6	2.8
S4 Harassment	5	2.3
Threats to kill	6	2.8
Damage	31	14.4
Theft	1	0.5
Total	216	100.0
2nd Offence Charged		
Sect 39 Common assault	22	10.2
Sect 47 Assault/ABH	7	3.2
Sect 2 Harassment	4	1.9
Sect 4 Harassment	1	0.5
Threats to kill	5	2.3
Damage	17	7.9
Theft	1	0.5
Other	15	6.9
Total	72	33.3
3rd Offence Charged		
S39 Common Assault	5	2.3
S47 Assault/ABH	2	0.9
S2 Harassment	1	0.5
S4 Harassment	1	0.5
Damage	3	1.4
Theft	2	0.9
Other	12	5.6
Total	26	12.0
Charge(s) were altered	31	14.4
Prior to trial	22	70.9
At trial	7	22.6
Unknown	3	6.5
Charges were reduced or withdrawn	26	12.0

N=216

Table 6.4: Plea Information.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Initial plea	No plea	32	14.8
	Guilty (single offence)	30	13.9
	Guilty to some	12	5.6
	Guilty to all	15	6.9
	Not guilty (single offence)	76	35.2
	Not guilty to some	6	2.8
	Not guilty to all	41	19.0
	Unknown	4	1.9
Final Plea	No plea	32	14.8
	Guilty (single offence)	39	18.1
	Guilty to some	11	5.1
	Guilty to all	16	7.4
	Not guilty (single offence)	40	18.5
	Not guilty to some	5	2.3
	Not guilty to all	21	9.7
	Unknown	52	24.1
Defendant pleaded guilty at some stage	No	145	67.1
	Yes	71	32.9
Stage at which any plea changes occurred*	Prior to PTR	1	0.5
	At PTR	2	0.9
	Prior to trial date	3	1.4
	On the trial date	6	2.8
	Unknown	6	2.8
	Not applicable	198	91.7
Acceptable plea offered at trial	Yes	72	33.3
Victim consulted before plea was accepted	Yes	5	2.3

N=216

* All plea changes were from not guilty to one or more offences to guilty to one or more offences.

Table 6.5: Bail Information.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Police action	Held defendant in custody	34	15.7
	Bailed with conditions	148	68.5
	Bailed without conditions	17	7.9
	Unknown	17	7.9
Court Action	Remand in custody	3	1.4
	Bailed with conditions	34	15.7
	Bailed without conditions	2	0.9
	Unknown	177	81.9
Bail application had reference to child contact	No	128	68.8
	Yes	6	3.2
	Unknown	52	28.0
Defendant breached bail	Yes	35	16.2
Breaches involved condition not to contact children	Yes	0	0.0
Breaches involved further violence to victim	Yes	5	2.3
Breaches involved further threats to victim	Yes	7	3.2

N=216

Table 6.6: Case Progression Information.

<u>Variable</u>		<u>N</u>	<u>Percent</u>
Case withdrawn before trial	No	192	88.9
	Yes	24	11.1
Of those 24 cases withdrawn...			
	Evidence	5	20.8
	Victim withdrawal	19	79.2
Case discontinued before trial	No	201	93.1
	Yes	15	6.9
Of those 15 cases discontinued...			
	Evidence	6	40.0
	Public interest	2	13.3
	Victim withdrawal	6	40.0
	Defendant deceased	1	6.7
Case sent to Pre-Trial Review (PTR)	No	66	30.6
	Yes	79	36.6
	Unknown	71	32.9
Of those 79 cases sent to PTR...			
Defendant attended PTR	No	8	11.8
	Yes	22	32.4
	Unknown	38	55.9
Total number of PTRs scheduled	1	51	75.0
	2	14	20.6
	3	3	4.4
Case listed for trial*	No	39	18.1
	Yes	177	81.9
Case adjourned	No	49	22.7
	Yes	65	30.1
	Unknown	102	47.2
Reason for adjournment	Awaiting full file	11	16.9
	CPS review	11	16.9
	Bail variations	5	7.7
	PSR from probation	8	12.3
	Other admin reason	11	16.9
	Def did not attend	7	10.8
	Def accept bindover	1	1.5
	Vic did not attend/withdrawal	5	7.7
	Unknown	6	9.2

N=216

*This was determined by the presence of witness summons, a initial plea of not guilty by the defendant, the outcome of the case, and/or the presence of a trial date.

Table 6.7: Case Outcomes and Sentences.

<u>Variable</u>		<u>N</u>	<u>Percent</u>
Of those 177 cases not withdrawn or discontinued...			
Outcome of trial hearing	Discontinued/No evidence offered	80	45.2
	Guilty plea at trial	58	32.8
	Found guilty after trial	11	6.2
	Found not guilty after trial	2	1.1
	Bound over	26	14.7
Reason for NEOs	Evidence	47	21.8
	Vict absent/withdrawl	33	15.3
Late Guilty Plea Rate*			32.8
NEO Rate**			45.2
Of those 69 cases where a sentence was applicable...			
Sentence	Conditional discharge	21	30.4
	Fine/financial penalty~	41	59.4
	Custodial sentence	9	13.0
	Community punishment order	7	10.1
	Community rehabilitation order	20	30.0
Number of any type of sentence received by all defendants	None	147	68.1
	One	42	19.4
	Two	25	11.6
	Three	2	0.9
	Total	216	100.0
		69	

N=216

* This is the percentage of cases where the defendant plead guilty at trial divided by the number of cases listed for trial.

** This is the percentage of cases discontinued/NEO divided by the number of cases listed for trial.

~These include any monies that must be paid by the defendant as a result of being found guilty, including fines, compensation to the victim, and/or court costs. These ranged from £5 to £480 with an average of £161.

Of the 10 victims known to be consulted, all 10 agreed to the bindover.

The bindover amounts ranged from £50-£500, with an average of £142.

