



# Evaluation of Domestic Violence Pilot Sites at Caerphilly (Gwent) and Croydon 2004/05

## Final Report

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Crown Prosecution Service

## LIST OF ABBREVIATIONS

The interviews with key staff are identified as being from either the criminal justice agencies (CJ) or the voluntary and community sector (VCS)

<b>ACPO</b>	Association of Chief Police Officers
<b>BAWSO</b>	Black Association of Women Step Out
<b>CCP</b>	Chief Crown Prosecutor
<b>CDVAS</b>	Croydon Domestic Violence Advisory Service
<b>CJS</b>	Criminal Justice System
<b>CPO</b>	Community Punishment Order
<b>CPS</b>	Crown Prosecution Service
<b>CRARG</b>	Co-ordinated Response and Advocacy Resource Group
<b>CRO</b>	Community Rehabilitation Order
<b>CSU</b>	Community Safety Unit
<b>DPO</b>	Dedicated Police Officer
<b>DV</b>	Domestic Violence
<b>DVFC</b>	Domestic Violence Forum Co-ordinator
<b>FTS</b>	Fast-Track System
<b>GCJB</b>	Gwent Criminal Justice Board
<b>HMCPSI</b>	HM Crown Prosecution Service Inspectorate
<b>HMIC</b>	HM Inspectorate of Constabulary
<b>IDVC</b>	Integrated Domestic Violence Court
<b>JSB</b>	Judicial Studies Board
<b>MARAC</b>	Multi-Agency Risk Assessment Conferences
<b>MCS</b>	Magistrates Court Service (now part of HMCS = Her Majesty's Courts Service)
<b>NEO</b>	No evidence offered
<b>PS</b>	Project SAFF
<b>PSR</b>	Pre-sentence report
<b>PTR</b>	Pre-trial review
<b>RO</b>	Restraining Order
<b>SDVC</b>	Specialist Domestic Violence Court:
<b>SG</b>	Steering Group
<b>SPSS</b>	Statistical Package for Social Sciences (a data analysis software package)
<b>ST</b>	Standing Together
<b>VPS</b>	Victim Personal Statement
<b>VS</b>	Victim Support
<b>WCU</b>	Witness Care Unit
<b>WS</b>	Witness Service
<b>WLMC</b>	West London Magistrates Court
<b>WSU</b>	Women's Safety Unit (Cardiff)

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Tables of data and data collection instruments available on line at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk)

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# EXECUTIVE SUMMARY

## E1 INTRODUCTION

This report constitutes the final evaluation of the Domestic Violence Pilot Sites at Caerphilly (in Gwent, Wales) and Croydon (in London, England). The Crown Prosecution Service published an Interim Report in September 2004<sup>1</sup>, which assessed the progress made at these sites six months after implementation. Those initial findings are expanded on here by providing additional data (from interviews with key staff and victims, and from cases going through the courts) during the first operational year. Comparisons are made before and after the projects were implemented by analysing data relevant to key targets such as narrowing the justice gap, bringing perpetrators to justice, and increasing public confidence in the criminal justice system. The success of the pilots can therefore be clearly demonstrated.

The two sites evaluated here, whilst part of the same project, piloted different ways to improve the response to domestic violence.

The pilot in **Caerphilly** was set up by the CPS, employing a part-time CPS domestic violence coordinator (a lawyer); a part-time administrator and an advocate<sup>2</sup>, who worked closely with a dedicated police officer (DPO<sup>3</sup>) to assist victims in a widely dispersed geographical area with rural and urban elements. The pilot also developed a new system to process cases, involving a special slot for Pre-Trial Reviews; and had the involvement and sponsorship of the Gwent Criminal Justice Board.

The pilot in **Croydon** was established by the Magistrates' Court in partnership with the local agencies; used independent advocates to assist a diverse and urban victim population; looked to improve the sharing of civil/criminal court information; had the use of specially trained CPS prosecutors, Magistrates and Police; and was attempting to implement the recommendations of the HMCPSI/HMIC Inspectorate Report "*Violence at Home*"<sup>4</sup> (2004) and the "*Specialist Courts*" report (2004).<sup>5</sup>

The key improvements identified by the process and outcome components of the evaluation, and recommendations arising from this research are detailed in the sections below.

## E2 Key Improvements

This research has found **key positive and significant changes to working practices and outcomes** from both pilots at Caerphilly and Croydon:

- Increasing the number of domestic violence incidents reported to police that result in a case at court;
- Reducing the number of cases lost before trial (withdrawals and discontinuances);

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<sup>1</sup>. Available at [www.cps.gov.uk/publications/reports](http://www.cps.gov.uk/publications/reports)

<sup>2</sup>. "Advocate" – in this report this term refers to independent domestic violence advisors and not legal advocates.

<sup>3</sup>. Dedicated police officers were appointed at both sites to play a lead role in the pilots.

<sup>4</sup>. A joint thematic inspection of the investigation and prosecution of cases involving domestic violence (Feb 2004) available at [www.hmcpsi.gov.uk/reports/](http://www.hmcpsi.gov.uk/reports/)

<sup>5</sup>. "*Evaluation of Specialist Domestic Violence Courts/Fast-Track Systems.*" Cook, D., Burton, M., Robinson, A. L. and Vallely, C. (2004) London, Crown Prosecution Service and Dept of Constitutional Affairs. Available at [www.cps.gov.uk/publications/reports/index.html](http://www.cps.gov.uk/publications/reports/index.html)

- Increasing the number of perpetrators brought to justice (via increased early and late guilty pleas and convictions of defendants);
- Providing advocacy to victims of domestic violence, which has had a positive effect on their feelings of safety, their experience with and confidence in the criminal justice system; and
- These significant changes to policy and practice were delivered in a cost-effective way.

Improvements specific to the ‘criteria for success’ outlined by the CPS<sup>6</sup> are listed in the table below.<sup>7</sup>

<b>CAERPHILLY</b>	<b>Pre-pilot</b>	<b>Post-pilot</b>
Early guilty pleas (up)	<b>21%</b>	<b>27%</b>
Late guilty pleas (up)	<b>31%</b>	<b>35%</b>
Found guilty after trial (up)	<b>8%</b>	<b>19%</b>
Retractions (down)	<b>53%</b>	<b>27%</b>
Withdrawn/discontinued (down)	<b>32%</b>	<b>25%</b>
No evidence offered (down)	<b>46%</b>	<b>28%</b>
Length of case (down)	<b>86 days</b>	<b>76 days</b>
Quality of service to victims		<b>Increased</b>
Confidence of victims		<b>Increased</b>
Adverse outcomes		<b>Reduced</b>
Ineffective trials		<b>Reduced</b>
<b>CROYDON</b>	<b>Pre-pilot</b>	<b>Post-pilot</b>
Found guilty after trial (up)	<b>0%</b>	<b>19%</b>
Withdrawn/discontinued (down)	<b>36%</b>	<b>20%</b>
No evidence offered (down)	<b>42%</b>	<b>26%</b>
Number of successful outcomes following victim retractions		<b>Increased</b>
Quality of service to victims		<b>Increased</b>
Confidence of victims		<b>Increased</b>
Adverse outcomes		<b>Reduced</b>
Ineffective trials		<b>Reduced</b>

<sup>6</sup>. See Appendix 1.

<sup>7</sup>. Furthermore these trends were consistent with monthly monitoring data collected [throughout](#) 2004.

Those in the criminal justice agencies and the voluntary sector have worked together in genuine **multi-agency partnerships** to effect these changes, which served to improve the criminal justice response to domestic violence at both sites.

## E3 CAERPHILLY PILOT SITE

### E3.1 Caerphilly Process Evaluation: Interviews with Key Staff

The interviews with key staff identified the following common views:

- The **benefits of having a CPS Co-ordinator** lay in providing a single point of contact for police and advocate; providing a consistency of approach to prosecution; improving liaison between CPS and police; and especially improving the review and management of the case files;
- Employing a **designated administrator had important benefits** for the pilot, particularly in identifying cases which had not been correctly flagged as domestic violence, liaising with the police and the advocate, and collecting data and monitoring performance;
- **The advocate was pivotal to the pilot.** The advocate facilitated support for victims, enabled supportive retractions, informed decision-making (such as bail conditions) and availability of police information to the court. In liaising between the victim, police and CPS, the advocate was able to provide better, earlier information so that prosecutors were better able to make discontinuance decisions and build stronger cases. It was felt, however, that if the advocate had been independent of the criminal justice agencies, victims' confidence would have improved even further. In view of the geographical nature of the area and the need to provide an outreach service, and in light of the increasing demand for services, more advocates were needed.

### E3.2 Caerphilly Outcome Evaluation: Data from Case Files

The data from the pilot in Caerphilly found that after the pilot was implemented:

- There was a noticeable **rise in the number of cases proceeding through court** (from an average of 8.5 per month to 12 per month);
- **Cases were processed more quickly**, as the number of days between arrest and case finalisation was reduced from 86 to 76 days;
- **Attrition was reduced:** the number of cases withdrawn or discontinued before trial decreased from 32% to 25%;
- Since the advent of the pilot, **more perpetrators were brought to justice:**
  - More defendants offered an early guilty plea, an increase from 21% to 27%;
  - The proportion of cases listed for trial in which the prosecutor offered no evidence was reduced from 46% to 28%;

- The proportion of cases listed for trial in which the defendant pleaded guilty on the day of trial increased from 31% to 35%;
- The number of defendants found guilty at trial increased from one in the pre-pilot period (or 8% of cases listed for trial) to 8 (or 19% of cases listed for trial);
- The number of **victim retractions decreased** significantly from 53% to 27%; less retractions led to fewer cases discontinued or with no evidence offered and a correlation with increased guilty pleas and/or convictions.
- Evidence gathering remained a problem; but cases where **other evidence**, e.g. statements from other witnesses, was used **increased the numbers of defendants found guilty at trial**;
- The use of financial penalties (9% to 19%), custody (3% to 7%), and community punishment orders (3% to 7%) increased. Fines were almost never paired with other penalties (unlike Croydon) but rather were ‘stand alone’ penalties. The use of conditional discharges (24% to 23%) and community rehabilitation orders (12% to 9%) decreased.

### E3.3 Caerphilly Victim Interviews

The victim interviews identified several key findings:

- All victims stated that **practical action** (provision of locks and panic buttons), **emotional support and case updates** provided by the advocate and dedicated police officer (DPO)<sup>8</sup> were invaluable; such support helped them decide to continue;
- Most women received an **immediate update on the court result**, and they received continued post-case support;
- A leaflet on witnesses going to court<sup>9</sup> proved to be a **good source of advice**, and served to assist some victims in preparation for court;
- **Satisfaction with case outcomes has improved**, although victims often felt that there was a lack of understanding of the complexity of individual cases;
- While **satisfaction with the CPS increased** since the Interim Report, there is scope for further improvement (e.g., by having lawyers introduce themselves, explain procedures and being familiar with the cases).

(Further views of victims, **common to both sites**, are noted at E5 overleaf).

## E4 CROYDON PILOT SITE

### E4.1 Croydon Process Evaluation: Interviews with Key Staff

The interviews with key staff identified the following common views:

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<sup>8</sup>. As part of Project SAFF, discussed in Chapters 3 and 4.

<sup>9</sup>. Provided by the Witness Care Unit.

- One year into the life of the Specialist Domestic Violence Court (SDVC) it was estimated that 60% of frontline officers, 100 of 180 magistrates, all legal advisers and all prosecutors had received **specialist domestic violence training**. (As can be seen from the data analysis, this training led to improved evidence collection, case processing and sentencing decisions);
- Magistrates were **very good at dealing with bail applications** in domestic violence cases due to their specialist training and the information provided by advocacy services;
- Magistrates' training led to more **appropriate sentencing** in cases of domestic violence;
- **Compliance hearings**, where the defendant's compliance with Community Rehabilitation Orders (CROs) is reviewed by the court at three months, was universally agreed to be a significant benefit of the SDVC;
- The **new charging arrangements had a positive effect** on domestic violence prosecutions. The application of the charging standard had brought about consistent decision-making and less need for charges to be amended at a later stage;
- The arrangements for improving the **exchange of information between the civil and criminal justice systems** were not in place during the evaluation period, but are now being developed through the Integrated Court pilot<sup>10</sup>;
- While a large proportion of victims in Croydon come from black and minority ethnic communities, voluntary sector respondents felt that they could be better supported;
- Respondents noted that resource issues, and confusion over roles, had continued to inhibit progress towards ensuring input from victims in more cases.

## E4.2 Croydon Outcome Evaluation: Data from Case Files

In Croydon after the SDVC arrangements were implemented, the data indicated:

- The number of **cases proceeding through the court doubled** (from an average of about 8 per month to 16 per month);
- **Evidence gathering improved significantly, linked to successful outcomes**, with most types of evidence more likely to be in CPS files after the SDVC was implemented and a correlation between case exhibits and increased numbers of perpetrators pleading or being found guilty;
- **Attrition was reduced**: the number of cases withdrawn or discontinued before trial decreased significantly from 36% to 20%;
- **More perpetrators were being brought to justice**:

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<sup>10</sup>. Planned in Croydon, for late 2005.

- The proportion of cases in which the prosecution offered no evidence was reduced from 42% to 26%;
- There was a significant increase in the number of defendants found guilty after trial, from zero in the pre-SDVC period to 19 (or 19% of cases listed for trial) although there was a decrease in guilty pleas (both early and late);
- More cases were proceeding in the absence of the victim and, significantly, **perpetrators were still being brought to justice even in cases where the victim retracted**;
- The use of financial penalties and custody decreased, whereas the **use of more appropriate sentences** such as community punishment orders, community rehabilitation orders and perpetrator programmes increased markedly;
- The research showed that the complexity of cases being heard at Croydon might have had a bearing on the speed of processing cases.

### E4.3 Croydon Victim Interviews

The victim interviews identified several key findings:

- All victims interviewed had received **independent advocacy support** in some form throughout the process. The assistance provided by support services in terms of emotional support, case progression updates, and procedural information proved invaluable;
- Some victims remarked significantly that **prompt and consistent advocacy support** helped them make difficult decisions to proceed with cases;
- The **Witness Suite<sup>11</sup> and staff were praised** for comforting victims and providing a welcomed feeling of safety;
- Few victims interviewed knew anything about screens or other special measures. Very few had been told about Victim Personal Statements and were disappointed not to have had the opportunity to make one;
- Updates subsequent to sentencing, such as release from custody, were not frequently provided, leaving some victims feeling vulnerable as a consequence.

(Further views of victims, **common to both sites**, are noted at E5 below).

## E5 COMMON FINDINGS FROM VICTIMS

Common themes emerged from the interviews with victims at **both** sites:

- Victim satisfaction, confidence and feelings of safety were integrally linked to the level of information and emotional support they received;

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<sup>11</sup>. Witness Service court accommodation.

- Victims highlighted independent advocate support as a significant factor in their decisions to continue with cases.<sup>12</sup> (Advocates provide support to victims independently of the CJS and therefore provide crucial assistance to victims regardless of their decision to participate);
- Many of those interviewed also stressed the value of Victim Support and the Witness Service and this reaffirms the dual importance of emotional support and practical information for domestic violence victims;
- The majority of victims had been offered a pre-court visit which most believed was beneficial to their preparations for court. In addition, most women were satisfied with the amount of notice they had been given to attend court;
- Victims were positive about the witness facilities at court. Once in the courtroom, however, victims felt vulnerable and some would have appreciated screens;
- Most victims received an immediate update on the court result, and were receiving continued post-case support;
- Victims believed that the quality of evidence for their cases could be further improved;
- The level of satisfaction with the police increased, especially at the point of initial contact, but victims reported that a lack of information from police at the early stages regarding bail conditions and custody release had a detrimental effect upon their confidence and feelings of safety. More victims had contact with a dedicated police officer, who played a vital support role in reassuring and updating victims;
- Satisfaction with the CPS increased. Satisfaction and confidence would be further enhanced, however, by lawyers consistently introducing themselves on the day of trial, explaining processes and ensuring cases are fully prepared;
- Satisfaction with case outcomes has improved, although some victims felt that magistrates lacked understanding of the complexity of individual cases.

## E6 CONTINUING CHALLENGES

There remain a number of factors that ***challenged the implementation*** of the pilots. For example:

- The collection of evidence (other than statements from the police and victims and defendant interviews) remains an area where further improvements could be made. The provision of police training has been identified as an issue that is likely to affect the level of evidence found in CPS files;
- Whilst multi-agency partnerships were developed and sustained in both sites, they were not without some problems common to many multi-agency partnerships, such as conflicting priorities, managing and co-ordinating different initiatives and working out roles and responsibilities (especially, but not only, between the criminal justice system and the voluntary sector);

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<sup>12</sup>. There is an increasing body of evidence to support these findings. See for instance “*Tackling Domestic Violence*” Hester & Westmarland (2004) Home Office Research Study (290) and see Cook et al, n.5 above.

- Most files<sup>13</sup> contained a retraction statement, yet it was often unknown from endorsements on the case files whether it was to a satisfactory standard (as required by CPS policy);
- Practices relating to children (such as using their evidence in court and providing them with support) would benefit from further development;
- Practices relating to collection of data and monitoring of performance were variable (especially in relation to ethnicity and background characteristics of victims and defendants) and inconsistent (e.g. in the way repeat victimisation is defined and monitored by police).

These same areas continue to be challenges not only in the two pilots evaluated here, but also in other schemes to improve responses to domestic violence nationwide.

## E7 COSTS

Both pilots provided police, prosecutors, legal advisers and magistrates within existing budgets through re-allocation of their roles/sites of work. Management of the projects, training and accommodation were also provided within existing budgets. Extra costs associated with the pilots included running the steering group meetings (estimated at £5K per annum), and in Caerphilly the cost of an advocate (£40k including clinical supervision). **Shorter-term investment of very little funding led to longer-term gains in both sites**, as evidenced by the improved outcomes detailed in this evaluation (e.g. more perpetrators brought to justice in both sites).

Although in starting up the specialised court systems extra time was needed on a day-to-day basis to ensure protocols were followed, this developed improved practice in line with policies and training recommended by each agency.

## E8 CONCLUSIONS

### Caerphilly Conclusion

Providing a coordinated response at the start of a case through liaison and information-sharing between the advocate, DPO and CPS DV-Coordinator has increased both early and late guilty pleas. The provision of better information about the victim and the case has led to improved, earlier decisions about which cases should go ahead, including those with victim retractions. More, stronger cases are going ahead, evidenced by a reduction in cases where the prosecutor offers no evidence at trial (NEOs), fewer hearings and time saved in the process. Victim safety and confidence has been increased through the emotional support and practical assistance provided by the pilot.

These positive findings encouraged those associated with the pilot to feel that it should become a mainstream service, rolled out across the whole of Gwent so that all victims of domestic violence could benefit from the same level of support.

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<sup>13</sup>. Where a victim retracted.

## Croydon Conclusion

The emphasis in Croydon was on the specialist domestic violence court system. Even though more victims retracted, cases were not discontinued and were able to be continued due to an increase in other evidence gathered, e.g. witness statements, medical statements and case exhibits. Instances where the prosecutor offered no evidence at trial were reduced and more defendants were found guilty. Victim interviews also indicated improved safety and confidence. The sentences imposed in Croydon were more appropriate for domestic violence cases, and the use of compliance hearings was seen as a significant benefit. The project aims to include more trials and set up the first court to integrate civil and criminal issues.

## Overall Conclusion

This research has indicated positive and significant changes that have resulted from the implementation of the pilots at Caerphilly and Croydon. There is an increased awareness of the issues relating to domestic violence, both in the community (as a result of publicising the pilots) and among criminal justice professionals. Staff from criminal justice and voluntary sector agencies worked together in partnership to improve the service provided to victims of domestic violence. Substantial progress has been made towards meeting important criminal justice targets such as narrowing the justice gap, reducing ineffective trials, bringing more offenders to justice, and improving victim satisfaction and confidence in the criminal justice system. Furthermore, these significant achievements have been made at relatively small cost. The second year of the Croydon and Caerphilly projects can build upon and further improve these demonstrable changes, including addressing the needs of diverse communities. Joint arrangements to support victims and to investigate and prosecute offences of domestic violence, such as those in Caerphilly and Croydon, will improve the overall response to domestic violence in England and Wales.