Table 6.8: Victim Retraction.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Victim retracted	No	108	50.0
	Yes	108	50.0
Of those 108 cases where victims retracted...			
Victim retraction occurred	Before plea	38	35.2
	Before trial	48	44.4
	At trial	7	6.5
	Unknown	15	13.9
How did victim retract	Direct contact w/CPS	4	3.7
	To police	77	71.3
	Defence/defendant	2	1.9
	Victim's solicitor	9	8.3
	Support group	5	4.6
	Unknown	11	10.2
Retraction statements present in file	No	29	26.9
	Yes	79	73.1
If yes, the statements were	Perfunctory	17	21.5
	Satisfactory	62	78.5
Reason victim retracted	Couple reconciled	29	26.9
	Wants rehabilitation	15	13.9
	Concern for children	9	8.3
	One-off	6	5.6
	No contact with defendant	4	3.7
	Self-blame	7	6.5
	Wants to forget/move on	6	5.6
	Stress or fear	3	2.8
	Other resolution (civil)	4	3.7
	Unknown reason	25	23.1
What happened to case after retraction	Victim gave evidence	1	0.9
	Other evidence sufficed	12	11.1
	Defendant plead guilty	13	12.0
	S23 application granted	1	0.9
	Witness summons issued	5	4.6
	Victim in breach of summons	1	0.9
	No info available	75	69.4

N=216

Table 6.9: Length of Time Between Key Decisions.

	<u>Min</u>	<u>Max</u>	<u>Mean</u>	<u>Mode</u>	<u>Valid N</u>
Number of days between offence date and arrest date	0	173	9	0	214
Number of days between arrest date and charging date	0	64	2	0	214
Number of days between arrest date and bail date	0	68	5	0	182
Number of days between arrest date and case finalisation date~	1	396	72	36	210
Number of days between charging date and plea date	0	206	23	5	78
Number of days between charging date and PTR date	0	120	44	36*	75
Number of days between charging date and case review date	0	125	21	3	102
Number of days between charging date and case finalisation date	1	335	69	24*	211
Number of days between first and last court hearing dates	0	119	8	0	200
Number of days between last court hearing and case finalisation date	0	140	12	0	195
Average number of days between offence date and victim retraction date	1	320	39	1*	96
Average number of days between charging date and victim retraction date	0	155	31	3	92

N=216

A Valid N less than 216 means that one or both dates were unknown or not applicable.

~ This can be considered the length of time that an incident is within the purview of the criminal justice system.

* Multiple modes exist. The smallest is shown.

Most cases only had one court hearing date.

Table 6.10: Evidence Present in CPS Case Files.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Witness statement from victim	No	3	1.4
	Yes	213	98.6
If yes, indicated past domestic violence	Yes	120	56.3
	If yes, indicated a willingness to proceed with case*	101	47.4
Victim is a vulnerable/intimidated witness	No	71	32.9
	Yes	88	40.7
	Unknown	57	26.4
Special measures applied to victim**	No	143	66.2
	Yes	11	5.1
	Unknown	62	28.7
Victim made a personal/victim impact statement	No	132	61.1
	Yes	43	19.9
	Unknown	41	19.0
Witness statement from police officer(s)	No	14	6.5
	Yes	202	93.5
Other witness statement(s)	No	157	72.7
	Yes	59	27.3
Who these other witnesses were	Family member of v/d	27	45.8
	Onlooker/bystander	8	13.6
	Friend/neighbour	18	30.5
	Agency worker	6	10.2
Police interviewed defendant	No	1	0.5
	Yes	202	93.5
	Unknown	13	6.0
If yes, included an admission of guilt***	Yes	61	30.2
	If yes, indicated feelings of remorse	25	12.4

N=216

* 56 of these victims eventually retracted.

** Includes two cases where special measures would be applied if victims attended court.

*** 8 of these defendants entered not guilty pleas, 10 entered no pleas.

Table 6.11: Evidence Present in CPS Case Files (continued).

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Medical statement(s)	No	190	88.0
	Yes	26*	12.0
Case exhibit(s)	No	151	69.9
	Yes	65	30.1
Forensic evidence	No	193	89.4
	Yes	23	10.6
Copy of 999 tape	No	122	56.5
	Yes	94	43.5
Miscellaneous evidence	No	129	59.7
	Yes	87	40.3
Type of miscellaneous evidence	Police	70	80.5
	CPS	3	3.4
	Def contacting vict	6	6.9
	PSR	5	5.7
	Damage report	2	2.3
	Unknown	1	1.1
Conflict in prosecutor's evidence	No	178	82.4
	Yes	10	4.6
	Unknown	28	13.0
Face-to-face contact between CPS and victim	No	88	40.7
	Yes	15	6.9
	Unknown	113	52.3

N=216

*This seems particularly low given that 168 victims were injured as a result of the current offence, and 50 were known to receive medical attention for their injuries.

Table 6.12: Criminal Justice History of Defendants.

<u>Variable</u>	<u>N</u>	<u>%</u>	<u>Min</u>	<u>Max</u>	<u>Mean</u>	<u>Mode</u>	<u>Valid N</u>
Number of custodial sentences							
Property offences	25	11.6	0	27	2.2	0	137
Violent offences	21	9.7					
Drug offences	18	8.3					
Number of convictions							
Property offences	89	41.2	0	51	7.3	0	156
Violent offences	57	26.4					
Drug offences	47	21.8					
Number of impending convictions							
Property offences	4	1.9	0	4	0.2	0	123
Violent offences	5	2.3					
Drug offences	3	1.4					
Number of reprimands, cautions or warnings							
Property offences	17	7.9	0	4	0.5	0	130
Violent offences	9	4.2					
Drug offences	20	9.3					

N=216

Additionally 23 defendants had been identified by police as Persistent Offenders.

Table 6.13: Aggravating Factors Potentially Impacting on Prosecutorial Decision-Making.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Planned attack	Yes	10	4.6
	Maybe	42	19.4
Use of weapon	Yes	40	18.5
	Maybe	4	1.9
Committed in drink	Yes	99	45.8
	Maybe	36	16.7
Committed in front of children	Yes	72	33.3
	Maybe	18	8.3
Committed on bail	Yes	12	5.6
	Maybe	0	0.0
Property damage	Yes	61*	28.2
	Maybe	2	0.9
Violation of restraining order	Yes	3	1.4
	Maybe	0	0.0
Breach of civil order	Yes	4	1.9
	Maybe	0	0.0
Further threats made	Yes	26	12.0
	Maybe	5	2.3
Prior incidents of DV	Yes	108	50.0
	Maybe	24	11.1
Victim is very frightened	Yes	86	39.8
	Maybe	8	3.7
Likely repitition	Yes	73	33.8
	Maybe	43	19.9

N=216

'Maybe' indicates some suspicion by the coder that the aggravating factor was present, but there was no explicit evidence available to confirm this.

*These 61 offences were present in the charging data.

Table 6.14: Mitigating Factors Potentially Impacting on Prosecutorial Decision-Making.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
No victim injuries~	Yes	27	12.5
	Maybe	6	2.8
Remorse shown	Yes	20	9.3
	Maybe	1	0.5
Early guilty plea	Yes	23	10.6
	Maybe	4	1.9
Improved state of relationship	Yes	25	11.6
	Maybe	3	1.4

N=216

~Although in 43 cases records indicate that victims were not injured.

Although in 25 police interviews defendants indicated feelings of remorse.

Table 6.15: Information about Civil Orders and Civil Courts.

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Civil order in place	No	150	69.4
	Yes	7	3.2
	Unknown	59	27.3
If yes, type of civil order	Restraining order	4	57.1
	Non-molestation order	2	28.6
	Both of the above	1	14.3
If yes, defendant breached	No	1	14.3
	Yes	4	57.1
	Unknown	2	28.6
If yes, number of breaches	1	3	75.0
	2	1	25.0
Matters pending in civil court	No	116	53.7
	Yes	5	2.3
	Unknown	95	44.0

N=216

Table 6.16: Child-Related Information

<u>Variable</u>	<u>Value</u>	<u>N</u>	<u>Percent</u>
Victim has children with defendant	No	55	25.5
	Yes	114	52.8
	Unknown	47	21.8
Victim has children with other partner	No	60	27.8
	Yes	46	21.3
	Unknown	110	50.9
Children on the Child Protection Register	Yes	8	3.7
Children at home at time of incident	No	66	30.6
	Yes	94	43.5
	Unknown	56	25.9
Children witnessed the incident	No	94	43.5
	Yes	67	31.0
	Unknown	55	25.5
Of the 67 cases where a child witnessed the incident...			
Child to be a witness in court	No	62	92.5
	Yes	5	7.5
Number of child witnesses	1	5	100.0
Age of child witnesses	10	1	20.0
	12	1	20.0
	14	2	40.0
	15	1	20.0
Special measures were applied to child witnesses	Yes	5	100.0

N=216

In the 2 cases where the victim objected, the child was not a witness.

In the only case where the child made a statement alone, the child herself was the victim.

In only one case was child evidence used (of the other four, three cases were withdrawn or discontinued, and for the other it was unknown why the child evidence was not used).

Table 6.17: Victim Details, by Site.

<u>Variable</u>	<u>Value</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Sex	Male	1	3		1		5
	Female	49	32	50	30	50	211
Ethnicity*	White	6	9	39	9	32	95
	Mixed					3	3
	Asian	1	1	1	3	6	12
	Black			2	4		6
	Other				2	1	3
Average age at time of offence		29.2	30.1	30.8	33.3	32.5	31.3
Employment Status	Employed	13	15	17	10	10	65
	Unemployed	22	8	17	11	19	77
	Other	3	9	7	5	8	32
Lived with Defendant at time of Offence	No	24	15	21	16	16	92
	Yes	25	19	26	14	30	114
	Unknown	1	1	3	1	4	10
Prior History of DV with Defendant*	No	5	12	14	3	2	36
	Yes	32	21	24	21	31	129
	Unknown	13	2	12	7	17	51

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.18: Defendant Details, by Site.

<u>Variable</u>	<u>Value</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Sex	Male	49	33	50	30	50	212
	Female	1	2		1		4
Ethnicity*	White	44	30	44	15	24	157
	Mixed	1			2	1	4
	Asian	1	2	3	2	7	15
	Black	2	2	3	10	11	28
	Other	1			2	1	4
Average age at time of offence		33.0	30.7	33.8	36.0	33.6	33.4
Employment Status*	Employed	6	11	18	14	20	69
	Self-employed	3					3
	Unemployed	19	14	20	12	22	87
	Other					1	1
Relationship to Victim at time of Offence*	Spouse	9	8	14	8	15	54
	Former spouse	8	1	3	3	3	18
	Partner	21	15	20	8	17	81
	Former partner	12	4	12	11	12	51
	Other		7	1	1	3	12
Prior Criminal Convictions*	No	12	9	5	10	1	37
	Yes	35	23	29	14	18	119

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.19: Special Circumstances of Victims and Defendants, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Victim Characteristics						
Potential alcohol problem*	2	4	1	2	2	11
Drinking at time of incident*	3	7		2	1	13
Potential drug problem*	2	1	3	1	1	8
Mental health issues*	2	1	1	2	1	7
Currently disabled*	1	3	1			5
Defendant Characteristics						
Potential alcohol problem*	13	14	8	8	13	56
Drinking at time of incident*	20	7		1	3	31
Potential drug problem*	13	8	4	9	7	41
Mental health issues*	7	5	3	6	6	27
Currently disabled*		1	1	1		3