## E9 RECOMMENDATIONS

Detailed below are agency-specific recommendations arising from this research, relevant to both pilots and applicable to the future implementation of arrangements for supporting victims and witnesses, and investigating and prosecuting incidents of domestic violence. Recommendations specific to the pilots in Caerphilly and Croydon follow thereafter.

### CPS:

- Develop good practice guidance for CPS Areas and HQ based on lessons from this evaluation;
- Further develop performance management of DV cases, including performance data on victims and witnesses with diversity monitoring;
- Monitor and evaluate the implementation of the CPS domestic violence policy in the following areas:
  - assessing evidence requested and used;
  - applications for special measures;
  - use of Victim Personal Statements and retraction statements;

- cases proceeding following victim retractions;
- involvement of children as witnesses; and
- consultation of victims regarding bindovers<sup>14</sup> and bail conditions;
- Monitor the implementation of the training of all CPS prosecutors and caseworkers;
- Ensure DV Coordinators play a lead strategic role in domestic violence, working in multi-agency partnerships to develop further specialist DV courts;
- Consider the development of lead prosecutors<sup>15</sup> to prosecute in specialist DV courts, review case files and participate in operational teams;
- Ensure that consistent information on the role of the CPS is routinely provided to victims;
- Address equality and diversity issues within DV community engagement activities.

### **DCA/Home Office:**

- Propose a model incorporating the benefits from both Caerphilly and Croydon;
- Mainstream funding and accreditation of professional independent advocates, including consideration of any specialised advocacy support for victims to address the needs of diverse communities;
- Develop protocols for partnerships, including statutory and voluntary organisations, that outline the strategic and operational roles, responsibilities and information-sharing practices, agreed at senior level with a designated project manager;
- Provide an operational team for each specialised court system that includes a minimum of an advocate, a dedicated police officer and a lead prosecutor;
- Develop data collection systems across agencies, including collection of diversity data, with employment of a dedicated administrator for inputting and monitoring, and regular reporting to an agreed forum for evaluation and action;
- Ensure regular individual agency and joint/multi-agency training for all agencies and dissemination of good practice;
- Provide training for magistrates to include outcomes/sentencing in DV cases;
- Address equality and diversity issues in monitoring and community engagement;
- Consider the development of “specialist” legal advisers and magistrates;
- Monitor long-term outcomes to investigate patterns of sentencing and re-offending;
- Monitor the implementation of the Domestic Violence Victim Toolkit at Local Criminal Justice Board level, including the equality and diversity data ;
- Support links between SDVCs and other initiatives to improve the response to victims such as MARACs,<sup>16</sup> and encourage the creation of links between the CJS and health care.

<sup>14</sup>. Note bindovers are recommended only as a last resort in the CPS DV Policy and Guidance.

<sup>15</sup>. In some Areas, the Domestic Violence Co-ordinator may be the lead prosecutor or share this role.

<sup>16</sup> Multi-Agency Risk Assessment Conferences. For more information on MARACs see Robinson and Tregidga's report at [www.cardiff.ac.uk/socsci/whoswho/robinson](http://www.cardiff.ac.uk/socsci/whoswho/robinson).

## Police:

- Monitor the implementation of the ACPO DV guidance, especially in relation to:
  - evidence collection;
  - routinely offering victims the opportunity to make a VPS;
  - standard of VPS and retraction statements;
  - advice to CPS on bindovers;
  - consultation on police bail conditions;
  - risk assessment;
  - cases proceeding following victim retractions;
  - involvement of children as witnesses, including referral to specialist support agencies;
- Develop a national training plan using the CENTREX DV Training Manual;
- Endorse diversity monitoring and evaluation, and partnership working with specialist groups working with diverse communities.

## Recommendations specific to Caerphilly:

- Mainstream the pilot across all Gwent<sup>17</sup>;
- Funding should be sought to employ more advocates, accommodated outside the police station, but co-located with a DPO;
- Establish regular meetings of: (i) a Strategy Group consisting of senior managers to review and revise protocols, strategy and practice; and (ii) a Practitioners' Group<sup>18</sup> to deal with practical matters, discuss and resolve day-to-day issues and improve information sharing;<sup>19</sup>
- Police, CPS and advocate should continue to record data, for regular review of performance by the Strategy Group;
- Police should develop and deploy a risk assessment tool as a matter of urgency to prioritise safety and support to victims;
- The CPS DV lead prosecutor should continue to review all domestic violence case files, liaise on a weekly basis with the DPO and advocate, and monitor the system of timely information flow between all three;
- Give serious consideration to establishing domestic violence specialists for working in Magistrates' Courts: CPS lawyers, legal advisers and magistrates;

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<sup>17</sup>. The evaluators are informed that negotiations are currently underway.

<sup>18</sup>. To include not only CJS agencies, but also Victim Support/Witness Service and other non-CJS agencies, such as Women's Aid and representatives of other victim support initiatives, such as WCU.

<sup>19</sup>. The evaluators are informed that these meetings have been established.

- Provide agents and prosecuting counsel with training in CPS domestic violence policy and practice, in line with good practice identified in HMCPSP report on South Wales (June 2004).<sup>20</sup>

### Recommendations specific to Croydon:

- Establish regular meetings of: (i) a Strategy Group consisting of senior managers to review and revise protocols, strategy and practice; and (ii) a Practitioners' Group to deal with practical matters, discuss and resolve day-to-day issues and improve information sharing;
- The CPS should monitor the effectiveness of their training and respond to feedback from partners;
- Monitor compliance with the SDVC protocol, under which the CPS is committed to using trained lawyers and agents in domestic violence cases;
- Continue monitoring the performance of the SDVC, with further support if necessary;<sup>21</sup>
- Partners should continue to work towards their original goal of an IDVC to improve information sharing between the civil and criminal justice systems;<sup>22</sup>
- Funding considerations should be explored regarding the involvement of the advocacy services in the courts, especially in the integrated DV court;
- Consider a protocol for the regular input of advocates into cases, even when resources limit their regular attendance at court;
- Victims' views should be fed back into compliance hearings;
- Croydon should be used as a good practice model for the wider dissemination of compliance hearings as more SDVCs are developed.



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<sup>20</sup>. Gwent is currently looking into a training programme incorporating CPS DV policy for agents and prosecuting counsel.

<sup>21</sup>. In West London Specialist Domestic Court, the monitoring is done by Standing Together, and is a crucial component to a successful SDVC (Cook 2004).

<sup>22</sup>. In this respect, it is encouraging to see the goal of making Croydon SDVC the first IDVC is part of the *National Domestic Violence Plan* (Home Office, 2005).

# Chapter 1

## INTRODUCTION

### 1.1 Context

The two pilots evaluated here were established in the context of the two year CPS Domestic Violence Project, itself geared to the Public Service Agreement targets of: narrowing the justice gap and reducing ineffective trials; increasing public confidence, including that of black and minority ethnic communities; and achieving value for money. During the lifetime of the CPS Project, the task of addressing domestic violence has risen still further up the agenda.

- The *Domestic Violence, Crime and Victims Bill* received Royal Assent in November 2004;
- The CPS Policy and Guidance for Prosecuting Cases of Domestic Violence were updated in February 2005;
- The CPS produced its first national training programme on domestic violence, which was also launched in February 2005;
- The domestic violence flag on Compass<sup>23</sup> was re-launched to enable more accurate monitoring of cases from April 2005;
- Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) published reports into the investigation and prosecution of DV cases;<sup>24</sup>
- Association of Chief Police Officers (ACPO) Guidance on Investigating Domestic Violence was published in November 2004<sup>25</sup>;
- The National Action Plan on Domestic Violence was published by the Home Office in March 2005;
- Commitment has been given in the Labour Party Manifesto to the expansion of specialist domestic violence courts and independent DV advisors (previously known as advocates);
- The Welsh Assembly has published the All Wales National Strategy for Tackling Domestic Abuse;
- CRARG<sup>26</sup> now provides national training and accreditation for independent DV advisors;
- The Home Office has provided £1 million to contribute to the development of specialist domestic violence courts through developing service standards and training for those supporting victims of domestic violence.<sup>27</sup>

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23. The computer monitoring system for the CPS.

24. See [www.hmcpsi.gov.uk/reports](http://www.hmcpsi.gov.uk/reports)

25. See [www.acpo.police.uk/policies](http://www.acpo.police.uk/policies)

26. Co-ordinated Response and Advocacy Resource Group. See [www.crarg.org.uk](http://www.crarg.org.uk)

27. See [www.homeoffice.gov.uk/](http://www.homeoffice.gov.uk/)

## 1.2 The pilots

The sites and the methodology adopted in their evaluation are described in detail in the Interim Report<sup>28</sup>, published by the CPS in September 2004. To avoid unnecessary duplication these are summarised in brief below.

### 1.2.1 The Caerphilly pilot

The pilot was set up in **Caerphilly** by the CPS in January 2004 to run for a year to test out its specific parameters<sup>29</sup>. The CPS funded an advocate post, filled by a person with extensive experience of case working, on secondment from the Probation Service. The Cardiff Women's Safety Unit (WSU) provided clinical supervision for the post. The advocate was housed together with an experienced dedicated police officer within the police station and this unit became known as Prosiect SAFF (Project Safe). A Domestic Violence Forum Co-ordinator, a local authority post funded by the Welsh Assembly, subsequently joined them. Additionally, extra CPS funding was identified for two part-time CPS posts: a co-ordinator (lawyer) and an administrator (who was a designated case worker)<sup>30</sup>.

The designated court for the pilot was in Caerphilly, where good facilities for witnesses already existed and where the Witness Service had its main offices. Pre-trial reviews (PTRs) were given a special slot one morning per week. No special trial days were set aside because of the easy availability of dates for all trials.

### 1.2.2 The Croydon SDVC

The Specialist Domestic Violence Court (SDVC) in **Croydon** was established on the basis of local partnership working in January 2004, led by the courts and the local authority. It was not set up specifically for the CPS Project, but the local partnership agreed to an evaluation by the CPS. Though addressing different parameters from Caerphilly,<sup>31</sup> it was felt this would usefully inform the CPS Domestic Violence project. Initially it was designed as a stepping-stone to an integrated domestic violence court (IDVC<sup>32</sup>), but integration was postponed at the request of the Department for Constitutional Affairs, pending national input. The SDVC sought to improve victim safety, enhance support to victims and children, bring more perpetrators to justice, improve judicial decision-making and increase confidence in the justice system in Croydon (which has a diverse and urban victim population).

Important aspects of the SDVC included one dedicated sitting for pre-trial matters and sentencing, allocated weekly. During the first year a second sitting was introduced with the objective of dealing with additional remand matters in the morning and trials in the afternoon. The SDVC utilised benches of 'specialist' magistrates trained in domestic violence issues; specially trained CPS lawyers; a police liaison officer and support from Croydon Domestic Violence Advisory Service (CDVAS), an independent advocacy service.

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28. For further details, see Interim Report, available from the CPS.

29. See Chapter 3 paragraph 3.1 for parameters.

30. Although extra funding was identified at the start of the pilot, the posts were actually provided within existing Gwent CPS budgets.

31. See Chapter 5 paragraph 5.0 for parameters.

32. A court to handle both criminal and civil cases.

## 1.3 Methodology

### Qualitative

Following initial interviews in early 2004<sup>33</sup>, a second set of **interviews were conducted with key members of criminal justice agencies and the voluntary/community sector and with victims** at both sites between December 2004 and March 2005. (A list of agencies interviewed is in Appendix 2). Respondents are not identified, but responses are designated as coming from either the criminal justice agencies (CJ) or the voluntary/community sector (VCS).

The victim interviews were conducted in keeping with the sensitive and ethical approach to contacting victims that was undertaken for the Interim Report. As found in other research with victims of domestic violence, setting up these interviews was problematic, arising from issues involving victim safety and the trauma arising from their situations. Initial approaches and later contacts were organised through Project SAFF in Caerphilly, and CDVAS and the Witness Service in Croydon. Twenty-two victims were interviewed (eleven each from Caerphilly and Croydon).

### Quantitative

Data<sup>34</sup> were collected from 291 domestic violence cases that progressed through the courts at Croydon and Caerphilly. The data analysed came from a monitoring exercise undertaken at both sites for three stages: September-December 2003 (pre-pilot), February-May 2004 (post-pilot implementation), and September-December 2004 (also post-pilot implementation). The first stage will be known as the baseline. The last two stages (Phases 1 and 2) represent the initial operating stage and then the more advanced operation of the pilots, respectively. Combined, this represents data for 12 months (4 months before the pilot started and 8 months afterwards).

The primary source of quantitative data was obtained from the individual cases passing through the courts. The methodology agreed at both sites entailed having the prosecutor assigned to the case complete a coding instrument (the 'CPS form'<sup>35</sup>). For the baseline stage, this was accomplished by reviewing files from cases, which had been completed. In Phases 1 and 2, this form was intended to be completed as the case progressed, being used as a tool to help the prosecutor organise and gather useful information to inform their decision-making.

Additionally, the advocate supporting the victim was also asked to complete a coding instrument (the 'Advocate form'). This form of information did not exist prior to the pilot. For Phases 1 and 2, however, the form was to be completed some time during or after one of their opportunities for face-to-face contact with the victims. The completion of the form was never to conflict with providing support to the victims, but it was recognised from past experience that the form could be used to structure the advocates' interactions with victims.

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33. See Interim report on CPS website.

34. Please note that the authors, being rather traditional, use the word "data" throughout this report as a plural noun.

35. Both the CPS and the Advocates form are available at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk)

Together, the CPS and Advocate forms were intended to provide comprehensive information about the people involved and how the cases progressed through the courts, including background details of both the victim and the defendant; characteristics of the case such as case progression, evidence, outcome and sentencing; and victims' perceptions of the new arrangements. Once the case was finalised and the forms completed, the data were inputted into SPSS<sup>36</sup> (a data analysis software package) for analysis.

As is sometimes the case with social science research, the idea of the methodology did not match up entirely with how the data were collected in practice. For example, in both sites the CPS form was often completed by someone other than the prosecutor assigned to the case. Rather than completing the form as the case progressed, some forms of both types were completed by reviewing files some days or weeks afterwards. Furthermore, data from both forms were not available for all cases. In both sites, the data collection process was difficult, although the data collection in Caerphilly was more efficient (and achieved entirely in-house) due to the part-time administrator assigned to the project for its duration. Finally, police data were obtained from both sites for the entire 16-month period to provide some context to the workload of the courts. These include monthly figures on domestic violence incidents, arrests and charges (Croydon only) and repeat victimisation (although collected in different ways by police at each site).<sup>37</sup>

## Sample

The sampling strategy was designed to obtain data from the three phases of the courts' operation, as mentioned previously. All cases going through the courts during the specified periods were included in the sample. The sample of cases analysed includes the following:

67 from Baseline Phase	(33 from Croydon and 34 from Caerphilly)
115 from Phase 1	(70 from Croydon and 45 from Caerphilly)
109 from Phase 2	(61 from Croydon and 48 from Caerphilly)
291 total cases	(164 from Croydon and 127 from Caerphilly)

The evaluation parameters for each site can be found in Chapters 3 and 5. The CPS criteria for success are listed in Appendix 1.

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<sup>36</sup>. SPSS - Statistical Package for Social Sciences.

<sup>37</sup>. The data were not comparable (e.g. repeat victimisation was assessed differently; number of arrests and charges provided monthly in Croydon, but not in Caerphilly, although they did assess their arrest rate for two months during the study period).

## Chapter 2

### OVERALL FINDINGS FROM THE QUALITATIVE AND QUANTITATIVE DATA

This chapter summarises the findings from interviews with key staff and victims, and the data analysis from case files **at both sites**. The context of and evidence for these findings can be found in Chapters 3 to 6.

The pilots were set up in different ways with different evaluation parameters, which might have suggested differences in findings. **Factors which might have been thought to be influential, such as differences in defendant and victim profiles (race, age, gender etc.), proved statistically to have no impact on outcomes<sup>38</sup> (retractions, sentencing, pleas etc.).**

#### 2.1 Bringing the perpetrator to justice

At both sites, the new **charging arrangements** have resulted in a consistency of approach, which was evidenced by few charging alterations. Problems in identifying cases (**flagging**) as domestic violence, noted in the Interim Report, had largely been resolved.

Most of the **indicators of success showed significant improvements at both sites during the pilot, especially in reducing discontinuances and cases where prosecutors offered no evidence (NEOs), and increasing numbers of defendants pleading or being found guilty at trial, which meant that more perpetrators were being brought to justice.<sup>39</sup>**

**Caerphilly's record in halving retractions, increasing guilty pleas and findings of guilt** was particularly striking. Retractions increased at **Croydon**, but **proceedings continued** in nearly a third of cases and in almost all those cases, the perpetrator entered a **late guilty plea, or was found guilty**. The CPS and Police have obviously implemented the HMCPSI recommendations on building cases without victim co-operation and have had significant successes. It is assumed that, before taking the decision to proceed, there were consultations with advocates and risk assessments undertaken into the victims' safety. Again, though **late pleas** decreased at Croydon, this was offset by a significant increase in **findings of guilt at trial**. The figures on repeat victimisation cannot be compared, since the basis on which each police force collects them is different. This needs further investigation and analysis.

##### 2.1.1 Evidence

It is acknowledged that the evidence available for collection depends on the circumstances of each case. Recommendations for improvement of evidence gathering, especially in domestic violence cases, where victims may well retract their statements, have been made by HMCPSI and HMIC, amongst others, and guidance has been issued by ACPO.<sup>40</sup> Such policy and guidance does take time to change practices on the frontline. It should be noted that the information gathered for this research was mostly completed by February 2005.

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<sup>38</sup>. NB. Data on characteristics of victims and defendants were not fully available in Croydon.

<sup>39</sup>. Furthermore, these trends were consistent with monthly monitoring data collected [throughout](#) 2004.

<sup>40</sup>. See, for instance, HMCPSI and HMIC *Joint Inspectorate Report* [www.hmcpsi.gov.uk/reports/](http://www.hmcpsi.gov.uk/reports/); Cook et al (2004). ACPO Guidance on *Investigating Domestic Violence* at [www.acpo.police.uk](http://www.acpo.police.uk)

The data showed a significant difference between the sites in respect of the nature and quantity of **evidence** on file, which the evaluators believe is likely to be **linked to training** of front line police officers, which had occurred in Croydon, but not in Caerphilly during the pilot. There was, however, a divergence between Croydon **respondents' perceptions** of the evidence collected and what the data disclosed, probably due to the time for cases to get to court. Respondents saw improvements in the presentation of photographic and other evidence at earlier stages of proceedings, but said that they rarely saw such evidence when the case got to trial. They felt the impact of police training was limited to date and that implementation of policy had been problematic with legal arguments about admissibility of 999 tapes, practical problems in obtaining the evidence and defence challenges.

**These perceptions, however, were not substantiated by the data, which showed that evidence gathering significantly improved** at Croydon, with photographs and other case exhibits up from 21% to 37% of files, and medical statements up from 21% to 44%. There was a correlation between the use of case exhibits and increased numbers of perpetrators pleading or being found guilty.

Although Caerphilly did not improve on their evidence gathering during the pilot, paradoxically, all the success indicators were still met in terms of bringing more perpetrators to justice, illustrating the complex nature of successful case building. Evidence gathering proved to be important to victim confidence and satisfaction because it was seen as a sign that their case was being taken seriously. Victims at Caerphilly felt that not enough was being done by the police in taking photographs and text messages. There were no reliable data on the number of Victim Personal Statements on file, but respondents at both sites stated that they were rarely taken. A few of the Caerphilly victims interviewed had been offered the opportunity to complete one and were divided in their opinions as to their value.