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.20: Offences Charged and Charging Alterations, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
1st Offence Charged**						
S39 Common Assault	12	23	29	15	18	97
S47 Assault/ABH	24	6	12	9	19	70
S2 Harassment	2	1	1		2	6
S4 Harassment	3			2		5
Threats to kill	2		2	1	1	6
Damage	6	5	6	4	10	31
Theft	1					1
Total	50	35	50	31	50	216
2nd Offence Charged**						
Sect 39 Common assault	5	6	3	4	4	22
Sect 47 Assault/ABH	3				4	7
Sect 2 Harassment	3			1		4
Sect 4 Harassment				1		1
Threats to kill	3		2			5
Damage	3	2	3	3	6	17
Theft				1		1
Other	5		5	3	2	15
Total	22	8	13	13	16	72
3rd Offence Charged*						
S39 Common Assault	2	2			1	5
S47 Assault/ABH					2	2
S2 Harassment				1		1
S4 Harassment			1			1
Damage	2				1	3
Theft					2	2
Other	6	2	2	2		12
Total	10	4	3	3	6	26
Charge(s) were altered*	12	2	8	4	5	31
Prior to trial	9	2	5	3	3	22
At trial	2		3	1	1	7
Unknown	1				1	2
Charges were reduced	10	2	6	4	4	26

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).** $p < .08$

Table 6.21: Plea Information, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Initial plea*						
No plea	11	12	4	2	3	32
Guilty (single offence)	5	9	9	5	2	30
Guilty to some	1	1	2	3	5	12
Guilty to all	1	5	4	2	3	15
Not guilty (single offence)	17	7	20	12	20	76
Not guilty to some	2		2		2	6
Not guilty to all	12	1	8	7	13	41
Unknown	1		1		2	4
Final Plea*						
No plea	11	12	4	2	3	32
Guilty (single offence)	9	9	11	7	3	39
Guilty to some	2	1	2	3	3	11
Guilty to all	1	5	4	2	4	16
Not guilty (single offence)	16	7	9	5	3	40
Not guilty to some	2		2		1	5
Not guilty to all	7	1	6	4	3	21
Unknown	2		12	8	30	52
Pleaded guilty any stage	13	15	19	12	12	71
When plea changes occurred						
Prior to PTR			1			1
At PTR	2					2
Prior to trial date	2			1		3
On the trial date	3		2	1		6
Unknown	1		3		2	6
Not applicable	42	35	44	29	48	198
Acceptable plea offered at trial*	22	18	9	15	8	72
Victim consulted before plea accepted	4			1		5

N=216

* Indicates differences across site vary to a statistically significant degree (p<.05).

Table 6.22: Bail Information, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Police action*						
Held defendant in custody	5	1	3	12	13	34
Bailed with conditions	38	26	35	18	31	148
Bailed without conditions	4	6	6		1	17
Court Action						
Remand in custody				2	1	3
Bailed with conditions	1	1	13	8	11	34
Bailed without conditions	1			1		2
Bail application had reference to child contact*	4	1		1		6
Defendant breached bail	5	3	8	8	11	35
Breaches involved further violence to victim	1		1	1	2	5
Breaches involved further threats to victim	1	1	1	3	1	7

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.23: Case Progression Information, by Site.

<u>Variable</u>		<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Case withdrawn before trial*	Yes	7	6	2		9	24
Of those 24 cases withdrawn...							
	Evidence		2	1		2	5
	Victim withdrawl	7	4	1		7	19
Case discontinued before trial	Yes	2	5	2	1	5	15
Of those 15 cases discontinued...							
	Evidence		1	2	1	2	6
	Public interest		1			1	2
	Victim withdrawl	2	3			1	6
	Def deceased					1	1
Case sent to Pre-Trial Review*	Yes	32	3	24	4	16	79
Of those 79 cases sent to PTR...							
Def attended PTR*	Yes	12		6		4	22
Number of PTRs	1	19		16	3	13	51
	2	5		6	1	2	14
	3	3					3
Case adjourned	Yes	10	8	19	18	10	65
Reason for adjournment*	Awaiting full file	1	4	1	3	2	11
	CPS review		1	3	5	2	11
	Bail variations			3	2		5
	PSR from prob	1		5	2		8
	Other admin	1		4		2	7
	Def didnt attend	4	1				5
	Def accept bindover	1		3	5	2	11
	Vic didnt attend	1					1
	Unknown	1	2		1	2	6

N=216

* Indicates differences across site vary to a statistically significant degree (p<.05).

Table 6.24: Case Outcomes and Sentences, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>Wolverhampton</u>	<u>Wolverhampton</u>	<u>Total</u>
Outcome of trial hearing*						
Discontinued/No evidence offered	16	2	23	16	23	80
Guilty plea at trial	12	13	13	11	9	58
Found guilty after trial	5	2	3	1		11
Found not guilty after trial				1	1	2
Bound over	8	7	7	1	3	26
Case listed for trial*						
No	9	11	4	1	14	39
Yes	41	24	46	30	36	177
Reasons for NEOs*						
Evidence	4	1	19	10	13	47
Vict absent/withdrawal	12	1	4	6	10	33
Late Guilty Plea Rate	29.3%	54.2%	28.3%	36.7%	25.0%	32.8%
NEO Rate~	39.0%	8.3%	50.0%	53.3%	63.8%	45.2%
Sentence						
Conditional discharge	5	6	4	2	4	21
Fine/financial penalty	18	15	16	9	6	64
Custodial sentence	1	3		2	3	9
Community punishment order	1	4	2			7
Community rehabilitation order*	3	2	8	7		20
Number of any type of sentence received by all defendants*						
None	32	19	35	20	41	147
One	15	9	8	3	7	42
Two	3	6	6	8	2	25
Three	0	1	1	0	0	2
Total	50	35	50	31	50	216

N=216. * Indicates differences across site vary to a statistically significant degree ($p < .05$).

This is the percentage of cases where the defendant pleaded guilty at trial divided by the number of cases listed for trial.

~ This is the percentage of cases discontinued (due to evidence or victims being absent or withdrawing) divided by the number of cases listed for trial.

Table 6.25: Victim Retraction, by Site.

<u>Variable</u>	<u>Value</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W.Lon</u>	<u>Wolv</u>	<u>Total</u>
Victim retracted*	Yes	25	24	17	16	26	108
Of those 108 cases where victims retracted...							
Victim retraction occurred*	Before plea	8	18	3	4	5	38
	Before trial	13	5	13	9	8	48
	At trial	2		1	2	2	7
	Unknown	2	1		1	11	15
How did victim retract*	Direct contact w/CPS	2		1	1		4
	To police	16	21	13	14	13	77
	Defence/defendant					2	2
	Victim's solicitor	1	1	2		5	9
	Support group	5	2	1	1	2	11
	Unknown	1				4	5
Retraction statements present in file*	Yes	13	22	16	11	17	79
Type of retraction statements*	Perfunctory	3	9		4	1	17
	Satisfactory	10	13	16	7	16	62
What happened to case after retraction*	Victim gave evidence	1					1
	Other evidence sufficed	1		6	3	2	12
	Defendant plead guilty	1	9	1	1	1	13
	S23 application granted		1				1
	Witness summons issued	1		2	2		5
	Victim in breach of summons		1				1
	No info available	21	13	8	10	23	75

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.26: Length of Time Between Key Decisions, by Site.

	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
	7	8	10	10	10	9
Average number of days between offence date and arrest date						
Average number of days between arrest date and charging date	3	1	2	1	4	2
Average number of days between arrest date and bail date	5	5	7	2	5	5
Number of days between arrest date and case finalisation date	82	68	79	71	58	72
Average number of days between charging date and plea date*	14	59	10	16	2	23
Average number of days between charging date and PTR date*	48	25	47	64	27	44
Average number of days between charging date and case review date	13	24	31	22	23	21
Average number of days between charging date and case finalisation date	79	67	77	68	53	69
Average number of days between first and last court hearing dates	3	13	5	14	8	8
Average number of days between last court hearing and case finalisation date*	4	5	12	21	16	12
Average number of days between offence date and victim retraction date**	57	26	21	54	39	39
Average number of days between charging date and victim retraction date	41	23	19	39	29	31

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

** ($p = .06$).

Table 6.27: Evidence Present in CPS Case Files, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Witness statement from victim*	47	35	50	31	50	213
If yes, indicated past domestic violence	29	20	23	19	29	120
If yes, indicated a willingness to proceed*	39	20	4	21	17	101
Victim is a vulnerable/intimidated witness*	26	13	8	16	25	88
Special measures applied to victim*	3	2	4	1	1	11
Victim made a personal/victim impact statement*	4	1	6	1	31	43
Witness statement from police officer(s)*	45	35	48	26	48	202
Other witness statement(s)	10	9	12	13	15	59
Family member of v/d	4	5	5	5	8	27
Onlooker/bystander	2			3	3	8
Friend/neighbour	2	3	5	4	4	18
Agency worker	2	1	2	1		6
Police interviewed defendant	45	32	48	29	48	202
If yes, included an admission of guilt*	18	11	17	11	4	61
If yes, indicated feelings of remorse	5	5	7	4	4	25
Medical statement(s)*	6	3	2	12	3	26
Case exhibit(s)*	10	6	11	13	25	65
Forensic evidence*	1	1	11	7	3	23
Copy of 999 tape*	6	11	32	22	23	94
Miscellaneous evidence*	3	18	22	26	18	87
Police	2	16	16	21	15	70
CPS			2		1	3
Def contacting vict	1		1	2	2	6
PSR		2	1	2		5
Damage report			2			2
Unknown				1		1
Conflict in prosecutor's evidence	1	2	2	2	3	10
Face-to-face contact between CPS and victim	7	5	1	2		15

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.28: Criminal Justice History of Defendants, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Average number of custodial sentences	2.3	1.5	1.7	1.9	4.6	2.2
Property offences*	11	5	2	5	2	25
Violent offences	7	4	4	4	2	21
Drug offences	6	6	1	3	2	18
Average number of convictions*	9.7	5.7	6.3	3.9	10.1	7.3
Property offences*	30	19	19	8	13	89
Violent offences*	18	14	8	5	12	57
Drug offences*	20	8	7	6	6	47
Average number of impending convictions	0.3	0.0	0.1	0.1	0.3	0.2
Property offences	3				1	4
Violent offences	3				2	5
Drug offences	2		1			3
Average number of repr, cautions or warnings	0.4	0.4	0.2	0.9	0.5	0.5
Property offences	4	4	1	4	4	17
Violent offences	3	2		3	1	9
Drug offences	9	4	2	3	2	20

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.29: Aggravating Factors Potentially Impacting on Prosecutorial Decision-Making, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Planned attack	1	4	1	2	2	10
Use of weapon	10	9	5	8	8	40
Committed in drink	27	15	26	13	18	99
Committed in front of children	17	13	16	9	17	72
Committed on bail	2		2	2	6	12
Property damage	18	12	9	6	16	61
Violation of restraining order			2		1	3
Breach of civil order			3		1	4
Further threats made*	10	3	2	7	4	26
Prior incidents of DV*	33	17	16	20	22	108
Victim is very frightened*	21	9	12	14	30	86
Likely repetition*	24	7	8	14	20	73

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.30: Mitigating Factors Potentially Impacting on Prosecutorial Decision-Making, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
No victim injuries	7	5	8	3	4	27
Remorse shown by defendant	5	5	2	2	6	20
Early guilty plea by defendant	4	7	7	4	1	23
Improved state of relationship	6	8	8	2	1	25

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.31: Information about Civil Orders and Civil Courts, by Site.