**Improving evidence gathering will not only strengthen prosecutions but also boost victim confidence in the process.**

### 2.1.2 Speed of hearings

The **number of hearings** was reduced at Caerphilly (an average of 4.1 to 3.6), but not at Croydon (an average of 2.5 to 3.8), though both are now almost the same. There was a big difference in **time taken from arrest to finalisation**, with Caerphilly reducing from 86 to 76 days; and in Croydon increasing from 103 to 158 days. Without a much more detailed investigation of the cases, it is not possible to explain the difference. It might be posited that since Croydon has clearly improved its evidence gathering, more evidence takes more time to collect and may be disputed, leading to more complex, longer trials. Cases at Caerphilly might be more straightforward.

### 2.1.3 Bail

In most cases, both the police and magistrates set **bail with conditions**. In Caerphilly, there was no significant change in the number of cases with restraining conditions, though Croydon saw an increase. Both Caerphilly and Croydon respondents report that the advocates' role had been valuable in improving bail decisions by providing the court with information, for instance, about breaches.

### 2.1.4 Special measures

In some (but not necessarily all) cases, victims of domestic violence are eligible for special measures under the Youth Justice and Criminal Evidence Act 1999. Magistrates also have a discretionary power to permit screens.<sup>41</sup> Applications were very rare in both sites. Victims reported that screens would go some way to alleviating their fears for their safety and improving their courtroom experience.

### 2.1.5 Sentencing

Sentencing practices between the sites varied. In Croydon, where specialist benches were used, the imposition of community punishment orders (CPOs), community rehabilitation orders (CROs) and perpetrator programmes increased significantly. Referrals to such programmes, however, put great strain on the Probation Service's resources. Average financial penalties in Croydon rose from £155 to £222<sup>42</sup> and were often coupled with another penalty, unlike in Caerphilly. There, the average fine fell from £233 to £183. Fines, custody and CPOs increased, whilst conditional discharges and CROs decreased.

It has been government policy for some years now to move victims to the centre of the justice system, and many of the findings reported here demonstrate the success of this move. The evaluators found, however, that it was in respect of case outcomes that victims felt most excluded, with little or no input into the sentencing process. Victims at both sites expressed dissatisfaction over financial penalties. This was particularly the case at Caerphilly, where fines were not coupled with another penalty, and victims said fines were likely to be paid out of a joint account. They felt that the court did not enquire sufficiently deeply into the perpetrator's resources. It appeared that much of the dissatisfaction was attributable to victims' lack of understanding about penalties such as restraining orders, and about their own status or role in the sentencing process.

## 2.2 Victim safety, satisfaction and confidence

**Crucial to victims' feelings of safety, to their satisfaction with and confidence in the justice system were the provision of adequate, timely information and emotional and practical support.** An information booklet<sup>43</sup> received a positive response from victims (Caerphilly).

Reports from victims at both sites indicated an improvement in their treatment by police on first contact, although there was concern at the lack of information available from police at this early stage, when the perpetrator had been taken into custody but no contact yet established with the DPO or advocate. Victims found it difficult to discover whether or when the perpetrator would be released and what the bail conditions were. This led to feelings of vulnerability and an inability to take measures to protect themselves.

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41. See *Stones Justices Manual (2004)* at p.1235.

42. Predominantly costs and compensation.

43. Witness Care Unit provides booklets on being a witness in court.

The most significant impact on victims' increased confidence, satisfaction and feelings of safety resulted from contacts with those providing support (**advocates, dedicated police officer, Victim Support, Witness Service**). There was a direct link between these feelings and the level of information received about the legal process and other options, and the emotional and practical support (such as providing panic alarms and fitting locks) offered by the advocates, DPO and voluntary sector. **Such support was a significant factor in decisions to continue with the case or to go through the process again.**

**Children** were a high priority in the concerns of victims at both sites, who expressed a strong view that the needs of children were being neglected throughout the process. Where children have witnessed the incident, they too are victims, and counselling may be needed at an early stage. Professionals at both sites continue, from good motives, to be very reluctant to use child witnesses, but victims wanted children at least to be spoken to and not ignored. Furthermore, victims were fearful that where there was a child contact order in place, relations would have to be maintained with the perpetrator, increasing the potential for re-victimisation.

**Satisfaction with the CPS** improved. From their responses, it is clear that victims' confidence and satisfaction could easily be enhanced by lawyers (i) introducing themselves at court and briefly explaining what to expect (especially in respect of cross-examination), and (ii) being properly prepared for the case.

### 2.3 Advocacy and support services

All partners and victims report the central importance of advocacy and support agencies. In Caerphilly, where the advocate role was created specially for the pilot, there was general agreement that it had been **a remarkable success**. The advocate and the dedicated police officer (DPO), working together with Victim Support and the Witness Service, have contributed to a significant improvement in the prosecution of cases and to victim satisfaction and safety. Roles and responsibilities of several agencies overlap, however, which is confusing to victims and it is not clear, even to partners, who, if anyone, takes lead responsibility for co-ordinating the response to the victim. Some victims remarked that they had received a number of calls and were unsure who they were all from. Some respondents called for a **fully integrated system, with an independent advocacy service working closely with a dedicated police officer and with a CPS Co-ordinator**.

### 2.4 Equality and Diversity

All victims and perpetrators at Caerphilly were white. Collection of diversity and other data relating to victim and perpetrator characteristics during the pilot was very poor at Croydon, but if the baseline data (which were coded by the research team) are taken as representative, then 42% of victims and 55% of perpetrators were from ethnic minorities. There was only one disabled victim during the pre-pilot phase. Neither victim nor perpetrator characteristics had any impact statistically on case outcomes and respondents from the criminal justice agencies generally believed that there were no issues to address. This indicated that more diversity and equality awareness was needed by the CJS to address the barriers experienced by different communities and their differing needs. Voluntary and community sector respondents pointed

to factors which particularly affected BME communities, which might inhibit reporting of incidents. These included from some communities, fear of reprisals, and lack of information in community languages and oral formats, which impaired their knowledge and understanding of their rights, legal processes and the options available to them. In Croydon, where some specialist support both for BME victims and for those in same sex relationships is provided, respondents felt that this was limited, as was wider understanding of their needs. Similarly, the needs of victims and defendants with alcohol, drug or mental health issues were not fully integrated into the response of the pilots.

## 2.5 Partnership working

All partners agreed that working together was essential in achieving the aims of the pilots. All partners were keen for the pilot to work, and at Caerphilly, the most common response was that there was a tremendous amount of goodwill across the agencies. There were reports at both sites, however, that agencies had their own agendas, which were causing conflict. Common to both sites, from voluntary sector respondents (and from two criminal justice respondents at Caerphilly), were views that the voluntary sector was marginalized by the criminal justice agencies, and that advocates were overworked and felt isolated. Attempts to resolve the differences were made throughout and after the pilot, but CDVAS in Croydon reduced their involvement and Victim Support in Caerphilly ceased attending Steering Groups, though both agencies continued to provide support for victims, as they had done before the pilots were set up.

## 2.6 Training

There appeared to the evaluators to be clear links between training and improved outcomes: for instance, the training of frontline officers in Croydon and the improvement in evidence gathering noted in the data. Respondents indicated an improvement in decision-making at Croydon, which may be attributed to the magistrates' training and the use of specialist benches. Training of such large numbers of personnel does take time and the sites were at different stages. Both the police and the CPS have recently received national guidance and training materials<sup>44</sup> on investigating and prosecuting domestic violence and CPS training plans are being devised to implement this.

Voluntary sector respondents identified the benefits of a multi-agency approach to training. They also recommended that key criminal justice staff (CPS lawyers, legal advisers, magistrates) should be specialised, though there was less support for that amongst some criminal justice staff themselves. It should be noted that dedicated (domestic violence) police officers have been used to great effect.

In a recent welcomed development, CRARG has begun offering training for a national qualification for independent advocates.

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<sup>44</sup>. CENTREX/CPS Response to domestic violence, modular training programme.

## Chapter 3

### CAERPHILLY PROCESS: INTERVIEWS WITH KEY STAFF

This chapter contains a qualitative analysis of the responses of the key staff at the Caerphilly site, interviewed between December 2004 and March 2005. **Since the two sites were set up with different parameters, the focus in each qualitative analysis is on matters specific to that site.** Where issues raised in the Interim Report are not mentioned below, they have already been dealt with satisfactorily,<sup>45</sup> demonstrating that the pilot has been effective in creating changes in working practices. Findings common to both sites are summarised in Chapter 2.

#### Summary of key benefits

The pilot has been successful in:

- Supporting more victims, providing them with more information and putting them at the centre of justice;
- The CPS is getting improved and earlier information about the victim from the advocate and police, resulting in better and timelier casework decisions, saving court time;
- Bringing more perpetrators to justice;
- Increasing guilty pleas;
- Raising awareness in professional circles;<sup>46</sup>
- Raising awareness in victims (of their rights and of the processes);
- Increasing victim confidence, satisfaction and safety;
- Improving the joint working of all agencies;
- Promoting the tracking and monitoring of domestic violence incidents;<sup>47</sup>
- Increasing referrals to Child Protection based on DV alone.<sup>48</sup>

#### Good practice

**Instrumental in this success are two main factors: the advocate role and the significant commitment, goodwill and support of all the partners, both amongst the criminal justice agencies and in the “voluntary” sector (paramount amongst which are Victim Support/Witness Service, Cardiff Women’s Safety Unit and BAWSO, affiliated to Welsh Women’s Aid).**

<sup>45</sup>. For instance, flagging and charging.

<sup>46</sup>. See for instance, the publication of the CPS Policy for Prosecuting Cases of Domestic Violence (Feb 2005) and training package.

<sup>47</sup>. The pilots have helped inform CPS DV monitoring. A flag for DV cases on COMPASS has been relaunched to enable monitoring quarterly, starting from April 2005.

<sup>48</sup>. Research carried out for the DV Forum showed that there was a high correlation between child protection cases and police call-outs to incidents of domestic violence.

### 3.1 The parameters of the Caerphilly pilot<sup>49</sup>

- The evaluation parameters set out by the CPS project were:
- The use of an advocate in a widely dispersed geographical area;
- Impact of employing a part-time CPS co-ordinator and a part-time administrator;
- Streamlined Fast Track court system;
- Involvement and sponsorship of Gwent Criminal Justice Board;
- Costs

#### 3.1.1 The use of an advocate and the geographical area

Caerphilly comprises urban centres and valley communities. The area is widespread and transport between the valleys not always easy. The National Census figures for Caerphilly in 2001 show 29.2% of households have no car; 26.3% have limiting long-term illness, a further 15% have general health problems – all higher than the Wales average. This raises issues about access and where advocacy services should be located. The advocate has established links with Black Association of Women Step Out (BAWSO) to help undertake outreach work with black and minority ethnic (BME) victims, but such referrals are very rare. The Census gives 99.1% of the population as white; the largest minority ethnic group is Indian (0.2%).

Home visits were occasionally undertaken, taking care to assess safety issues for the advocate and the victim. There was only one advocate and such visits were time-consuming because of the distances to be travelled, so this drastically reduced the number of victims who could be contacted each day. Project SAFF's office<sup>50</sup> in the police station was intended for administrative work only, rather than for meetings with victims, so a venue was needed and Victim Support offered accommodation. Rooms elsewhere in the region were occasionally used (such as in a local hospital). Pre-trial contact with victims, then, was largely by telephone. **A more permanent arrangement for accommodation should be found for Project SAFF, where victims can be interviewed confidentially and safely.**

##### 3.1.1.1 Advocate independence

#### Good practice

**Respondents agree that the advocate role has been a great success and pivotal to the pilot.**

The advocate post was created for the purpose of the pilot and was funded by the CPS. Due to the funding arrangements, it was agreed that, solely for the pilot, management would be undertaken by the CPS. Most respondents believed that **the advocate should be managerially independent of the criminal justice system, and able to deal direct with**

<sup>49</sup>. Agencies interviewed for this report are listed in appendix 2. Respondents (or Key Informants) are simply identified in the text as members of either the criminal justice system agencies (CJ) or one of the "voluntary" support agencies (VCS). The advocate, although funded by CPS, has been treated as a representative of the support agencies.

<sup>50</sup>. Project (Prosiect) SAFF is the name given to the unit comprising the advocate and DPO working on the pilot (now with the CPS DV Co-ordinator and project manager).

**police and CPS on an equal footing to ensure impartiality.** *“It doesn’t seem right that the advocate should be managed by a lawyer, who has no experience of dealing with victims”* (CJ). She should also be located away from the police station (where she is currently accommodated) and from CPS offices. **For the future work, it is essential that the advocate be located independently but continue to work closely with the dedicated police officer (DPO) and liaise regularly with the CPS. The Cardiff Women’s Safety Unit<sup>51</sup> provides a model of how this can be achieved.** *“The advocate could be completely independent but a close relationship between police and advocate is useful. If rolled out, it should be coterminous with police divisions; and delivery needs to be tied to these.”* (CJ)

### 3.1.1.2 Advocate responsibilities and overlapping roles

Although conceived as a case-working role, in practice (because there is only one advocate), it has involved strategic responsibility. Some respondents felt that the advocate had been rather isolated: *“There should be a network of advocates to support each other and provide for sharing experiences”* (CJ); and without the authority needed to make decisions or to carry influence in the Steering Group. ***“The WSU model would be preferable where someone takes the strategic lead and the team, including the police, share out the casework.”*** (VCS) The need for more administrative support was also identified.

A continuing issue, despite a meeting to resolve it much earlier in the pilot, was that outside an inner circle there remained a lack of clarity, *both* over the roles of the agencies who support the victim (how they relate to one another and who takes the lead in contacting the victim); *and* how various initiatives link together. *“The [pilot] came at a time of other initiatives, such as the WCU<sup>52</sup>, and they could do with improved co-ordination. We need to think whether there are better ways of making sure they all interact in the way we want them to rather than trusting to serendipity and being too dependent on personalities to make them work, rather than agreed ways of working and rigorous review and assessment”* (several CJ/VCS respondents made the same point). **It is important clearly to delineate the responsibilities of the advocate role and its interface with other support roles, such as Victim Support (VS), Witness Service (WS) and Witness Care Unit (WCU) and to identify a single agency with responsibility to coordinate the response.**<sup>53</sup>

### 3.1.1.3 Advocate workload

The success of the pilot has brought a heavy workload. Respondents agree that one advocate simply cannot cope with all the victims on her own, especially if, as was originally envisaged, she was to attend court with the victim for every trial. There was a view that: *“There is a need for advocates at court. Although WS kicks in when victims go to court, it should be appreciated that DV is a special case with a volume of work and a high-risk premium [more likely to result in harm]. Victims require wrap-around support from the very start; and we should give the same service to any victim of domestic violence.”* (VCS)

It is also challenging for one advocate to meet the specific needs of diverse communities.

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<sup>51</sup>. Where police, advocacy services, seconded health care staff, and in-house civil legal services are housed together and work closely with CPS.

<sup>52</sup>. Witness Care Unit (police and CPS).

<sup>53</sup>. The evaluators are informed that an Away Day was held in Spring to address these matters. Such issues are clearly not unique to this pilot and affect all multi-agency working.

#### Good practice

There has been good co-operation between the advocate and Witness Service so that when the advocate cannot attend court, WS takes care of the victim. DPO, advocate and WS each remarked on the good relationships they enjoyed with each other. This is a particular instance of the importance of good communications between agencies and of playing to existing strengths and experience.

### 3.1.2 Impact of employing a part-time CPS DV co-ordinator and administrator<sup>54</sup>

#### 3.1.2.1 DV Co-ordinator

The benefits of having a CPS co-ordinator lie in providing a single point of contact for police and advocate; providing a consistency of approach to prosecution; improving liaison between the CPS and police; and the review and management of the case files. The DVC or a prosecutor trained in handling DV cases also attends every PTR court.

#### Good practice

Review of cases by the CPS coordinator with the advocate and DPO *“is one of the most positive benefits because we get information about the victim much earlier which results in a much clearer picture, and helps us make the decision to prosecute or discontinue earlier which saves court time and reduces cases in which no evidence is offered (NEOs).”* (CJ)

#### 3.1.2.2 Administrator

The administrator role was filled by a designated caseworker (DCW), whose past experience had important benefits for the pilot, particularly in identifying cases which had not been correctly flagged as domestic violence, and in liaising with the police/advocate. The DCW conducted a detailed review of completed files as part of the pilot.

#### Good practice

Data were significantly more detailed and reliable at Caerphilly, proving the importance of employing someone to collect and input them.

It was important to the pilot to have someone regularly and accurately inputting data to allow for monitoring and analysis of performance, though that did not necessarily require someone of the DCW's experience. Her experience could have been utilised even more productively in substantive matters, e.g. casework. The re-launch of the DV flag in Compass should now remove the need for so much data inputting, but **it is important to ensure that there is regular analysis, reporting and discussion of the results.**<sup>55</sup>

<sup>54</sup>. See Appendix 3 for outline of roles.

<sup>55</sup>. The evaluators have been informed that the DCW will continue to report data to the Steering Group.

### 3.1.2.3 Specialisation of the criminal justice professionals

Views diverged on the need to use dedicated (or specialist) domestic violence professionals. The police have utilised dedicated police officers to great effect. There were strong views amongst CPS lawyers at the pilot site against having specialist prosecutors dealing with DV cases, their argument being that it is better that all lawyers should have experience in DV. In respect of the court, there was no opposition to using specially trained legal advisers, though they have so far been used only in PTRs. There is no dedicated panel of magistrates, but an ongoing training programme for all and respondents are divided on whether it is better to use specialist benches. Voluntary sector respondents expressed their wish for dedicated professionals in the CPS and at court. **All the agencies should debate the question of using specialists.**

The police and CPS both experienced difficulties in maintaining services at times due to staff illness. **The criminal justice agencies should formulate contingency plans to cover key personnel absences brought on by unforeseen events, such as illness.**

### 3.1.3 Court system

The pilot was intended to operate a fast track court system, but obtaining early court dates for DV cases was not a problem, so respondents saw no need for setting aside dedicated days for trials. One CJ respondent thought that the court was not specifically speeding up the process, but the data in Chapter 4 indicated a reduction in the number of hearings and a decrease in time between arrest and finalisation of the case. *“DV cases are heard no faster than any other case, because we are able to get slots quickly anyway. The problem is in getting the case trial ready in time, and this is down to availability of evidence.”* (CJ) Trial readiness has been identified in HMCPSP Report as an issue for Gwent CPS.<sup>56</sup>

A weekly slot at 10am was provided for pre-trial reviews (PTRs). There were recurring problems, however, of PTRs not taking place then, or being staggered over several hours, resulting in lengthy waits at court for the advocate and DPO, which was not cost effective. The message to legal advisers was reinforced, and respondents strongly agree that the Magistrates' Court Services (MCS) representative was very supportive and very responsive to issues concerning the court. The evaluators have been informed that the problems have since been resolved.

#### Good practice

**The attendance at PTRs by the dedicated police officer and the advocate.**

***“It has raised their profile and gained them a reputation and credibility.”*** (CJ)

***“They have been able to report on the victim's intentions so avoiding or enabling an adjournment; and to bring to the court's attention a defendant in breach of bail conditions.”*** (CJ)

***“It helps court proceed more swiftly and reduces defendants trying to delay proceedings.”*** (CJ)

***“It is the best way of finding the outcomes of hearings as getting results can be difficult.”*** (CJ)

***“I now leave the court with the bail conditions in my hand. It is so much better.”*** (CJ)

<sup>56</sup>. November 2004, at 6.5.

From June until the end of the pilot in December 2004, Caerphilly court could not be used for DV hearings because security problems in Newport resulted in remand cases being directed to Caerphilly, ousting DV sessions. PTRs were transferred to courts at Abertillery and Blackwood. This should not, however, have affected victims, since they rarely attended PTRs. It was agreed that trials should remain at Caerphilly, as the other courts were inadequate for vulnerable victims and witnesses because of their location and lack of suitable facilities. However, *“even short trials were being adjourned because there was a push to get enforcement of debt cases through”* (CJ, VCS) and these were given precedence, counter to the instructions legal advisers had been given. This adversely affected some victims. From January 2005, hearings returned to Caerphilly. **In order to provide for future contingencies, there should be a high level agreement to prioritise DV trials to Caerphilly.**

### 3.1.4 Involvement and sponsorship of Gwent Criminal Justice Board (GCJB)

There was strong support from the GCJB during the first part of the pilot. The performance officer was identified by many respondents as a crucial driving force, but when she left post, it was felt that some of the impetus was lost.<sup>57</sup> This was compounded by the fact that the Chief Crown Prosecutor, who took the lead on victim issues on the GCJB, also left during the pilot and was not immediately replaced. **A strong strategic steer is most important in achieving success in multi-agency working.**

## 3.2 Victim Personal Statement

Respondents were unaware of any increase in Victim Personal Statements, although of eleven victims interviewed (see Chapter 4), four had made a VPS and three others knew of them. When they were interviewed for this report, respondents were concerned that officers did not understand their purpose, were not trained to take them and sometimes attempted to take them at inappropriate times (e.g. in the Witness room just before the trial). The evaluators have since been informed (i) that all officers have now been trained and they are working towards compliance with ACPO guidance; and (ii) that from November 2004, the court has made directions requiring the offering of a VPS to all victims, at pre-trial review in all cases.<sup>58</sup>

## 3.3 Victim Issues

### 3.3.1 Satisfaction and confidence

#### Good practice

**Respondents believe that the pilot has increased victim confidence and satisfaction and this is supported by the responses of victims themselves.**

***“Victims who are supported by the advocate are more confident in attending and when there are delays, they do get explanations about what is going on and are more keen to come back.”*** (CJ)

<sup>57</sup>. HMCPSI Report on CPS Gwent Nov 2004; GCJB should “take a more determined approach in addressing cross-agency issues arising from current initiatives that cannot be resolved by local management” (at 11.1).

<sup>58</sup>. But note that fewer than half of all DV cases go to PTR.

### 3.3.2 Ensuring Safety

*“Prosecutions are not necessarily the way to make victims safe. The over-arching thing which all partners must sign up to is to increase safety by any means possible.” (VCS)*

#### Good practice

The pilot has resulted in victim safety being placed high on the agenda. *“I am surprised about how my mind has been changed about applying for witness summonses because of my involvement in the pilot. Last January, I would have said that I would apply for them much more commonly than I have done. You learn about the consequences of doing that and the safety issues. I would always talk this over with the advocate and DPO.” (CJ)*

#### Good practice

Practical steps are greatly valued by victims. Alarms and locks have been fitted under the Gwent Bobby Van Scheme Charitable Trust, a voluntary organisation, largely funded by the police, whose involvement was arranged by the Domestic Violence Forum Co-ordinator (DVFC) who also provided awareness training on domestic abuse. The DPO has also provided panic alarms and installed alarms through a landline phone connection.<sup>59</sup> The advocate has helped victims and their children to be re-housed, with some referrals to Shelter, which holds weekly surgeries.

Respondents agree that **the deployment of a risk assessment tool for use by all agencies is urgently required.**<sup>60</sup> *“It is important in order to help prioritise the work and make the response more effective.” (CJ, VCS)*

### 3.4 Training

**Training is an essential part of changing attitudes and practices. There is a need for much more widespread training on the special nature of DV.** One view, very strongly held, was that *“All practitioners need basic training on the impact of crime on victims, the factors affecting recovery and how they can be re-victimised by the CJS.” (VCS)* Despite the heightened awareness of issues brought about by the pilot, there is still some way to go before all cases are handled by all agencies with appropriate sensitivity. It is not only the police and CPS who need training, but legal advisers and magistrates too. Development and delivery of training is part of the brief of the Domestic Violence Forum Co-ordinator (DVFC). This multi-agency training reaches about 18 people a month from the CPS, Police, Health, Social Services, Education and voluntary agencies and is delivered in partnership with Women’s Aid. The DVFC has also delivered seminars to agencies on domestic abuse. The police approach during the pilot was to raise awareness in senior ranks, who would then cascade it downwards. They are now devising and implementing training on the ACPO Guidance on Investigating

<sup>59</sup>. Another area of Gwent fits electronic alarms through mobile phones.

<sup>60</sup>. Also noted in the Interim Report, most respondents considered the risk assessment tool a most important omission.

Domestic Violence<sup>61</sup>. It is to be hoped that this will improve evidence gathering. MCS have continued their programme of training magistrates and have offered a truncated version to defence solicitors so they can hear what magistrates are being told. Gwent CPS, in line with the national CPS training plans, are drawing up plans for training all prosecutors, caseworkers and designated caseworkers from Summer 2005 – March 2008.

The Probation Service adopted the Integrated Domestic Abuse Programme (IDAP)<sup>62</sup> from January 2005 and there is training both to manage the programme and to assess perpetrators for suitability. Spousal Abuse Risk Assessment (SARA) training is also being conducted. “*Staff are keenly interested in learning how to improve the management of DV*” (CJ).

### Good practice

**The advocate is one of the first 22 in the country to undertake the national independent advocacy qualification offered by CRARG.**

## 3.5 Equality and Diversity

No particular issues were identified by respondents in relation to experiences of, or services for, people from traditionally disadvantaged groups. The data in Chapter 4 show that all victims and defendants attending the court during the pilot were white; there were no cases for people in same sex relationships; fewer than 5% were disabled or had a drug or alcohol habit; none were reported as needing an interpreter or to be an asylum seeker or refugee.

Paradoxically, small numbers of people with particular needs in a community may face a bigger disadvantage than where there are larger numbers. The wider community may not perceive the needs of disadvantaged groups. For example, there is a small black and minority ethnic (BME) community in Caerphilly, but there is only one specialist outreach service for BME communities covering all Wales. In a community with more BME people there may be a specialist provision, which may lead to an improved level of access to services for all of the community.

Since the recommendation is that the pilot is rolled out, agencies should note the following issues, some of which were identified by BAWSO,<sup>63</sup> for improving access to services:

- Ensure that information can be made available in community languages including orally;
- Inform all people of their rights, particularly legal rights, processes and services available to them;
- Recognise that different victims need different services, provided differently according to tradition, lifestyle, faith and belief, cultural practices and background;
- Ensure that language, especially legal jargon, is clear and accessible to everyone;
- Understand that there is a real risk of reprisals for some communities and respond sensitively and appropriately to this, acknowledging that the safety of the victim and children is paramount.

<sup>61</sup>. Issued by Centrex November 2004.

<sup>62</sup>. Replacing the NSPCC DV Perpetrator Programme for which £25K annually was paid for 18 places.

<sup>63</sup>. Black Association of Women Step Out, based in Wales.

In respect of other equality and diversity issues, the data in Chapter 4 identify six male victims of domestic violence (these incidents were within families, such as father and son, rather than intimate relationships), and there should be consideration of how such victims should be supported. There was only one disabled victim and two victims with mental health problems – all prior to the start of the pilot. The National Census statistics noted above (3.1.1) would suggest issues relating to equal access to services, though these were not raised by respondents.

### 3.6 Partnership working

Everyone agreed that there was a “*tremendous amount of goodwill*” and a desire to work together to improve services to victims and increase the number of perpetrators brought to justice. “*There was a history of agencies working well together in Gwent before the pilot started*” (CJ) and this past relationship made it easier to initiate change. No one doubts that in any scheme, which depends on multiple agencies providing services, **creating change is best effected through partnership working**. A respondent argued that “*adequate, ring-fenced resourcing*” was essential, adding that “*a statutory basis is needed [for multi-agency working] – there should almost be an element of compulsion; make it the way we work. Some tangible reward should be offered by providing targets to be achieved only through multi-agency working.*” (CJ)

#### Good practice

**Information sharing is important in working together to create change. One place to start is with an information-sharing protocol.**

***“The way the protocol came together was a good process of working out what we needed to do.”*** (CJ)

A protocol alone will not automatically resolve all practical issues: “*It would be easier for us if we didn’t constantly have to chase up the information we need. If there was a link between courts, CPS and police for results, it would help – maybe using email*” (CJ).<sup>64</sup>

Once established, protocols must be well publicised, actions regularly reviewed and practices revised, for instance, to ensure that all partners have been included. “*The Witness Service was not originally included in this protocol.*” One respondent commented on the need for guidance on sharing information with independent organisations and the legal basis for it. Since the Crime and Disorder Information Sharing Protocol was adopted for the pilot, it would seem that there is still a need to provide agencies with further explanation on its use. **There should be a strengthening of mechanisms for passing information from CPS lawyers to police, advocate and VS/WS.**

It was felt by respondents that partners had different agendas, which led to some conflict. During the pilot and after it, steps were taken to attempt to resolve this.<sup>65</sup> Several respondents spoke of the isolation and alienation of the voluntary sector by the criminal justice agencies. They felt “*frozen out of the loop, ignored, unvalued and would like some recognition of our contribution*” (three VCS). **It is essential for effective multi-agency working for participants to respect and value all partners equally and draw on the experience of agencies already practised in supporting victims.** “*Statutory organisations have taken the lead here and there is a problem that voluntary organisations perhaps feel that they are not being consulted as much as they would like and are not regarded as main players. This needs to be looked at*” (several CJ/VCS).

<sup>64</sup>. The evaluators have been informed that a link has been set up by the WCU. The effectiveness of the link should be monitored by management.

<sup>65</sup>. The evaluators have been informed that an Away Day in Spring 2005 was held to debate the pilot’s successes, agencies’ agendas and the future model for the service.

Frontline staff felt that there was nowhere for them to resolve day-to-day issues. Establishing a forum for practical issues to be raised and resolved was regarded as important. In addition, several respondents identified the need for strong leadership and management. Improved communication 'between the ranks' was therefore important to many respondents.

### 3.7 Perceptions of benefits

Everyone agreed that the pilot had substantial benefits for victims. **It was very important to respondents that the pilot should become a mainstream service, rolled out across Gwent (beyond Caerphilly) so that all victims of DV can enjoy the same level of support.** Two integrated models were proposed.

*"We should develop a core group responding to victims. It would be a multi-agency project driven by the needs of the victim, so that she can be supported and advised even if she was not ready yet to go through with the court process. Perhaps it could be developed on the WSU model, where roles and responsibilities are differently defined than under the current pilot. It would probably require more than one advocate and someone to identify gaps in services and bring their providers on board. A police officer would also be needed to process cases and do risk assessments. Other support workers besides the advocate would be involved. There would be a need for a project manager to drive the initiative. At present, there is no overall management or co-ordination of the response to a victim of domestic violence, with a number of agencies potentially making contact."* (CJ)

A second model proposed (at an Away Day held after the pilot had concluded) the development of a One Stop Shop involving the advocate, police, with Women's Aid outreach worker, support workers and children/young people's worker. This model proposed responding to all victims, beyond police referrals and including work with children.

**A co-ordinated, integrated response is necessary, drawing together a core group of advocates, Victim Support/Witness Service, CPS and DPO, who should work closely together and liaise with other relevant agencies.**

### 3.8 Costs

#### 3.8.1 Set up costs (see Interim Report for breakdown)

CPS provided £90,000 (January – December 2004) to cover the costs of the advocate, the CPS co-ordinator (3 days a week) and administrator (2 days a week); and the Welsh Assembly (through the Community Safety Partnership) provided £61,500 (December 2003 – March 2006) for the Domestic Violence Forum Co-ordinator (total £151,500).

In practice, however, no extra funds were needed for the CPS coordinator and administrator, whose work was carried out within Gwent through the re-allocation of tasks. The DVFC post is provided in all Areas, separate from the needs of the criminal justice system and funded by the local authority through the All Wales Strategy. Additional costs, therefore, were only for the advocate of £40k (£30k from CPS, plus £10k clinical supervision from GCJB). Although no specific funding was costed: *"The police service has put significant resources and commitment into the project and the work of the DPO has had a positive impact on findings. The police have given the project good support, provided premises, telephone and IT services."* (CJ)

### 3.8.2 Attendance at meetings (January to December 2004)

Steering Group meetings were held every 6 weeks. Assuming on average meetings of 2 hours, the figures (see Appendix 5) result if all representatives attend every meeting. In total, attendance by all agencies cost only £5306 per annum, with a maximum of £1750 for the agency with most input (CPS). This demonstrated that very little resources are required to ensure coordination to improve more effective case outcomes.

### 3.8.3 Value for money: “Invest to save”<sup>66</sup>

Costs include setting the project up, monitoring performance, providing an advocate<sup>67</sup> and providing training.<sup>68</sup> There would also be accommodation costs, if Project SAFF were housed independently of CJS agencies. There were no additional court costs involved in providing a weekly PTR slot. There are small ongoing costs in attending meetings. It is difficult to obtain accurate information from agencies on how much more time is devoted specifically to DV because of the pilot. CPS lawyers would still be required to prosecute DV cases, but some time is necessary each week to review files and liaise with the police and advocate.<sup>69</sup> Allocation of a CPS co-ordinator and administrator and a Police DPO may be achieved by re-organising existing workloads, though attendance at PTRs for the police is an additional, but worthwhile cost.

#### Good practice

**This is an example of shorter-term investment leading to longer-term gains.**  
**Economy (spending less): the development by advocate/DPO of supporting relationships with victims and the passing by them of timely information to the CPS means better decision-making and better case preparation. This enables better-informed, earlier decisions to discontinue, reduction of NEOs; and stronger cases, which promote guilty pleas, all saving court time.**  
**Efficiency (spending well) and Effectiveness (spending wisely): the funding has achieved increases in numbers of perpetrators brought to justice, increasing guilty pleas and victims’ feelings of safety, confidence and satisfaction; and facilitating multi-agency working across the agencies.**

### 3.9 Recommendations

The recommendations arising from the process evaluation of the Caerphilly pilot are contained in the Executive Summary.

<sup>66</sup>. HMCPSI use the National Audit Office definition of Value for money as: Economy, minimising the cost of resources used or required - spending less; Efficiency: the relationship between the output from goods or services and the resources to produce them - spending well; and Effectiveness: the relationship between the intended and actual results of public spending - spending wisely.

<sup>67</sup>. CPS have agreed to fund the advocate for a further year until other funding sources can be found.

<sup>68</sup>. Training and monitoring are both essential for good practice and should be built in to the costs of delivering effective DV prosecutions.

<sup>69</sup>. Although it might be argued that this is good practice for all cases, irrespective of the pilot.

## Chapter 4

### CAERPHILLY OUTCOMES

The first part of this chapter provides an **analysis of the results of data collected from CPS cases files**, comparing the baseline period, before the pilot commenced, with data from cases completed during the eight-month evaluation period of the pilot. In the second part of this chapter is an **analysis of interviews with victims**. The terms “pre- and post-pilot” refer to before and after the inception of the pilot. All tables<sup>70</sup> providing data are on the CPS Internet (see Tables 1-15 for Caerphilly data).

#### Summary of key benefits

- There was a noticeable rise in the number of cases proceeding through court (from an average of 8.5 per month to 12 per month);
- Cases were processed more quickly: the number of days between arrest and case finalisation was reduced from 86 pre-pilot to 76 days post-pilot;
- Attrition (cases withdrawn or discontinued before trial) was reduced from 32% to 25%;
- The number of victim retractions decreased significantly from 53% pre-pilot to 27%;
- There was a correlation between reduced retractions and improved outcomes (fewer discontinuances and cases in which no evidence is offered);
- Most files contained a retraction statement yet it was often unknown from file endorsements whether it was to a satisfactory standard;
- Since the advent of the pilot more perpetrators were being brought to justice:
  - More defendants offered an early guilty plea, an increase from 21% of cases pre-pilot to 27% of cases post-pilot;
  - The proportion of cases listed for trial in which the prosecutor offered no evidence reduced from 46% pre-pilot to 28%;
  - The proportion of cases listed for trial in which the defendant pleaded guilty on the day of trial increased from 31% pre-pilot to 35%;
  - The number of defendants found guilty after trial increased from one in the pre-pilot period (or 8% of cases listed for trial) to eight (or 19% of cases listed for trial);
- Victim Satisfaction and their feelings of safety were very closely tied to the level of information and support they received;
- All of the victims stated that practical action (provision of locks and panic buttons); emotional support and case updates provided by Project SAFF were invaluable in increasing their feelings of safety.

<sup>70</sup>. See Appendix 6 for a list of tables of data available at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk)

## CAERPHILLY DATA

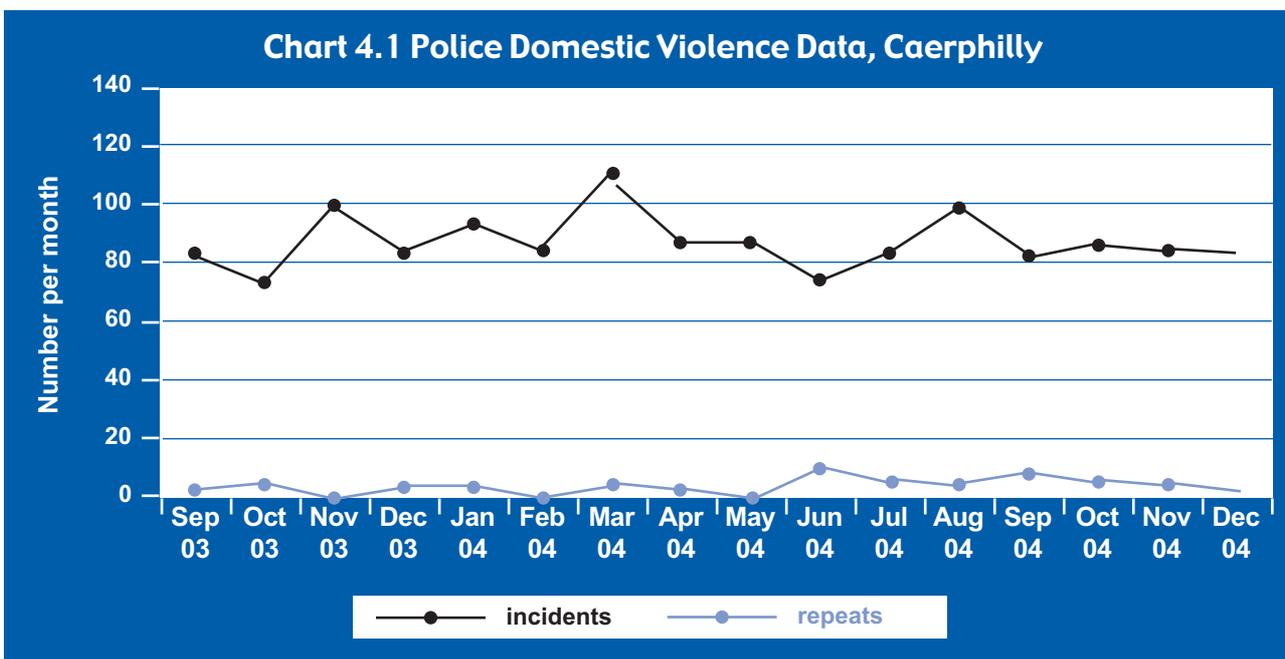
### 4.1 Workload

The sample of cases analysed here includes the following:

- 34 from Baseline Phase (Sept – Dec 2003)
- 45 from Phase 1 (Feb – May 2004)
- 48 from Phase 2 (Sept – Dec 2004)
- **127 total cases** (from 12 months total)

There has been a **noticeable rise in the number of cases proceeding through court** in the post-pilot periods. There was also a rise in the number of cases sent to Crown Court (two in the baseline, compared to four in Phase 1 and five in Phase 2). On average, there were 31 cases per month referred to the advocate, although this varied widely during 2004.<sup>71</sup> Of the 93 cases post-pilot, 67 had input from the CPS DV Coordinator.

Police data were obtained to provide some context about the court's workload. The number of domestic violence incidents<sup>72</sup> coming to police attention per month is illustrated in the chart below. Police responded to about 88 incidents per month and this amount was relatively stable over the study period. The ratio of cases (going through court) to incidents (reported to police) is about 12 out of 90.