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Civil order in place			5	1	1	7
Type of civil order						
Restraining order			3	1		4
Non-molestation order			1		1	2
Both of the above			1			1
Defendant breached civil order			3		1	4
Number of breaches						
1			2		1	3
2			1			1
Matters pending in civil court	2		2		1	5

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.32: Child-Related Information, by Site

<u>Variable</u>	<u>Cardiff</u>	<u>Derby</u>	<u>Leeds</u>	<u>W Lon</u>	<u>Wolv</u>	<u>Total</u>
Victim has children with defendant*	31	15	23	18	27	114
Victim has children with other partner*	10	10	4	7	15	46
Children on the Child Protection Register*	2	2		3	1	8
Children at home at time of incident*	27	18	20	9	20	94
Children witnessed the incident*	18	13	17	5	14	67
Of the 67 cases where a child witnessed the incident...						
Child to be a witness in court	3	1	1			5
Special measures applied to child witnesses	3	1	1			5

N=216

* Indicates differences across site vary to a statistically significant degree ($p < .05$).

Table 6.33: Logistic Regression Models Predicting Victim Retraction Across Sites.

Variable	CARDIFF			DERBY			LEEDS			W LONDON			WOLVERHAMPTON		
	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)
Vict/Def Cohabit	1.26	0.38	3.54	1.36	0.39	3.90	1.37	0.39	3.95	1.26	0.38	3.52	1.22	0.38	3.40
Ex-Relationship Status	-1.08	0.40	0.34	-0.91	0.41	0.40	-1.11	0.41	0.33	-1.07	0.40	0.34	-1.08	0.40	0.34
Children	0.04	0.33	1.04	0.07	0.33	1.08	0.00	0.34	1.00	0.06	0.33	1.06	0.06	0.33	1.07
Past DV	0.77	0.37	2.16	0.77	0.37	2.17	0.71	0.38	2.04	0.80	0.37	2.22	0.85	0.37	2.34
Assaultive Offence	-0.51	0.54	0.60	-0.40	0.55	0.67	-0.50	0.55	0.61	-0.53	0.55	0.59	-0.51	0.54	0.60
Victim Injured	1.08	0.59	2.93	0.94	0.60	2.55	1.08	0.61	2.96	1.08	0.60	2.94	1.07	0.59	2.92
Victim Vulnerable Witness	-0.03	0.38	0.97	-0.01	0.38	0.99	-0.24	0.40	0.79	-0.01	0.38	0.99	-0.02	0.38	0.98
Site*	0.30	0.50	1.35	1.03	0.51	2.79	-1.36	0.46	0.26	0.12	0.57	1.13	0.32	0.49	1.37
Initial Guilty Plea	-1.26	0.43	0.28	-1.41	0.44	0.24	-1.26	0.44	0.28	-1.28	0.42	0.28	-1.26	0.42	0.28
Pre-Trial Review	-0.35	0.37	0.70	-0.10	0.36	0.90	-0.11	0.36	0.89	-0.26	0.36	0.77	-0.28	0.35	0.75
Victim Personal Statements	-0.56	0.44	0.57	-0.43	0.44	0.65	-0.68	0.45	0.51	-0.59	0.44	0.55	-0.77	0.51	0.46
Other Witness Statements	-0.77	0.38	0.46	-0.79	0.38	0.45	-0.87	0.39	0.42	-0.79	0.39	0.46	-0.78	0.38	0.46
Def Admit Guilt	-0.24	0.40	0.79	-0.11	0.40	0.90	-0.18	0.41	0.84	-0.20	0.39	0.82	-0.15	0.40	0.86
Medical Statements	-0.47	0.54	0.62	-0.42	0.54	0.66	-0.67	0.55	0.51	-0.46	0.55	0.63	-0.38	0.54	0.68
Case Exhibits	0.06	0.39	1.06	0.09	0.39	1.09	-0.05	0.40	0.95	0.05	0.39	1.05	0.01	0.39	1.01
Forensic Evidence	0.21	0.55	1.24	0.34	0.56	1.41	0.66	0.59	1.93	0.17	0.55	1.19	0.21	0.55	1.24
999 Tapes	-0.08	0.37	0.92	-0.10	0.36	0.91	0.08	0.38	1.09	-0.15	0.36	0.86	-0.14	0.36	0.87
Misc Evidence	0.87	0.41	2.40	0.70	0.39	2.02	0.80	0.39	2.22	0.77	0.39	2.16	0.77	0.38	2.17
Constant	-0.75	0.56	0.47	-1.00	0.58	0.37	-0.38	0.55	0.68	-0.66	0.54	0.52	-0.71	0.55	0.49
Model Statistics															
Percent predicted correctly			74.1%			72.2%									75.5%
Model chi-square			62.91			66.83									62.97
Cox and Snell R-square			0.24			0.27									0.25
Nagelkerke R-square			0.36			0.36									0.34

N=216. Boldface type indicates $p < .10$.

* Five models were analysed (one for each site) so that each site could be compared against the rest. A significant site variable therefore means that any one site is creating a significantly different likelihood of the outcome variable occurring compared to the other sites. Additionally, this method enables the other independent variables to behave relative to that particular site's model.

Table 6.34: Logistic Regression Models Predicting NEOs Across Sites .