Numbers of repeat victimisations reported to police were also compared both before and after the pilot was in place. The figures recorded by police include victims who have experienced another reported domestic violence crime. Repeat victimisations reported to police have not been reduced, as the figure for the baseline period was 3% but more than doubled to 7% in 2004. However, this could mean that more cases are being reported due to the higher profile of the advocate and the new system, which is to be welcomed.

<sup>71</sup>. During Phase 1 the average was 13.5 and for Phase 2 16.5. However, during the intervening summer months the average was more than 76 cases per month.

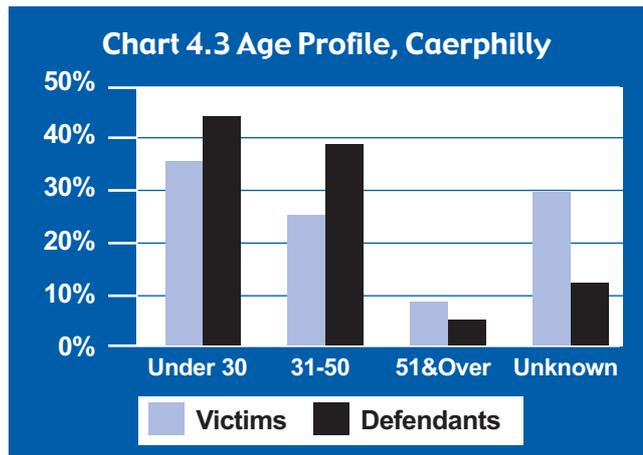
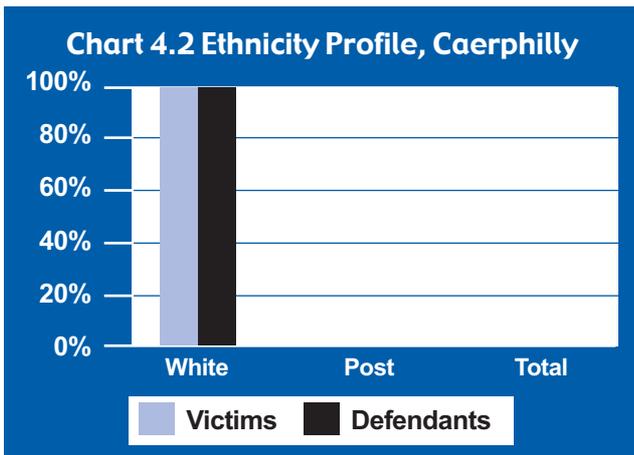
<sup>72</sup>. Police in both sites include both crime and non-crime incidents in their 'incidents' figures, but in Croydon almost all of their incidents are recorded as crime (98.5% in the study period compared to only 56.6% in Caerphilly).

## 4.2 Characteristics of Victims and Defendants

Charts 4.2 and 4.3 below contain demographic information about victims and defendants, respectively. All victims and defendants were white.

**Good practice**  
Ethnicity data were complete both before and after the pilot was implemented, indicating effective monitoring practices.

Victims and defendants were somewhat younger in Caerphilly than in Croydon, and they were somewhat younger in the post-pilot period (where the average for each was 31 years old).



The relationships between victims and defendants were mostly as partners or ex-partners. The only same sex relationships going through the pilot were familial (e.g., siblings) rather than intimate partners.

In relation to the diversity of victims and defendants,<sup>73</sup> none were reported to need interpreters or to be asylum seekers. There were fewer than 5% of victims or defendants with disabilities or reported mental health, drug or alcohol problems. Seven victims were pregnant. Differences since the pilot cannot be ascertained because this information was not collected before the pilot was implemented.

## 4.3 Types of Offences Charged

Information about offences charged and charging alterations indicated that the most common offences were s.39 Criminal Justice Act 1988 (Common Assault) (n=56, 44%) and s.47 Offences Against the Person Act 1861 (Assault Occasioning Actual Bodily Harm) (n=23, 18%). About one-third of defendants were charged with multiple offences (n=43, 34%). **Charging alterations were infrequent** (in 103 of 127 cases the original charge was maintained, 81%). No statistical differences in charging practices were observed in the pre- and post-pilot period.

## 4.4 Speeding up the Process

One of the main goals of the pilots was to reduce the amount of time a case took to progress through the criminal justice system.

<sup>73</sup>. As described in the methodology (Chapter 1) the research design anticipated that this information would be collected by the advocate. However, it was only in a very few cases that the advocate was able to obtain this information. The absence of reliable data precludes the undertaking of any detailed analyses relating to these diversity issues.

### Good practice

Cases were processed more quickly: the number of days between arrest and case finalisation was reduced from an average of 86 pre-pilot to 76 days post-pilot. This is similar to the average of 72 days found in the evaluation of five pilots (Cook et al., 2004).

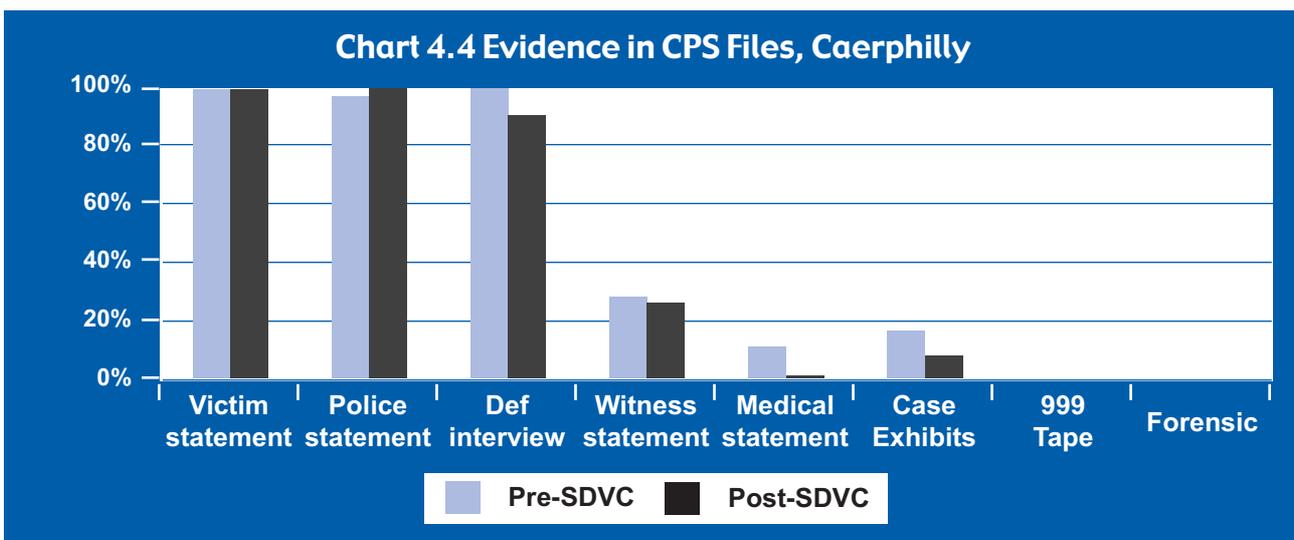
Two other variables that have an impact upon time are the number of court hearings per case and whether the case was sent to Pre-Trial Review (PTR).

### Good practice

The proportion of cases that went to PTR declined from 53% (n=18) pre-pilot to 42% (n=39) post-pilot; and the total number of hearings per case was reduced (from 4.1 to 3.6 per case)<sup>74</sup>. Taken together these findings indicate that cases were going through fewer hearings and PTRs, which was speeding up the process.

## 4.5 Evidence

Chart 4.4 details the types of evidence present in files.<sup>75</sup> The three basic types of evidence (victim statement, police statement, defendant interview) were almost always found in the case files. Other types of evidence were rarely present: the most common were statements from other witnesses, which were present in less than one-quarter of cases (n=32, 25%). Forensic evidence, 999 tapes, case exhibits, especially photos should be gathered and used more frequently. Taking photographs of injuries in particular, leads to improved victim confidence as well as improved prosecutions. **Evidence such as other witness statements was correlated with an increase in the number of defendants found guilty at trial in Caerphilly** (as well as in the evaluation of specialist courts, Cook et al. 2004). **Evidence gathering remains an area for improvement.**



<sup>74</sup>. Additional analyses were performed which indicated that cases sent to PTR took on average more than twice as long from arrest to case finalisation. This finding is relevant for both sites, and supports other research that suggests that PTRs are being used for more complex cases (Cook et al., 2004).

<sup>75</sup>. The evidence present in the files reflects what has been collected by police, not the entirety of evidence available for collection. Similarly, the absence of evidence in the files could be due to police not collecting this evidence, or the evidence not being available for collection (i.e. no witnesses were present so no witness statements were taken). The limitation in the data should be borne in mind.

In relation to information about children and using their evidence, many victims had children with the defendant, and **children were more likely to be witnesses in court** in Caerphilly, but the numbers are still very small (of 17 cases known to have children witnessing the incident, their evidence was used in only three cases, one pre-pilot and two post-pilot cases).

## 4.6 Pre-Trial Decision-Making

### Good practice

Plea information indicates that more defendants offered an early guilty plea after the implementation of the pilot, an increase from 21% of cases pre-pilot (n=7) to 27% of cases post-pilot (n=25). In three cases, all post-pilot, it was recorded that the victim was consulted before the plea was accepted, indicating that the pilot is beginning to make an impact on consultation.

Information on bail decisions indicates that the most common action for both the police and the court was to bail the defendant with conditions (n=90, 71% and n=83, 65%, respectively). The number of cases with restraining bail conditions did not change significantly post-pilot.

### Good practice

Case progression information indicates that eight cases were withdrawn before trial and 26 cases were discontinued. Attrition (cases dropped before trial) was reduced from 32% (n=11) to 25% (n=23) post-pilot. The most common reason for a case to be withdrawn or discontinued was victim retraction.

### Good practice

The number of victim retractions decreased significantly from 53% (n=18) pre-pilot to 27% (n=25) post-pilot.

Most files where a victim retracted contained a retraction statement yet it was often unknown from the case files whether it was satisfactory. The most common reason that victims retract their statements is that they have reconciled with the defendant. In most cases where victims retract the case was lost, either pre-trial (withdrawals or discontinuances) or at the trial hearing (prosecution offered no evidence, NEOs). Victims were more likely to retract when they were current partners or spouses of the defendant (38% compared to 24% when they were ex-partners or ex-spouses).

## 4.7 Decisions at Trial Hearings

### 4.7.1 Bringing Perpetrators to Justice

Three factors indicating success in bringing perpetrators to justice are a reduction in cases listed for trial in which the prosecutor offers no evidence (NEOs); an increase in late guilty pleas and an increase in findings of guilt. **Since the advent of the pilot, more perpetrators are being brought to justice.**

### Good practice

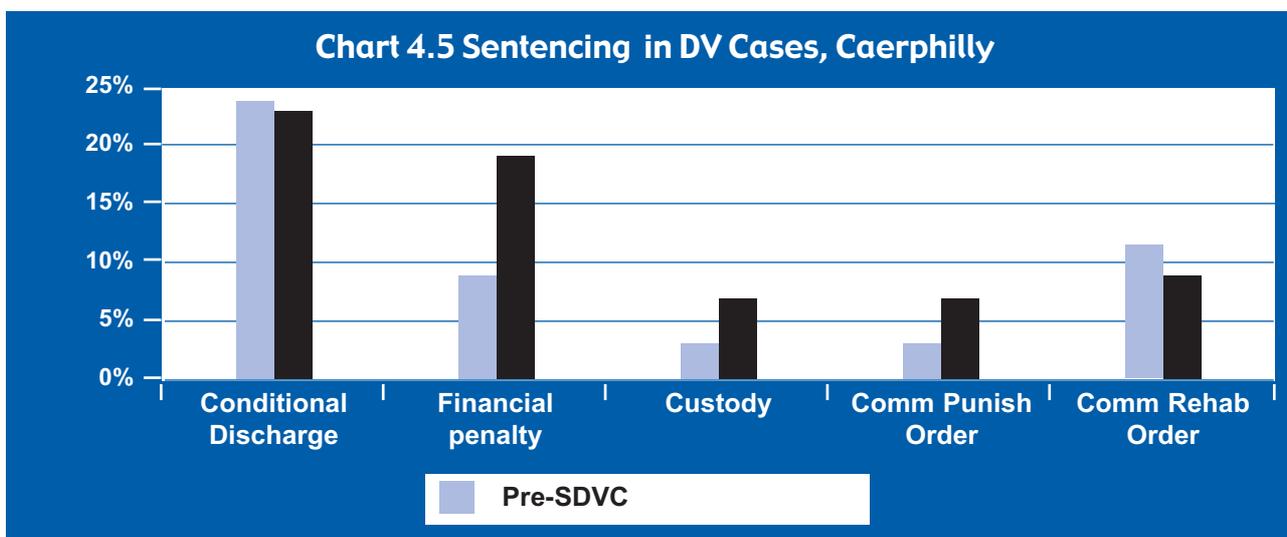
NEOs were reduced from 46% (n=6) pre-pilot to 28% (n=12) post-pilot. More guilty pleas were being offered on the day of trial, increasing from 31% (n=4) pre-pilot to 35% (n=15) post-pilot. The number of defendants found guilty at trial increased from one in the pre-pilot period (or 8% of cases listed for trial) to eight (or 19% of cases listed for trial).

Less retractions led to fewer cases discontinued or with no evidence offered, and a **correlation with increased guilty pleas and/or convictions**.

As 100% of victims and defendants were white, no ethnicity issues were evaluated.<sup>76</sup> Case outcomes were not affected by relationship status (current partners or spouses compared to ex-partners or ex-spouses).

#### 4.7.2 Sentencing Defendants

There were 70 defendants available for sentencing in total (16 pre-pilot and 54 post-pilot). Most defendants received only one penalty (in only five of 70 cases were two penalties imposed, but four of these occurred post-pilot). The types of penalties and their use pre-and post-pilot are displayed in Chart 4.5 below. **The use of financial penalties, custody, and community punishment orders increased after the pilot was implemented. The use of conditional discharges and community rehabilitation orders decreased post-pilot.**



Financial penalties were almost never paired with another penalty (unlike Croydon) but rather were 'stand alone' sentences. The average financial penalty decreased from £233 pre-pilot to £183 post-pilot. In nine of 21 cases, the financial penalty included compensation to the victim (two pre-pilot and seven post-pilot). **There should be consideration of whether fines constitute appropriate sentences in cases of domestic violence, particularly in light of some of the negative views of victims.**

Additional analyses were performed to determine whether different types of sentences were given to defendants who were ex-partners or ex-spouses of the victims. None of the types of sentences differed significantly due to relationship status. Since 100% of defendants and victims were white, analyses of sentence types by ethnicity were not performed.

<sup>76</sup> Data on other diversity issues such as disability, mental health, etc. could not be analysed due to very small numbers.

### 4.7.3 Challenging Issues

Bindovers<sup>77</sup> were rarely used (only four of 56 cases listed for trial); however there was an increase in their use from only one pre-pilot to three post-pilot. As recommended in other research on pilots, prosecutors should follow CPS DV guidance about their use, issued in February 2005, and court protocols should be established (Cook et al., 2004).

*Special measures* were applied for very rarely. In only three cases did the CPS apply for special measures, but all of these cases were post-pilot, perhaps indicating an increase in their use. The victim interviews also indicated that many were informed about special measures but it is unclear whether they were not applied for, or whether victims declined their use, or whether they were not appropriate for the specific cases.

Information about *civil orders* indicated there were no cases known to have matters pending in civil court, but in one, there was a civil order in place (of unknown type). **Information from the civil courts is necessary for informed decision-making in the criminal courts, and vice versa.**

## CAERPHILLY VICTIM INTERVIEWS: VICTIMS' PERCEPTIONS

The second part of this chapter details the perceptions of eleven victims (all women) going through the pilot in Caerphilly. Of these, eight had been to court (though in one case, there was an adjournment) and three were awaiting a court date. The views of all eleven are relevant to the pre-court issues, and those of eight victims relevant to the court issues.<sup>78</sup>

### Good practice

**What emerges very strongly is that victim satisfaction and their feelings of safety are very closely tied to the level of information and support they receive.**

## 4.8 Police

### Good practice

**Eight victims stated that they were very satisfied with the treatment that they had received from the police during the initial response; with many victims feeling that the police had been prompt, helpful and supportive. Moreover, five victims with experience of the police at a previous domestic violence incident observed a marked improvement in their conduct.**

***“The treatment was much better this time around than in the past.” [G1]***

At this very early stage of the process when the perpetrator had been arrested and detained in custody, but before contact has been established between the victim and the DPO, some victims stated that they were unhappy with the level of information they received when they contacted the police directly. A number disclosed difficulty in obtaining information regarding bail conditions and custody release.<sup>79</sup> This left them feeling vulnerable and unimportant in the process. *“Information is not forthcoming. I don’t get anything unless I chase it and I feel in the dark.” [G6].*

<sup>77</sup>. A 'bindover' 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 have misbehaved. Such orders will specify a specific sum of money (usually £50-£400, dependent 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.

<sup>78</sup>. See Appendix 4 for characteristics of victims interviewed.

<sup>79</sup>. ACPO guidance recommends provision of this information for victims.

For four victims, a **lack of information from police regarding release from custody and bail conditions exacerbated concern over personal safety**, particularly in the immediate aftermath of the incident. One victim revealed that she had asked the police for information, but was told that it was confidential. *“I think that the police need to be a bit more forthcoming with information about things like bail and custody release. They said that it was confidential but it was my life wasn’t it?”*<sup>80</sup> [G1] If victims are informed of release or bail conditions then they are able to make proactive decisions concerning their safety and that of their children.

#### Good practice

**Nine of the eleven victims revealed that they were made aware of the DPO and that, in their opinion, contact had been made quickly. The DPO played a vital support role in reassuring and updating victims.**

*“My main point of contact is [DPO]. I know that she is there if I need her.”* [G7]

Only two victims were unsure if they had been contacted by the DPO, although both stated that they had been contacted by numerous people in the initial stages and it was sometimes hard to remember names and agencies.<sup>81</sup>

The level of satisfaction with the police has increased since the Interim Report and the DPO played an important part in improving victim confidence in the criminal justice process.

## 4.9 Evidence

The findings suggest a slight improvement in satisfaction in terms of the collection of **photographic** evidence. *“Yes they came and took them [photos] at my house a day after I think.”* [G2] It is important to note, however, that four victims were involved in harassment cases where such evidence was not necessarily relevant.

Despite some increase in satisfaction, a number of victims expressed frustration, believing that evidence gathering could be improved. *“At first they didn’t take any statements from my mother or daughter so the case was adjourned.”* [G11]

The question of **additional witness statements** was only relevant for a small number of victims. The findings were mixed, with a number of victims believing that vital witness accounts were not documented. In one case, however, a witness statement was taken from the victim’s child and the victim was pleased with the sensitive way in which it was taken.

The issue of **child witnesses** remained sensitive and evoked mixed feelings. Five of the eleven victims said that children had witnessed the incident. Three victims were reluctant to involve their children, although one revealed that an officer had mentioned the possibility to her at the time of the incident. Another victim had since learned that the statements and evidence would have been given within a supportive environment. More information should be passed to victims about the support offered to children who provide evidence so that victims, as parents/carers, can make better-informed decisions. Clear guidance is now provided on the issue of child witnesses in the CPS Domestic Violence Policy, Guidance and Training Manual, as well as in the ACPO Guidance.

<sup>80</sup>. As before n.79.

<sup>81</sup>. The evaluators have been informed that Project SAFF publishes a leaflet with such information.

A number of victims raised the issue of the collection of evidence for harassment cases. In some instances, victims saved phone and text messages but reported that the police rarely appeared interested in pursuing these lines of enquiry.

Evidence collection was highlighted for improvement within the Interim Report. **Evidence remains an important issue for victims and a source of concern if they feel that their case is not as comprehensive as it could be when presented at court.**

#### **Good practice**

**There is an improvement in the number of completed Victim Personal Statements (VPS)<sup>82</sup> in comparison to the findings in the Interim Report. Four of the victims had completed the personal statements, were aware that they would be presented to the defence, and believed them to be a good idea.**

***“I think it is good to fill one in as everything is relevant. It is not just one incident and it is important to take everything into consideration, especially the impact on the children.” [G9]***

In addition, three other victims were aware of the statements but disclosed either a reluctance to complete one, or a logistical problem that meant they were unable to complete one. The four remaining victims were unaware of the existence of such a statement, and some expressed regret at missing the opportunity to expand on the impact of the abuse. **The increased use of VPSs is encouraging, though practices should be monitored to ensure compliance with policy.<sup>83</sup>**

#### **4.10 Advocacy, DPO, Victim Support and Witness Service**

#### **Good practice**

**All of the victims stated that practical action (provision of locks and panic buttons); emotional support and case updates provided by Project SAFF (PS) were invaluable in increasing their feelings of safety. The majority of victims were provided with new locks on the house and panic alarms.**

***“I feel over the moon with them [locks]. I now feel safe when I am out of my home too, I feel confident that he isn’t able to break in while I am away. They are a 100% bonus.” [G7]***

#### **Good practice**

**According to the majority of victims, either the advocate or the DPO was in contact promptly, and a number of victims stated that their particular situation undoubtedly improved as soon as Project SAFF made contact. Some victims revealed that the advocate also contacted councils to help with *re-housing applications*, and secured *counselling for victims and children*. They were also quick to update on case progression or court activity, which was very reassuring.**

***“PS were fantastic. They are my main contact. They made me feel reassured. If it hadn’t been for PS I don’t think that I would have known anything. They always keep in touch.” [G8]***

<sup>82</sup>. In only two of 291 case files was it noted that a VPS was taken, however this information was not routinely collected.

<sup>83</sup>. The evaluators have been informed that it is the practice to require the offering of a VPS at PTR, but note that not all cases go to PTR.

### Good practice

The emotional support provided by Victim Support (VS) was noted as an important factor by some:

*“[VS] came over to the house and sat with me just talking. I wasn’t dealing with things very well at all then and it helped to have someone who wasn’t a member of the family.” [G6]*

### Good practice

The Witness Service (WS) took on a very important role while victims were waiting for the day to attend court.

*“They were really supportive. They gave me the booklet [to explain court proceedings] and were very helpful.” [G7]*

There were three victims who felt that their **children** had been excluded from the process in terms of the provision of emotional support. In one instance, a victim’s son was very concerned that he would inherit the characteristics of his father. This victim revealed that she had to seek out child counselling.

The impact of domestic violence can have long-term ramifications for children and this is of primary importance for many victims. The provision of support services for children should be integrated into the response to domestic violence, and would undoubtedly serve to increase confidence in the CJS. Further information is needed for parents to help make informed decisions about children acting as witnesses in hearings.

**The importance of the support services for victims and children cannot be overstated.** The close working relationship between the advocate and the DPO within Project SAFF, and between them and Victim Support and the Witness Service ensures the provision of **emotional support, information, practical help and case updates for domestic violence victims** throughout the whole process, and highlights the effectiveness of a coordinated multi-agency approach.

## 4.11 Retraction

### Good practice

Only two of the victims interviewed disclosed that they had decided to retract their statement. Three victims also highlighted advocate support as a significant contributing factor in decisions to continue with cases.

*“I didn’t retract this time. I had done lots of time before but I think that was because I didn’t feel that anyone was taking me seriously and I thought that I was just being left alone to do things. This time around, it was totally different. To be honest I think that the only reason I kept going this time was because of the advocate support.” [G1]*

One victim who withdrew her complaint disclosed that she had been issued with a witness summons as a result. Significantly, she welcomed it. *“I was glad that I was witness summonsed. Sometimes it is better for the woman to have things taken out of her hands. If a woman prosecutes, the recriminations fall on her. This time I could say that I had no choice.” [G5]*

## 4.12 Information about Court Processes

### Good practice

Eight of those interviewed had attended court and six victims believed that they had received sufficient information about the court process, with only one victim revealing negative perceptions. Again, Project SAFF was the main source of information for many victims throughout all stages of the process. The information the advocate provided served to increase their legal knowledge and thus personal confidence in what to expect from the system.

*“Yes I think I was well informed. Everything was covered. I wouldn’t have thought of half the things they covered.” [G2]*

Three victims said that they had received a booklet, which provided information on legal terminology, special measures and the layout of the courtroom. **The booklet proved to be a good source of advice, and served to assist some victims in preparation for court.**<sup>84</sup>

## 4.13 Pre-Court Visits and Court Facilities

Seven of the eight victims who reached this stage in the process were **happy with the amount of notice that they had been given to attend court**. All of the victims received an offer to attend the court prior to the trial. Interestingly, however, many of the victims disclosed that they had not taken up the offer. *“Yes, I was offered a visit but I didn’t take them up on it. I thought that it might make me even more nervous about going to court.” [G4]*

### Good practice

The majority of victims were very positive about the facilities at the (Caerphilly) court. It was believed that access to the witness suite particularly helped increase feelings of safety. One victim who had previous experience of the court set-up noted a distinct improvement in the facilities.

*“The court has changed, it’s not so intimidating.” [G11]*

Some victims stated that they had been provided with a taxi to the court, while others recalled being escorted to their cars or the nearby police station. The witness suite was widely praised as both an area of safety and a place to be able quietly to prepare for giving evidence. Some said that there should be a separate entrance for victims and witnesses.

## 4.14 Screens and other Special Measures

In some (but not necessarily all) cases, victims of domestic violence are eligible for special measures under the Youth Justice and Criminal Evidence Act 1999.

### Good practice

Six of the eight victims who went to court had been made aware at some point of special provisions that could be made to make them more comfortable while giving evidence.<sup>85</sup> The sources of information included both the police and advocacy workers.

*“I have been told about special things that can be done to help me.” [G3]*

<sup>84</sup>. The Witness Care Unit publishes two leaflets on being a witness in court. The Witness Service also publishes such leaflets.

<sup>85</sup>. There is some disparity between these figures and those available from the case files at 4.7.3 above, which may be explained by the fact that not victims are eligible, and of those who are, some might not want to take up the offer.

The two who did not know about the possibility of screens expressed regret: *“I was not told about any special measures at all, no screens. The main thing that I was really scared about was going into court and seeing him there.”* [G1] None of the victims indicated that they had requested any measures to be put in place for themselves. Liaison between the victim, advocate and CPS Coordinator is important in informing the decision to apply for special measures in appropriate cases.

#### Good practice

**In one case, a child was due to give evidence via video-link. The victim had visited the video-link room with her child on the pre-court visit, and was reassured by the supportive way in which this was to take place.**

*“I have a good feeling about the court now particularly because of the way they have looked after my daughter.”* [G11]

### 4.15 Experiences at Court

#### Good practice

**All eight victims who had gone to court were accompanied by the advocate, DPO, Witness Service, or a combination of the three.**

Generally, victims were satisfied with the amount of time that they were at court. Two victims felt unhappy at the length of time they were waiting, which was exacerbated by lack of information on the progress of the proceedings, and the eventual adjournment. They felt that decisions to adjourn should take more account of the ordeal, which victims find the experience to be.

Three victims wanted to feel **more protected in the courtroom**. They felt that good work done by the support agencies up to the court door was undermined by the courtroom experience.

### 4.16 Satisfaction with the CPS

**Half of those interviewed were satisfied with the CPS.** These victims referred to the time taken by the lawyers to **introduce themselves and explain procedures, their preparedness and level of familiarity with the case** as reasons for their satisfaction.

#### Good practice

*“I thought that the lawyer was really good. He came into the suite and introduced himself and went through my statement with me. I had never been to court before so appreciated him running through and explaining everything to me. This was good I thought because I was worried about cross-examination.”* [G1].

The other four victims were unhappy with the lawyer for a number of reasons. They felt that the lawyer simply did not have enough detailed knowledge of their cases and therefore was not able to mount a strong, comprehensive prosecution. *“I felt let down. The lawyer was not strong enough. [The lawyer] didn’t know enough about my case.”* [G7].

The findings reveal that **interaction with the CPS lawyer is very important to victims’ confidence** on the day of court. Feelings of confidence and satisfaction can be significantly improved by lawyers simply taking time to introduce themselves and explain briefly what to expect, as well as by being fully prepared. Managers should ensure that lawyers are given enough time properly to prepare cases in accordance with the national advocacy standards.

## 4.17 Satisfaction with Outcome

### Good practice

Six of the eight victims for whom it was relevant were informed of possible sentencing outcomes. This is an improvement on the findings from the Interim Report, though only two stated that they were satisfied with the sentence received by the offender. Crucially, however, both of these victims referred to the sentence increasing their feelings of safety.

*“I was very happy with the Restraining Order – it was unlimited and that made me feel safe.” [G8]*

### Good practice

In some instances, contact with the victim was made by the police.

*“They called me straight away. I am so reassured that I can turn to them if I ever need anything. They explained the Restraining Order to me. They said the wording was really good and I was well protected. They told me that they were always at the end of the phone. It’s good to know that the support network is still there even though the case is over in the eyes of the system.” [G8]*

Other victims were concerned about the lack of information they had received about Restraining Orders (ROs). Victims felt that they needed to know more about the limitations of an RO because it appeared that the offender could break it and not be punished for it. This in turn left them feeling powerless. Detailed information about the role of ROs and their conditions should routinely be provided to victims, so that they are better able to take further steps to protect themselves.

Those who were dissatisfied with the sentence identified the following reasons: inadequate enquiry (by the bench) into the specific circumstances surrounding the case; inadequate enquiry into financial situations before fines were imposed; and insufficient understanding of the needs of the offender. *“They didn’t properly assess what he needed. He should have been taken to hospital rather than prison. He has alcohol problems and they haven’t been addressed.” [G10]*

As noted in the quantitative analysis above (4.7.2), sentencing practices should be reviewed and monitored, with consideration especially given to whether the practice of imposing financial penalties alone is an appropriate penalty, and to giving the victim more detailed information about ROs.

## 4.18 Post-Court Experiences

### Good practice

Seven of the eight victims who had gone to court revealed that they received an immediate update on the court result, and that they were receiving continued post-case support. Project SAFF and Victim Support phoned victims with information and helped with housing and setting up counselling.

## 4.19 Recommendations

A summary of all the findings and recommendations may be found in the Executive Summary.

## Chapter 5

### CROYDON PROCESS: INTERVIEWS WITH KEY STAFF

This chapter contains a qualitative analysis of the responses of **key staff** at the Croydon site, interviewed between December 2004 and March 2005. Respondents were asked what developments had taken place on key issues highlighted in the Interim Report, during the first year of the Special Domestic Violence Court (SDVC). Findings common to both sites are summarised in Chapter 2.

#### Summary of key benefits

The SDVC has been successful in:

- Getting cases flagged appropriately;
- Reinforcing the need for effective evidence gathering and encouraging movement towards implementation of the policy for using evidence other than that of the victim;
- Ensuring better bail decision-making;
- Involving the victim through the advocacy support service;
- Altering the sentencing practices of the court and encouraging greater use of Community Rehabilitation Orders (CROs);
- Providing a focus for training and greater awareness of DV issues;
- Introducing effective ongoing monitoring of compliance with court orders.

#### 5.0 The parameters of the Croydon Pilot <sup>86</sup>

The parameters of the Croydon SDVC pilot were:

- Training of the police, magistrates and CPS;
- Implementation of the Inspectors' report and SDVC report;
- Improving exchange of information between the civil/criminal justice system;
- Use of advocates (including BME) to enhance victim support and participation;
- Partnership work with the local authority to provide counselling/education groups.

The parameters of the evaluation were revised to take into account the delay in moving to an IDVC (upon which local authority involvement centred). Thus, the evaluation concentrated on the first four parameters (see 5.1 to 5.4 overleaf).

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<sup>86</sup>. Agencies interviewed for this report are listed in Appendix 2. Key staff are identified in the text as members of either the criminal justice system agencies (CJ) or one of the "voluntary" and community support agencies (VCS).

## 5.1 Training

### 5.1.1 Police

#### Good practice

**One year into the life of the SDVC it was estimated that 60% of police officers had received DV training. CDVAS was heavily involved in the delivery of this training.**

There were some teething problems implementing police training and the attitude of some officers was noted to be challenging. Furthermore, the issue of training for specialist officers (given the regular changes of personnel in the CSU) remained one year on. *“There has been some hostility from frontline officers towards domestic violence...there are still problems with knowledge, the high turnover rate and shortfall of staff in the specialist unit.”* (CJ)

### 5.1.2 Magistrates

#### Good practice

**Over half of the magistrates (more than 100 of a total of 180) have now received training to sit in the SDVC and all thirteen legal advisers had been specially trained. The magistrates have received two days training based on the JSB<sup>87</sup> package with additional elements for the SDVC. The training has been so successful that there is now a waiting list to join the SDVC panel. It is believed that, as a result of the training, magistrates are looking more critically at issues and *“are now more focused on safety issues.”* (CJ)**

### 5.1.3 CPS

#### Good practice

**It was noted in the Interim Report that all Croydon CPS lawyers have received domestic violence training (based on the view that all lawyers should be DV trained, not just prosecutors with a specialisation). However, all the respondents outside the CPS strongly expressed the view that the approach of prosecutors who regularly appear in the SDVC is far superior to the replacement cover when those prosecutors are not available.**

*“If it is one of the specialist prosecutors...[x and y]...then the CPS are great, but if they are not there then prosecutors without any real knowledge of domestic violence get thrown in and they don't know what to do. If the court was done by specialist prosecutors all of the time and they read the files in advance then I feel that the prosecution would be a lot more hard hitting.”* (VCS)

Some respondents commented on stand-in prosecutors not being fully prepared or effective in case presentation: *“The response of the CPS is variable. When a stand-in for the specialist is used then the CPS response can be less than suitable.”* (CJ) Providing cover for the SDVC two days a week may necessitate using a wider pool of prosecutors, particularly if key individuals are not available for prolonged periods. In this respect, it is important to monitor the effectiveness of training, and consider retraining for prosecutors if the feedback from other partners on the performance of the CPS in the SDVC continues to be mixed.

#### **Good practice**

**Prosecutors with a specialisation in DV, who regularly attend the SDVC, are able to make a big difference to the confidence of other partners as well as to victim satisfaction.**

Croydon CPS, in line with the national CPS training plans, are drawing up plans for training all prosecutors, caseworkers and designated caseworkers from Summer 2005 – Spring 2008.

#### **5.1.4 Voluntary Sector**

It was noted that the voluntary and community sector agencies were coming from very different starting points and had different roles to perform, from each other and from the CJS.

#### **Good practice**

**Joint training has been beneficial in trying to clarify these roles and in moving towards more effective partnership working. The voluntary sector agencies have collaborated in joint training during the first year of operations of the SDVC.**

For example, Victim Support (VS) were involved in giving training to CDVAS<sup>88</sup> volunteers on what VS can offer victims of domestic violence. VS has also trained additional volunteers joining its own service, although the number of referrals for domestic violence remains low.

#### **5.2 Implementation of the Inspectors' report and SDVC report**

Key recommendations from the Inspectors' report and the Evaluation of Specialist Courts report<sup>89</sup> are addressed in the following sections (5.2.1 to 5.2.8).

##### **5.2.1 Flagging**

#### **Good practice**

**It was generally agreed that the flagging of domestic violence cases had improved during the first year of operations. Although the police request for a special coloured docket had not been taken up, the CPS and courts did use a specially coloured sticker to identify DV cases.**

In the opinion of some respondents, it is still a challenge to persuade legal advisers in the remand court to remand domestic violence cases to the SDVC.

##### **5.2.2 Effective Evidence Gathering**

In the Interim Report, it was noted that agencies were aware of the new local protocol for effective evidence gathering, but that little progress had been made by the police towards its implementation. The quantitative data in Chapter 6 show that significant progress has been made on evidence gathering in Croydon during this evaluation, but respondents did not always

<sup>88</sup>. Croydon Domestic Violence Advisory Service.

<sup>89</sup>. HMCPSI and HMIC *Joint Inspectorate Report*, see [www.hmcpsi.gov.uk/reports/](http://www.hmcpsi.gov.uk/reports/). See also "Evaluation of Specialist Domestic Violence Courts/Fast-Track Systems." Cook, D., Burton, M., Robinson, A. L. and Vallely, C. (2004) London: Crown Prosecution Service and Dept of Constitutional Affairs. Available at [www.cps.gov.uk/publications/reports/index.html](http://www.cps.gov.uk/publications/reports/index.html)

have this impression. Thus, when respondents were asked what progress had been made in implementing the new policy and associated procedural changes, such as the introduction of the new form for the police to complete, they felt that progress was still quite slow. For example, although operational officers had received training on effective evidence gathering and completing the new 124D form, it was generally felt that the impact of this training in practice was (as yet) limited:

*“The police don’t like to ask the questions - like has there been any abuse of pets or unwanted sex acts. They still do not identify with the need to capture a broader picture of behaviour. They think that the new form takes too much time to complete...”(VCS).*

*“The police have a more logical format to follow with the introduction of national guidance on effective evidence gathering - this has clarified what they should attempt to gather at the scene. However, it is still about the police officer who turns up at the scene. I think it is still the case that officers attending at the scene regard themselves as reporting officers and not investigating officers. The trouble is that complying with the new guidelines is very time consuming - this is an issue that has been raised repeatedly at partners’ meetings.” (CJ)*

Consequently, respondents had the impression when interviewed that other evidence was rarely present in trials that got to the SDVC: “...we haven’t seen any cases yet where there has been evidence other than that of the victim at the trial.” (CJ) This mismatch between perceptions of the respondents and the quantitative analysis of the data might be explained by timing: cases where other evidence had been gathered might not have filtered through at the time respondents were interviewed.

#### **Good practice**

**Encouragingly, some respondents noted improvements in the presentation of other evidence at earlier stages in the processing of cases.**

***“I think that there is more photographic evidence and we are seeing that evidence being used earlier in the case, at bail hearings for example, where it can be useful...Attempts are being made by the CPS to obtain copies of the 999 tape...” (CJ)***

Several respondents commented that in cases where attempts had been made to use evidence other than that of the victim, defence lawyers were strident in their objections, which was hampering efforts to move towards ‘victimless’ prosecutions in appropriate cases. Nevertheless, the quantitative data show that there have been successful ‘victimless’ prosecutions in Croydon. One respondent noted that the problems were not simply about defence approaches to evidence: *“We have had **lengthy legal arguments about the admissibility of 999 calls**, but the prosecutor has been successful in getting the magistrates to approve their admission in some cases. There are still some practical problems that need addressing - on occasion the CPS have applied for an adjournment to secure the right tape but that is usually refused by the magistrates.” (CJ)*

The issue of **using children as witnesses was sensitive** and most respondents felt that the CPS remained reluctant to use children as witnesses, a practice which many sympathised with: *“I am still concerned about placing children in that position - it is not a good experience.” (CJ)* *“The CPS are still reluctant to use children as witnesses and, to be fair, their parents don’t like it.*

*There is the issue of the victim priming the child and possible contamination of evidence-it is very tricky because they are not independent.” (CJ) Thus it appears that attitudes to using children as witnesses had not changed over the first year of operation of the court.<sup>90</sup>*

### 5.2.3 Charging

#### Good practice

**Respondents believed that the new charging arrangements had a positive impact on domestic violence prosecutions. The application of the charging standard was thought to have brought about consistent decision-making and less need for charges to be amended at a later stage. This was supported by the data, which showed few alterations to original charges.**

### 5.2.4 Bail Decision Making

#### Good practice

**It was noted in the Interim Report that most magistrates were very good at dealing with bail applications in domestic violence cases due to their specialist training and the input of advocates (see 5.4.1 below). This impression was confirmed in the Phase 2 evaluation.**

### 5.2.5 Victim Input: Victim Personal Statements and Pre-Sentence Reports

Respondents were asked about victim input into cases going through the SDVC, with particular reference to Victim Personal Statements (VPS) and input into PSRs. Although it was generally acknowledged to be important to try to secure victim input into the processing of a case, it was felt that resource issues and confusion over roles had continued to inhibit progress towards ensuring input from victims in more cases. Respondents were hopeful that a new local protocol would result in more victims being given the choice of making a VPS:

*“VPSs are very rare. If they are made available to the court then they are usually taken between conviction and sentence...we are hoping that as a result of the new (local) protocol, which has a specific paragraph about VPSs, the police will be more proactive in obtaining them. We hope that the police will now appreciate that the obligation is on them to obtain VPS and to ensure that they are updated. I have confidence that the police will take this forward and that the only reason why it has not been done properly before is that the lines of responsibility were blurred. It is very important to have clear lines of responsibility for things like this.” (CJ)*

Respondents agreed that victims had no input into Pre-Sentence Reports, largely because of the limited resources of the Probation Service.