Variable	CARDIFF			DERBY			LEEDS			W LONDON			WOLVERHAMPTON		
	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)
Vict/Def Cohabit	-0.77	0.40	0.46	-1.03	0.43	0.36	-0.81	0.40	0.45	-0.73	0.40	0.48	-0.83	0.40	0.43
Ex-Relationship Status	0.64	0.40	1.90	0.28	0.43	1.32	0.64	0.40	1.90	0.57	0.41	1.77	0.62	0.40	1.86
Children	0.21	0.34	1.23	0.14	0.36	1.15	0.22	0.34	1.25	0.16	0.34	1.18	0.22	0.34	1.25
Past DV	-0.04	0.38	0.96	0.01	0.40	1.01	-0.02	0.38	0.98	-0.10	0.37	0.90	0.06	0.38	1.07
Assaultive Offence	0.44	0.53	1.56	0.17	0.55	1.19	0.40	0.53	1.49	0.35	0.53	1.41	0.51	0.53	1.67
Victim Injured	0.64	0.57	1.89	1.02	0.59	2.78	0.66	0.57	1.94	0.74	0.57	2.09	0.65	0.57	1.91
Victim Vulnerable Witness	-0.33	0.38	0.72	-0.44	0.41	0.64	-0.26	0.39	0.77	-0.38	0.39	0.68	-0.42	0.39	0.66
Victim Retracted	0.62	0.37	1.85	0.83	0.38	2.29	0.71	0.38	2.03	0.60	0.37	1.82	0.58	0.37	1.79
Site*	-0.17	0.51	0.84	-2.94	0.84	0.05	0.54	0.45	1.71	0.85	0.56	2.33	0.77	0.49	2.15
Pre-Trial Review	0.99	0.38	2.70	0.52	0.37	1.69	0.86	0.36	2.36	1.12	0.37	3.07	0.98	0.36	2.67
Victim Personal Statement	0.04	0.43	1.04	-0.33	0.44	0.72	0.09	0.43	1.10	0.20	0.43	1.22	-0.35	0.50	0.71
Other Witness Statements	0.04	0.38	1.04	-0.01	0.40	0.99	0.10	0.38	1.11	-0.01	0.38	0.99	-0.01	0.38	0.99
Def Admit Guilt	-1.65	0.44	0.19	-1.86	0.46	0.16	-1.70	0.44	0.18	-1.73	0.45	0.18	-1.56	0.45	0.21
Medical Statements	0.40	0.55	1.49	0.33	0.58	1.39	0.50	0.56	1.65	0.16	0.57	1.18	0.47	0.56	1.60
Case Exhibits	0.07	0.38	1.08	-0.05	0.39	0.95	0.11	0.38	1.12	0.05	0.38	1.05	-0.01	0.39	0.99
Forensic Evidence	0.39	0.55	1.47	0.10	0.58	1.10	0.26	0.57	1.30	0.34	0.55	1.41	0.49	0.55	1.63
999 Tapes	0.98	0.36	2.67	0.92	0.37	2.51	0.93	0.35	2.54	0.93	0.35	2.54	1.02	0.35	2.77
Misc Evidence	0.19	0.40	1.20	0.42	0.41	1.52	0.19	0.38	1.21	0.12	0.39	1.13	0.25	0.38	1.28
Constant	-2.10	0.61	0.12	-1.38	0.63	0.25	-2.28	0.62	0.10	-2.14	0.60	0.12	-2.31	0.61	0.10
Model Statistics															
Percent predicted correctly			72.7%			73.6%			73.1%			72.2%			72.2%
Model chi-square			56.31			75.83			57.59			58.45			58.74
Cox and Snell R-square			0.23			0.30			0.23			0.24			0.24
Nagelkerke R-square			0.31			0.40			0.32			0.32			0.33

N=216. Boldface type indicates $p < .10$.

* Five models were analysed (one for each site) so that each site could be compared against the rest. A significant site variable therefore means that any one site is creating a significantly different likelihood of the outcome variable occurring compared to the other sites. Additionally, this method enables the other independent variables to behave relative to that particular site's model.

Table 6.35: Logistic Regression Models Predicting Guilty Defendants Across Sites.

Variable	CARDIFF			DERBY			LEEDS			W LONDON			WOLVERHAMPTON		
	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)
Vict/Def Cohabit	0.30	0.45	1.35	0.28	0.45	1.33	0.28	0.45	1.32	0.28	0.45	1.33	0.34	0.46	1.41
Ex-Relationship Status	0.22	0.47	1.24	0.29	0.48	1.34	0.23	0.47	1.26	0.24	0.47	1.28	0.24	0.47	1.27
Children	-0.07	0.38	0.94	-0.04	0.39	0.96	-0.06	0.38	0.94	-0.06	0.38	0.94	-0.10	0.39	0.90
Past DV	-0.48	0.42	0.62	-0.53	0.42	0.59	-0.44	0.41	0.64	-0.46	0.41	0.63	-0.71	0.44	0.49
Assaultive Offence	-0.31	0.60	0.73	-0.28	0.61	0.76	-0.30	0.60	0.74	-0.26	0.62	0.77	-0.41	0.63	0.67
Victim Injured	-0.93	0.63	0.40	-1.02	0.64	0.36	-0.96	0.64	0.38	-0.97	0.64	0.38	-0.92	0.65	0.40
Victim Vulnerable Witness	1.20	0.43	3.31	1.21	0.43	3.34	1.24	0.43	3.45	1.20	0.43	3.33	1.29	0.44	3.65
Victim Retracted	-1.23	0.42	0.29	-1.32	0.43	0.27	-1.17	0.42	0.31	-1.21	0.42	0.30	-1.24	0.43	0.29
Site*	0.02	0.56	1.02	0.97	0.55	2.63	0.31	0.48	1.37	-0.27	0.60	0.76	-1.30	0.62	0.27
Pre-Trial Review	-0.45	0.43	0.63	-0.34	0.42	0.71	-0.48	0.41	0.62	-0.51	0.43	0.60	-0.49	0.43	0.61
Victim Personal Statement	-0.46	0.53	0.63	-0.31	0.55	0.74	-0.42	0.54	0.66	-0.51	0.55	0.60	0.19	0.64	1.21
Other Witness Statements	1.10	0.40	3.01	1.08	0.40	2.94	1.13	0.40	3.09	1.12	0.40	3.06	1.20	0.41	3.33
Def Admit Guilt	1.92	0.41	6.83	2.00	0.42	7.38	1.91	0.41	6.78	1.94	0.41	6.97	1.78	0.42	5.91
Medical Statements	-0.03	0.61	0.97	0.06	0.62	1.06	0.05	0.62	1.05	0.04	0.62	1.04	-0.12	0.61	0.88
Case Exhibits	0.07	0.47	1.07	0.13	0.48	1.14	0.06	0.47	1.06	0.09	0.47	1.09	0.19	0.49	1.20
Forensic Evidence	-0.02	0.65	0.98	0.16	0.65	1.18	-0.08	0.65	0.93	0.02	0.65	1.02	-0.03	0.64	0.97
999 Tapes	-1.05	0.43	0.35	-0.97	0.42	0.38	-1.12	0.43	0.33	-1.03	0.42	0.36	-1.08	0.43	0.34
Misc Evidence	0.91	0.46	2.47	0.78	0.43	2.18	0.90	0.43	2.47	0.94	0.44	2.57	0.91	0.44	2.48
Constant	-0.51	0.63	0.60	-0.69	0.61	0.50	-0.59	0.62	0.56	-0.51	0.60	0.60	-0.22	0.62	0.81
Model Statistics															
Percent predicted correctly			76.4%			77.8%			76.9%			76.9%			79.6%
Model chi-square			79.27			82.41			79.68			79.47			84.13
Cox and Snell R-square			0.31			0.32			0.31			0.31			0.32
Nagelkerke R-square			0.43			0.44			0.43			0.43			0.45