<sup>90</sup>. CPS Policy and Guidance for Prosecuting Cases of Domestic Violence (February 2005) and ACPO *Guidance* (2004) provide advice on the issue of child victims and witnesses.

## 5.2.6 Special Measures

In some (but not necessarily all) cases, victims of domestic violence are eligible for special measures under the Youth Justice and Criminal Evidence Act 1999. It is important that consideration is given to use of special measures and applications be made in appropriate cases. Respondents were all agreed that special measures were not being used enough to support victims in the SDVC, but that their use would probably be beneficial in some cases: *“In my experience screens are not offered to victims as an option, but they should be. It is up to the CPS to offer them after they have discussed the matter with the court and defence.”* (VCS)

Respondents from the voluntary sector were worried about discussing special measures with victims for fear of raising the victim’s expectations and putting the prosecutor in an awkward position if the legislative criteria were not met. Whilst this reluctance is perhaps understandable, a more proactive role could be taken by advocates in reminding partners in the CJS of their powers to apply for protective measures if they feel that the victim might benefit. It would of course remain the responsibility of the CPS to decide whether the legal criteria are met. It was pointed out that victims who were reconciled with the defendant, but who were being treated as hostile witnesses, were probably not concerned about being screened. Nevertheless, it was generally agreed that **the CPS should be more proactive in exploring the victims’ views on whether screening would be beneficial.**

## 5.2.7 Sentencing

In the Interim Report, an increase in the use of Community Rehabilitation Orders (CROs) with referrals to perpetrator programmes was noted. Most respondents regarded this as a positive development but problems were noted in Phase 2: *“Probation does not have the resources to support CROs with a requirement to attend a perpetrator programme so probation and the magistrates have had to be more selective.”*(CJ). These resource issues are apparently now being addressed. However, not all informants felt that the increased use of CROs was an entirely positive development:

*“The sentencing in the SDVC is still inadequate and victims feel that they are being let down by the routine imposition of CROs. For some victims a CRO is a slap in the face. There is a waiting list for perpetrator programmes so often the defendant walks away from court with no real immediate consequences. Sometimes it would be better to impose a short sharp shock and that is what some victims want: harsher punishment. I am not talking about lengthy prison sentences but a short term of imprisonment so that the defendant experiences something of what the victim herself has been through as a prisoner in her own home. Defendants who are sentenced to CROs frequently show no remorse - in fact they can be seen laughing just outside the court.”* (VCS)

Whilst it is not for victims to determine the appropriate sentence, their input into PSRs may be valuable in giving magistrates a fuller context for the imposition of CROs. Other research suggests that when victims are reconciled with the perpetrator, the imposition of a rehabilitative penalty is often more welcome than a custodial sentence, and that it can be an effective penalty (Lewis, 2004).

### 5.2.8 Equality and Diversity

Respondents from criminal justice agencies did not generally feel that they were failing to meet the needs of BME victims: *“I don’t hear that BME women are feeling let down”* (CJ). However, they acknowledged that they were not doing anything specific to address the needs of BME victims:

*“The majority of victims in Croydon are from minority ethnic communities and they are not treated any differently from any other victim – apart from interpretation services we don’t do anything special. I don’t think that there is anything special we could or should be doing.”* (CJ)

Same sex relationships were also identified as an area where specific support is limited:

*“I think that the amendments to the Family Law Act will make a difference...I know that the amendments only relate to the civil remedies but I feel that they will have an impact on the criminal side as well. If victims in same sex relationships can get more remedies on the civil side, they might also be more willing to engage with the legal system on the criminal side. The extension of the civil remedies will give them more credibility in the criminal setting.”* (VCS)

The voluntary sector in Croydon does provide some specialist support for BME victims, although the respondents were aware of its limitations. There was concern that this provision is not necessarily provided by women from a similar or the same ethnic or religious background. Respondents also commented that: *“Considering that Croydon is such an ethnically diverse borough there are surprisingly few services to make referrals on to.”* (VCS)

The reason that CJ agencies may not see any differing needs for victims from different communities may be that the voluntary sector, through advocacy and other outreach work, has played an important, but invisible, part in providing support. In Croydon, the data show that about three in ten victims and four in ten defendants were from BME communities (see Chapter 6), although there is still a great deal of monitoring data missing. This has made comparisons between perception and practice more difficult.

### 5.3 Civil/Criminal Interface: Information sharing

Little or no progress has been perceived by staff in improving the arrangements for exchange of information between the criminal and civil justice systems:

*“We sometimes get a letter from the solicitor dealing with the civil matters, or we find out from CDVAS, but otherwise there has not been any improvement in exchange of information about civil and criminal matters. To be honest, I don’t expect there to be any progress until the Domestic Violence, Crime and Victims Act comes in. When that comes in then the police will have to know all about the injunctions because they will be expected to investigate breaches as potential criminal offences. We have tried to set up meetings with the County Court to progress matters but they have been cancelled four times.”* (CJ)

One year on there was still no information-sharing protocol. However, the quantitative data showed a small number of cases with shared information, perhaps indicating some progress towards sharing information.

## 5.4 Advocates

The last of the evaluation parameters concerned the use of advocates (including minority, ethnic advocates) to enhance victim support and participation.

### 5.4.1 Bail decisions

#### Good practice

When respondents were asked for their views on bail decision-making one year into the operation of the SDVC, they noted the valuable contribution the advocacy service was now making to ensure that magistrates' bail decisions were well informed. The use of advocates enhanced victim input into bail-decision making, and provided a useful check on false information provided by the defendant, particularly regarding the status of the relationship.

*"We have been able to get our objections to bail across better because of the information from CDVAS...CDVAS has had information about breaches that we have been able to put before the bench." (CJ)*

### 5.4.2 CDVAS/CPS

#### Good practice

Insofar as victims were able to have input into cases going through the SDVC, this was universally agreed to be due to the involvement of CDVAS, and the good relations developed between representatives of CDVAS and the CPS:

*"Unless CDVAS liase with the CPS on behalf of the victim there is no contact. CDVAS does make a difference in terms of the level of communication between the CPS and the victim... if it is one of the specialist prosecutors then the CPS are great..." (VCS)*

#### Good practice

Respondents pointed out the benefits of prosecutors with a specialism, who were both more open to communication with the victim and had more experience in how successfully to use information provided by advocates in the presentation of the case.

### 5.4.3 Changes in CDVAS role

Although CDVAS have continued to support victims through the Magistrates' Court, working alongside the Witness Service and other staff based at the courts, they have had to cut back their involvement in the SDVC. CDVAS will attend if they are already supporting a particular victim but they can no longer attend every court session, irrespective of the attendance of the victim they support, due to resource implications<sup>91</sup>. Their support includes trials heard in the SDVC as well as in other courts on other days. They continue to offer full support to victims in the civil court due to the number of cases and their perception of the effectiveness of that support. *"We need to re-focus our efforts on the civil courts where CDVAS is making a real difference."* (VCS)

<sup>91</sup>. It has more recently been reported to the evaluators that CDVAS now support all victims they have been informed about, when appearing in court, not just those they are already in contact with.

A new Family Justice Centre is being set up with co-location of the Police Community Safety Unit, CDVAS, local authority and other key agencies. It is hoped that close liaison on cases will ensure that victims can continue to have support provided by CDVAS when going through the criminal courts (if they choose it).

In terms of making an impact on the criminal justice process, however, CDVAS believes that its **efforts are best concentrated on training the police in effective evidence gathering**: *“We feel it will be more effective for CDVAS to concentrate its efforts at the front end on police training... I have more faith in the ability to achieve change through training the police.”* (VCS) CDVAS were asked to provide further training to the Magistrates, but felt it would be more productive to train the police, as they are often the first contact for victims. CDVAS prioritise the service they deliver to their clients. Police training is in addition to that.

All the respondents from the criminal justice agencies were sorry that CDVAS could no longer attend all court sessions although they were aware of the reasons. *“CDVAS feel the most disappointed with the SDVC because they wanted change quicker. They have become disillusioned because they are the ones who deal with the victim all of the time and they are still getting some negative feedback about the criminal justice system.”* (CJ)

The limitation of CDVAS' attendance has implications for the SDVC, especially in terms of bail decision-making and victim input into cases. It was generally felt that plugging the gap left by CDVAS would be difficult. Given the crucial importance of independent advocacy services to the success of SDVCs,<sup>92</sup> it is clearly of considerable concern that those services may not be available to all victims going through the SDVC at Croydon, **but the support given in the SDVC to those victims already supported by CDVAS is welcomed.**

## 5.5 Partnership working

### 5.5.1 Commitment

Partnership working issues were noted in the Interim Report. During the first year of operations, the **partners worked hard to resolve their differences, but this was not completely successful**. Some agencies continued to attend partner meetings because, despite feeling marginalized, they still believed in the SDVC and wanted to find ways to continue their work: *“I want to work with the other agencies and I think that being involved in joint training is a good way into that.”* (VCS)

### 5.5.2 Resources

The reduction of CDVAS' involvement in the courts at the end of the pilot in December 2004 was perhaps mainly due to resource issues. Partners who remain committed to the SDVC aimed to re-engage with CDVAS with the aim of bringing them back within the project, resources permitting.

### 5.5.3 Re-focusing

When the development of an integrated domestic violence court was postponed, and the

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<sup>92</sup>. See Cook et al (2004) available at [www.cps.gov.uk/publications/reports/index.html](http://www.cps.gov.uk/publications/reports/index.html)

parameters of the pilot consequently revised, the local authority decided to focus on the development of a local Family Justice Centre rather than wait for the inclusion of their services in an integrated court. The evaluation of (a) the provision of education, counselling groups for women and children; (b) Housing and Social Services staff to attend court, was therefore not possible within the context of this research.

## 5.6 Costs and Value for money

### Good practice

**The SDVC had no specific funding but partners in the project have shown considerable commitment to the court during the first year of operations. One of the manifestations of this commitment is the regular attendance at partnership meetings, where all of the partners were generally well represented on every occasion.**

For the period of the evaluation there were ten meetings attended by, on average, eleven individuals. Assuming full attendance and two-hour meetings, the total cost of attendance was £5,450, with a maximum of £2,200 for the agency with most input. This demonstrated that very little resources are required to ensure coordination and produce more effective case outcomes. The details of the specific costs in Croydon are included in Appendix 5.

The difficulties of obtaining accurate and full costings for a multi-agency project such as this are now well acknowledged.<sup>93</sup> One of the reasons is the inability of each agency to provide information on how much time is spent specifically on the pilot, which is additional to their usual workload.

### Good practice

**The benefits of the SDVC at Croydon have been demonstrated both qualitatively and quantitatively. It is therefore possible to argue that the SDVC represents value for money in terms of providing a more effective criminal justice response to domestic violence. The costs savings to be made from effective interventions are considerable (Walby, 2004)<sup>94</sup>, and consequently investment in the SDVC is worthwhile.**

In this respect, it is worth remembering that one of the key reasons why the advocacy service has reduced its involvement in the SDVC, is a shortage of resources to support all areas of its work in the justice system. **Adequate funding of advocacy support services should be a priority of the 'invest to save' strategy.**

## 5.7 Perceptions of benefits

The first year of operations of the SDVC has brought significant changes.

### Good practice

**Overall, the majority of staff respondents believe that the SDVC has improved the criminal justice response to domestic violence.**

<sup>93</sup>. It proved impossible to obtain costings for projects to which the Home Office contributed under its Violence Against Women Initiative "Tackling Domestic Violence" (Hester and Westmarland, 2005)

<sup>94</sup>. "The cost of domestic violence", Sylvia Walby, DTI, March 2004

When asked if they felt that victims were more satisfied and whether they and their children (if any) were safer due to the SDVC, the responses were mainly positive from both the criminal justice agencies and the voluntary sector.

## 5.8 Compliance hearings

### Good practice

**One feature of the SDVC that all staff interviewed agreed had been beneficial was the introduction of North American style ‘compliance hearings,’ where the defendant’s compliance with CROs is reviewed by the court at three months:  
“The initial feedback on progress reviews has been very positive.” (CJ)**

*“The Probation Service has been very good with the new review hearings. It has been very beneficial for the magistrates to see if the defendant is complying with their order and participating well in the programme...the monitoring of compliance is an ongoing necessity...but it is important for magistrates to realise that initial compliance does not necessarily mean long term compliance.” (CJ)*

*“The review hearings are very good. It is a two way process: defendants say that they find it useful, and magistrates also benefit from feedback.” (CJ)*

The Probation Service received a great deal of praise for its role in the compliance hearings. However, it was noted that victims were not involved in the hearings in any way, which is something that should be addressed. Compliance hearings have been noted to be a successful feature of SDVCs in the U.S., so it is very encouraging that Croydon SDVC has been able to incorporate this feature into its model with positive results.

### 5.8.1 A second day

As noted in the Interim Report, Croydon SDVC started out with dedicated listing of domestic violence pre-trial matters and sentencing on one day per week (Tuesday). After nine months, a second sitting, on Friday, was introduced with the objective of dealing with additional remand matters in the morning and trials in the afternoon. It was anticipated that as the SDVC bedded in, a second day would become necessary to deal with the increasing workload. Although the workload of the court has increased, however, respondents felt that it had not yet increased to a level that justified an extra dedicated sitting and therefore the introduction of a second day was not as necessary as had been anticipated:

*“...We now have a numbers issue - there are not enough cases to fill the Friday court in addition to the Tuesday session. At the moment the Friday court has about one hour of remand cases and then is free for trials. We are shifting our expectations of the second court and it will probably be used for trials. But in a way we could run DV trials on any day - it would not be a problem for the CPS or the court to ensure specialist personnel...” (CJ) (although it might be a problem for advocates to support victims).*

## 5.9 Recommendations

The recommendations arising from the process evaluation of the Croydon SDVC are contained in the Executive Summary.

## Chapter 6

### CROYDON – OUTCOMES

The first part of this chapter provides the results of data analysis, comparing data gathered from the baseline period, before the pilot commenced, and data from the first and second phases of the pilot. It is followed by an analysis of interviews with victims. The terms “pre- and post-SDVC” refer to before and after the inception of the SDVC. All tables<sup>95</sup> providing data are on the CPS Internet (see Tables 16-30 for Croydon data).

#### Summary of key benefits

- After the SDVC was implemented, the number of cases proceeding through the court doubled;
- Evidence gathering improved significantly, with most types of evidence more likely to be in CPS files after the SDVC was implemented and a correlation between case exhibits and increased numbers of perpetrators pleading or being found guilty;
- Attrition was reduced: the number of cases withdrawn or discontinued before trial decreased significantly from 36% to 20%;
- More cases were proceeding in the absence of the victim and, significantly, perpetrators were still being brought to justice even in cases where the victim retracted;
- More perpetrators were being brought to justice:
  - The proportion of cases in which the prosecution offered no evidence was reduced from 42% to 26%;
  - There was a significant increase in the number of defendants found guilty after trial, from zero in the pre-SDVC period to 19 (or 19% of cases listed for trial), although there was a decrease in guilty pleas (both early and late);
- The use of financial penalties and custody decreased, whereas the use of more appropriate sentences such as community punishment orders, community rehabilitation orders and perpetrator programmes increased markedly;
- Victim satisfaction, confidence in the CJS and feelings of safety were integrally linked to the amount of case information and emotional support victims were given;
- All of the victims had received advocacy support in some form throughout the process. The assistance provided by CDVAS and the Witness Service in terms of emotional support, case progression updates and procedural information proved invaluable to all victims.

<sup>95</sup>. See Appendix 6 for a list of tables of data available at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk)

## CROYDON DATA

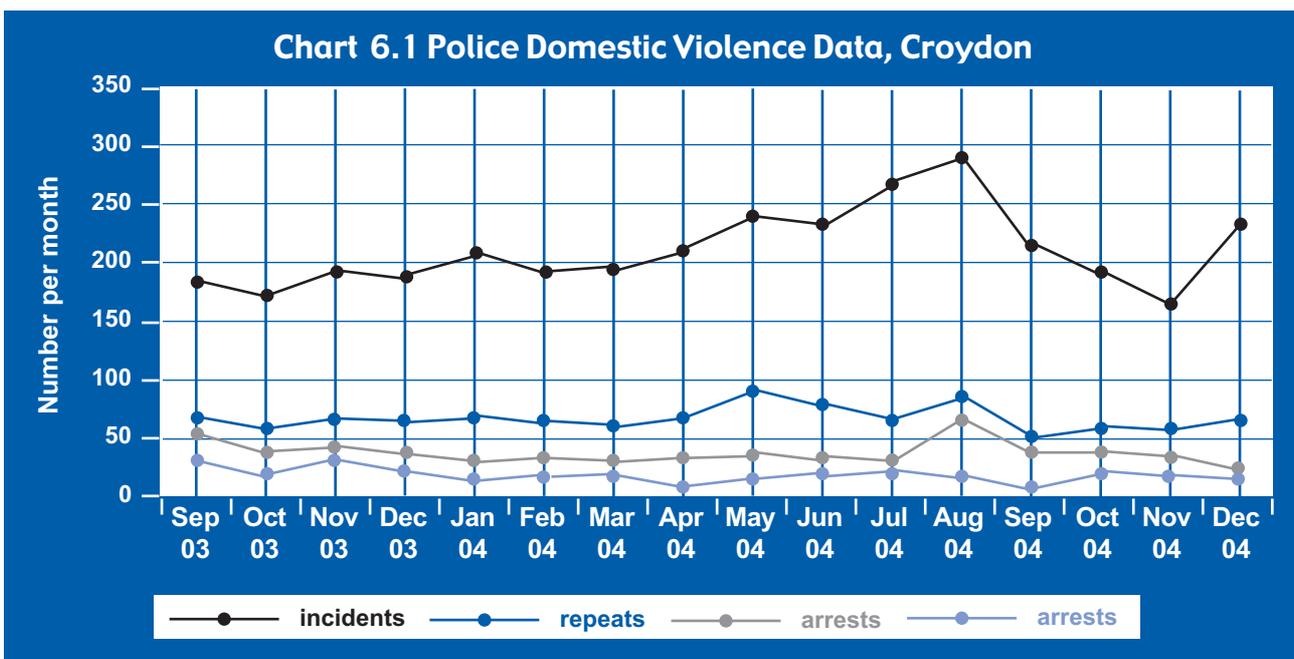
### 6.1 Workload

The sample of cases analysed here includes the following:

- 33 from Baseline Phase (Sept – Dec 2003)
- 70 from Phase 1 (Feb – May 2004)
- 61 from Phase 2 (Sept – Dec 2004)
- **164 total cases** (from 12 months total)

It is notable that the number of cases proceeding through the court doubled after the SDVC was implemented.<sup>96</sup>

Police data were obtained to provide some context to the workload of the court. The number of domestic violence incidents<sup>97</sup> coming to police attention per month is illustrated in Chart 6.1 below. The average was 211 incidents per month, with a noticeable rise in reported domestic violence crime over the summer months. The ratio of cases (going through court) to incidents (reported to police) in Croydon is about 16 out of more than 200 per month.