N=216. Boldface type indicates $p < .10$.

* Five models were analysed (one for each site) so that each site could be compared against the rest. A significant site variable therefore means that any one site is creating a significantly different likelihood of the outcome variable occurring compared to the other sites. Additionally, this method enables the other independent variables to behave relative to that particular site's model.

Table 6.36: Logistic Regression Models Predicting the Use of Bindovers Across Sites.

Variable	CARDIFF			DERBY			LEEDS			W LONDON			WOLVERHAMPTON		
	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)	B	SE	Exp(B)
Vict/Def Cohabit	1.60	0.67	4.95	1.84	0.68	6.27	1.51	0.65	4.50	1.47	0.64	4.37	1.84	0.69	6.28
Ex-Relationship Status	0.72	0.65	2.06	0.93	0.66	2.53	0.66	0.64	1.94	0.78	0.65	2.19	1.05	0.67	2.87
Children	-0.31	0.51	0.74	-0.16	0.50	0.86	-0.19	0.49	0.82	-0.25	0.51	0.78	-0.15	0.51	0.86
Past DV	0.01	0.56	1.01	0.34	0.57	1.41	0.23	0.55	1.26	0.45	0.57	1.57	0.05	0.57	1.05
Assaultive Offence	-1.53	0.84	0.22	-1.43	0.81	0.24	-1.40	0.79	0.25	-1.27	0.79	0.28	-1.51	0.83	0.22
Victim Injured	2.39	1.10	10.92	2.14	1.08	8.47	2.10	1.04	8.14	2.16	1.05	8.70	2.17	1.08	8.78
Victim Vulnerable Witness	-2.33	0.76	0.10	-2.39	0.76	0.09	-2.21	0.74	0.11	-2.42	0.80	0.09	-2.25	0.76	0.11
Victim Retracted	-0.84	0.57	0.43	-1.09	0.61	0.34	-0.82	0.59	0.44	-0.85	0.57	0.43	-0.60	0.58	0.55
Site*	1.63	0.76	5.10	1.57	0.68	4.80	-0.29	0.60	0.75	-2.54	1.34	0.08	-2.28	0.96	0.10
Pre-Trial Review	-0.05	0.55	0.95	0.57	0.55	1.78	0.27	0.51	1.31	0.00	0.52	1.00	0.32	0.53	1.37
Victim Personal Statement	0.45	0.67	1.57	0.30	0.65	1.35	-0.02	0.63	0.98	-0.13	0.63	0.88	1.37	0.83	3.95
Other Witness Statements	-1.75	0.75	0.17	-1.73	0.76	0.18	-1.66	0.74	0.19	-1.84	0.78	0.16	-1.68	0.75	0.19
Def Admit Guilt	0.05	0.54	1.06	0.42	0.54	1.52	0.26	0.52	1.29	0.44	0.53	1.56	-0.01	0.52	0.99
Medical Statements	0.34	0.84	1.41	0.53	0.86	1.69	0.33	0.84	1.40	1.32	0.94	3.73	0.27	0.85	1.31
Case Exhibits	-0.01	0.58	0.99	0.21	0.60	1.23	0.01	0.57	1.01	0.13	0.58	1.14	0.17	0.59	1.18
Forensic Evidence	-1.22	1.13	0.29	-1.16	1.12	0.31	-1.18	1.15	0.31	-1.50	1.14	0.22	-1.94	1.23	0.14
999 Tapes	0.66	0.57	1.93	0.39	0.53	1.48	0.37	0.52	1.44	0.37	0.53	1.45	0.30	0.55	1.35
Misc Evidence	0.75	0.66	2.12	-0.19	0.61	0.83	0.12	0.57	1.13	0.37	0.58	1.45	0.18	0.60	1.20
Constant	-3.62	1.02	0.03	-3.61	1.04	0.03	-2.81	0.97	0.06	-3.03	0.97	0.05	-3.05	0.98	0.05
Model Statistics															
Percent predicted correctly			88.4%			87.5%			87.5%			87.0%			87.0%
Model chi-square			35.02			35.56			30.43			35.28			36.95
Cox and Snell R-square			0.15			0.15			0.13			0.15			0.16
Nagelkerke R-square			0.29			0.29			0.25			0.29			0.30

N=216. Boldface type indicates $p < .10$.

* Five models were analysed (one for each site) so that each site could be compared against the rest. A significant site variable therefore means that any one site is creating a significantly different likelihood of the outcome variable occurring compared to the other sites. Additionally, this method enables the other independent variables to behave relative to that particular site's model.