Repeat victimisations reported to police were compared both before and after the SDVC was in place. The repeat figures recorded by police include any other crime experienced by the victim within the past twelve months (not just domestic violence). **Repeat victimisations reported to police were reduced from 37% pre-SDVC to 32% post-SDVC. However due to police recording practices it cannot be ascertained whether the reduction is in relation to domestic violence or any other crime.**

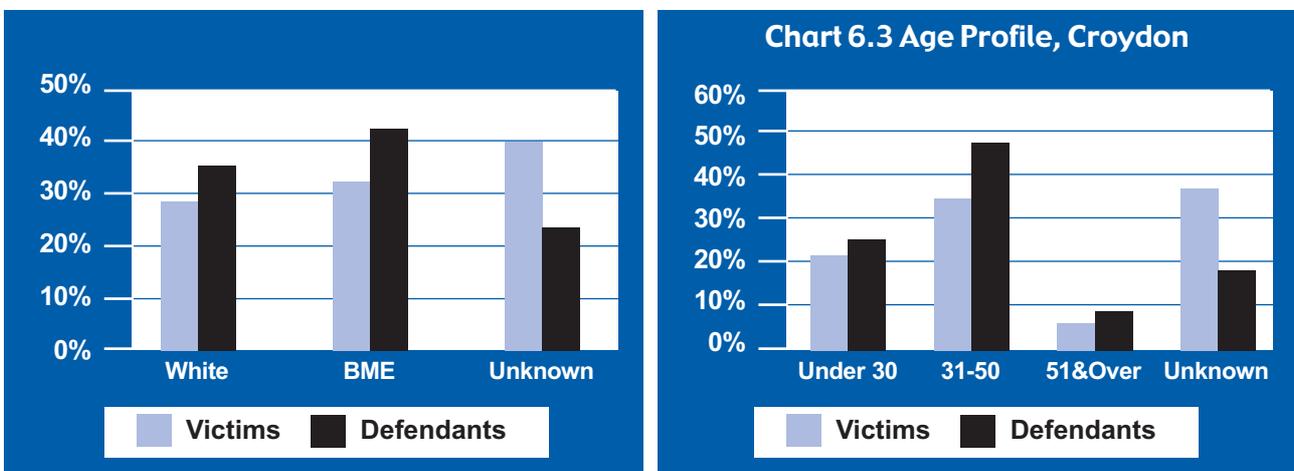
<sup>96</sup>. Complete numbers of referrals to Crown Court are not known. They were not monitored for the baseline phase, but 12 referrals were made in Phase 1. Phase 2 figures are unavailable.

<sup>97</sup>. Police in both sites include both crime and non-crime incidents in their 'incidents' figures, but in Croydon almost all of their incidents are recorded as crime (98.5% in the study period compared to only 56.6% in Caerphilly).

## 6.2 Characteristics of Victims and Defendants

Charts 6.2 and 6.3 below contain demographic information about victims and defendants, respectively. About three in ten victims and four in ten defendants were from black or minority ethnic backgrounds. There was, however, **a great deal of missing data**. The proportion of BME victims was 42% in Baseline period, 23% in Phase 1 and 36% in Phase 2. The proportion of BME perpetrators was 55% in Baseline period, 37% in Phase 1 and 39% in Phase 2. The levels of missing data were higher after the SDVC was implemented for both victims (12% unknown in Baseline period compared to 51% in Phase 1 and 41% in Phase 2) and perpetrators (0% unknown in Baseline period compared to 26% in Phase 1 and 31% in Phase 2). The research team coded the cases during the baseline period, whereas after the SDVC was implemented, the diversity monitoring was up to the pilot team.

Most of the victims and defendants that were over 40 years old came from the Croydon pilot. The average age of both declined somewhat post-SDVC (from about 40 to about 34 years).



In relation to the types of relationships between victims and defendants, there were three same sex relationships and two transgender victims in the Croydon study sample (post-SDVC). Very little information was obtained from the case files about the background characteristics of victims and defendants. Only two pregnant victims were documented. Information about victims and defendants was poor. **Croydon would benefit from improving its information gathering and sharing practices.**

## 6.3 Types of Offences Charged

Information about offences charged and charging alterations indicated that the most common offences were s.39 Common Assault (n=101, 62%) or s.47 Assault Occasioning Actual Bodily Harm (n=31, 19%). About one-third of defendants (n=61, 37%) were charged with multiple offences. Charging alterations were infrequent (in 114 of 164 cases or 70% the original charge was maintained). No statistical differences in charging practices were observed between the baseline and the post-SDVC period.

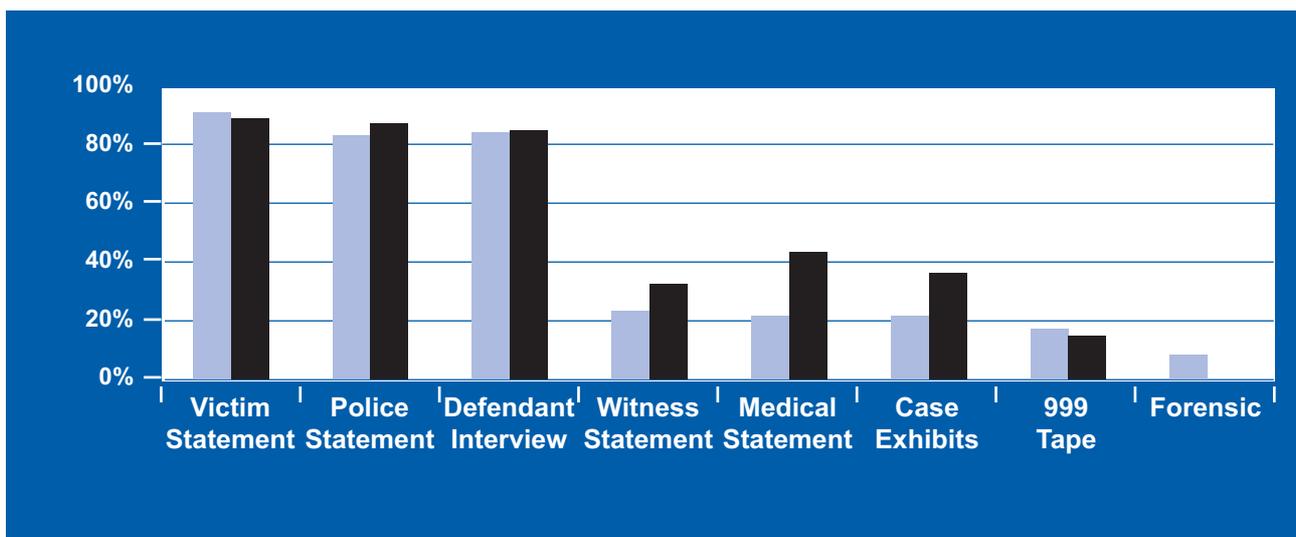
## 6.4 Speeding up the Process

One of the main goals of SDVCs is to reduce the amount of time a case takes to progress through the criminal justice system. The number of days between arrest and case finalisation

increased from 103 days pre-SDVC to 158 days post-SDVC. This is much longer than the average of 72 days found in the evaluation of five SDVCs (Cook et al., 2004). While the number of cases listed for trial did not increase significantly, more lengthy trials took place post-SDVC.<sup>98</sup> In addition, the number of hearings per case increased (from 2.5 to 3.8). The proportion of cases that went to PTR increased substantially from 24% (n=8) pre-SDVC to 59% (n=77) post-SDVC. These findings suggest that cases that are more complex are being heard in Croydon. However, **the speed of the process should be monitored and improved where possible.**

## 6.5 Evidence

Chart 6.4 details the types of evidence present in files. Despite the perceptions of key staff (see Chapter 5), case files were much more likely to contain more evidence post-SDVC (i.e. more than the three basic types of evidence generally found in CPS files: victim statement, police statement, and defendant interview). Furthermore, the collection of several types of evidence increased significantly post-SDVC. For example, the use of medical statements more than doubled (n=7, 21% to n=57, 44%), and the use of case exhibits increased substantially (n=7, 21% to n=48, 37%).



### Good practice

**Evidence gathering has improved significantly since the implementation of the SDVC. This is particularly important given that evidence such as case exhibits was correlated with an increase in the number of defendants who pleaded guilty or were found guilty at trial.**

Information about children and using their evidence indicates that a significant number of children witnessed the incident in Croydon (62 of 164 cases) yet in only seven of these were they to be witnesses in court and in only two cases was their evidence used. **Further consideration needs to be given to the use of child witnesses.**

<sup>98</sup>. For example, all 19 cases where defendants were found guilty after trial occurred post-SDVC, and six of the seven cases where defendants were found not guilty after trial occurred post-SDVC.

## 6.6 Pre-Trial Decision-Making

Plea information indicates that the proportion of defendants offering an early guilty plea reduced after the implementation of the SDVC, from 33% of cases pre-SDVC to 22% of cases post-SDVC. In only seven cases was it recorded that the victim was consulted before the plea was accepted, however six of these were post-SDVC indicating that the pilot is beginning to make an impact on consultation.

Information on bail decisions indicates that the most common action for both the police and the court was to bail the defendant with conditions (51% and 48% of cases, respectively).

### Good practice

**The number of cases with restraining bail conditions increased significantly, from 64% to 78%. The conditions were more likely to involve child contact.**

Case progression information indicates that 22 cases were withdrawn and 16 were discontinued before trial.

### Good practice

**Attrition (cases dropped before trial) was reduced significantly post-SDVC, from 36% (n=12) to 20% (n=26).**

The most common reason for a case to be withdrawn or discontinued was victim retraction. The number of victim retractions increased from 33% (n=11) to 44% (n=57) but this change was not statistically significant. Victims were no more likely to retract when they were current partners or spouses of the defendant, nor did levels of retraction differ by the ethnicity of the victim.<sup>99</sup>

### Good practice

**Despite increased retractions, pre-trial attrition was reduced, which suggests that more cases are proceeding despite victim retraction. Specifically, in 21 of 68 cases (31%) where victims retracted there was still a perpetrator brought to justice (13 pleaded guilty at trial, 6 were found guilty after trial, and 2 were bound over.**

In 38 of 68 cases (56%) a retraction statement was present in the file<sup>100</sup>, and in only 14 of these was it known, from the endorsements on the case files, to be satisfactory. **Better documentation of victim retraction is necessary in line with the CPS's own guidance.**<sup>101</sup>

## 6.7 Decisions at Trial Hearings

### 6.7.1 Bringing Perpetrators to Justice

Since the SDVC, **more perpetrators are being brought to justice.** One factor indicating success in bringing perpetrators to justice is the proportion of cases listed for trial in which the prosecutor offers no evidence (NEOs).

<sup>99</sup>. Data on other diversity issues such as disability, mental health, etc. could not be analysed due to very small numbers.

<sup>100</sup>. This compares to 44% in the Inspectorate Report.

<sup>101</sup>. See updated CPS "Policy on Prosecuting Cases of Domestic Violence" (Feb 2005).

### Good practice

NEOs reduced from 42% (n=11) pre-SDVC to 26% (n=26) post-SDVC.

The proportion of cases listed for trial in which the defendant pleaded guilty on the day of trial decreased from 54% (n=14) to 44% (n=44).

### Good practice

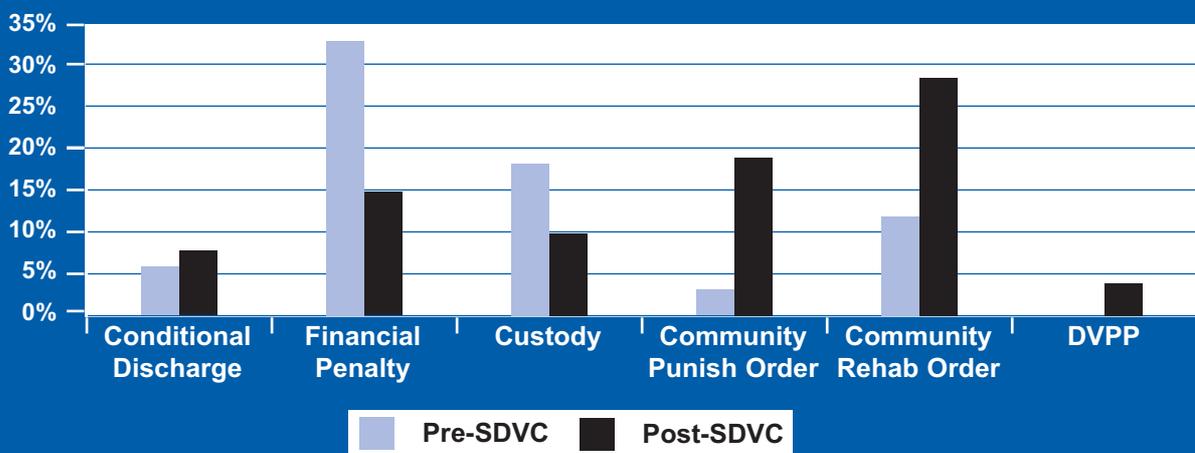
There was a significant increase in the number of defendants found guilty at trial, from none in the pre-SDVC period to 19 in the post-SDVC period (or 19% of cases listed for trial).

Case outcomes were not affected by the ethnicity of either defendants or victims, but they were impacted on by relationship status (NEOs were less likely for ex-partners or ex-spouses than for current partners, whereas guilty pleas at trial were more likely).

## 6.7.2 Sentencing Defendants

There were 98 defendants available for sentencing in total (17 pre-SDVC and 81 post-SDVC). A substantial proportion of defendants received more than one penalty (30% or 29 of 98 cases, 22 of which were post-SDVC). The types of penalties and their use pre-and post-SDVC are displayed in Chart 6.5 below.

Chart 6.5 Sentencing in DV Cases, Croydon



### Good practice

The use of financial penalties and custody decreased after the SDVC was implemented, whereas the use of community punishment order, community rehabilitation orders and perpetrator programmes increased markedly.

Financial penalties were often paired with another penalty. The average financial penalty increased from £155 pre-SDVC to £222 post-SDVC. In 17 of 31 cases, the financial penalty also included compensation to the victim (five pre-SDVC and twelve post-SDVC). While most victims often understandably lament the use of financial penalties by the court, in Croydon it appeared that the use of financial penalties was more appropriate, given that they were usually paired with other penalties, and often included compensation for the victim.

Additional analyses were performed to determine whether different types of sentences were given to defendants who were ex-partners or ex-spouses of the victims. None of the types of sentences differed significantly due to relationship status. Most sentence types did not differ by the ethnicity of defendants or victims. However, more white defendants were given financial penalties (n=17, 29% compared to n=14, 21% of BME defendants).

### 6.7.3 Challenging Issues

*Bindovers* were rarely used (only five of 126 cases listed for trial, or 4%) however there was an increase in their use from none pre-SDVC to five post-SDVC. As recommended in other research on SDVCs, there should be monitoring of the adherence to guidance issued to prosecutors about their use and court protocols established (Cook et al., 2004).

*Special measures* were applied for very rarely. In only four cases did the CPS apply for special measures, an equal number pre and post-SDVC.

Information about *civil orders*<sup>102</sup> indicated that there were only six cases recorded with matters pending in civil court, and in four cases, there was a civil order in place (three non-molestation and one restraining order). Although these are small numbers, they do represent a slightly **enhanced link between civil and criminal courts**, as almost all the information was shared post-SDVC.

## CROYDON VICTIM INTERVIEWS: VICTIMS' PERCEPTIONS

The second part of this chapter outlines the perceptions of eleven victims (all women) going through the pilot in Croydon. Of these, ten had been to court, and one did not have to attend court to give evidence. The views of all eleven are relevant to the pre-court issues, and those of ten relevant to the court issues.<sup>103</sup>

### 6.8 Police

#### Good practice

**There was a discernible increase in the level of satisfaction with the police at the point of initial response. Of the eleven victims interviewed, eight noted positive interactions. A large proportion of the victims believed that the police had responded quickly and been supportive, professional and effective.**

***“They came out twice. [They were] very positive, clear, and there was no pressure.” [C4]***

#### Good practice

**A number of victims praised the decisive action of the police, particularly in terms of effective ways to neutralise the situation.**

***“[They were] very professional – they separated me and my husband, and made the decision to arrest him and take him away.” [C8]***

<sup>102</sup>. Data derived from CPS forms.

<sup>103</sup>. See Appendix 4 for characteristics of victims interviewed.

There were a number of negative remarks in relation to subsequent contact with the police. In some instances, it was perceived that the police were slow to acknowledge the seriousness of situations, and did not return calls or update the victim on the progression of the case. *“It wasn’t until a while later that I realised that I hadn’t included all details [in my statement]. I was so shocked at the time. I contacted the station to say that I had only given half a statement. The officer never rang me back, it was another 2 months before I got to do my statement.”* [C3]

A large proportion of victims said that they found it very **hard to gain information about custody release and bail variations**, whether police or court bail. As one victim stated, *“it was my life. I needed to know when he would be out and about. There is a missing link and it left me not knowing when he could be released and very scared. When was he going to find out that an injunction had been served? I felt vulnerable.”* [C1] If victims are not kept informed, they cannot make proactive plans to increase their safety.

### Good practice

**Seven victims stated that they were put in contact with a DPO and there were a number of positive comments made concerning the information and support provided by the DPO.**

*“She was excellent. As soon as [x] was released from prison, the DV Officer called. She updated me and came to the court too.”* [C1]

However, many of the victims revealed that although they knew whom to contact, it was often difficult to get through to the Community Safety Unit (CSU<sup>104</sup>). *“I knew that there was a special DV unit but I wasn’t always able to get through. I was always leaving messages.”* [C4]. Another victim believed that the *“CSU is an answer machine not a person. You then have to call 999 and they never know the history.”* [C5]

Increased satisfaction with the initial response was often undermined by subsequent dealings with the police. Improvements should be made in providing timely information to victims about release and bail conditions. It is important that the victim is put in touch with a DPO quickly.

## 6.9 Evidence

Victims’ confidence in the criminal justice system was closely linked to the gathering of available evidence. Victims believed that their cases needed to be as strong and comprehensive as possible, and where they thought that available evidence had not been collected, there were feelings of disappointment and frustration. Only one victim expressed satisfaction with the process and outcome of taking **photographs**. Two victims believed that photos should also have been taken of the scene of the incident, which is in line with Metropolitan Police Policy<sup>105</sup>. Three victims stated that photographs had been taken but that the camera did not work, or that they were very disappointed with the outcome. *“They were taken at the station but I didn’t get to see them. In the end, they were hopeless because they were taken so far away you couldn’t see anything. The injuries didn’t look as serious as they were. My daughter ended up taking some the next day and the bruises were so much clearer, and showed his fingerprints which was important because he said that I had fallen.”* [C3]

<sup>104</sup>. The Community Safety Unit deals with domestic violence, homophobic and racist crime.

<sup>105</sup>. Domestic violence Service Level Agreement between CPS (London) and Metropolitan Police Service, October 2003.

In another instance, the victim was left unconvinced that the police were confident of what they were doing. *“My ear was bleeding but the police were very unsure of what to do. They didn’t take pictures, they just drew a picture. There was a lot of confusion.”* [C3]

Only one victim of five, for whom it was relevant, revealed that **statements from other witnesses** had been taken. This statement was taken from her daughter. She was pleased and reassured by the sensitive way in which the statement was conducted. The other victims stated that the police had not pursued witness statements. *“I think that my neighbours saw what happened because they always used to watch the house but the police didn’t go and speak to them”.* [C3]

The issue of **children as witnesses** remained a sensitive issue. Of four victims who referred to the issue, two did not want their children to be involved, and two felt that their children were overlooked as witnesses. As one victim stated, *“I would have most definitely liked my child to have been interviewed but no-one even asked. I wanted her to be able to express herself”.* [C2] **It is clearly a situation in which a case-by-case approach should be adopted. Agencies should discuss every case witnessed by children with the victim, since children may need support and counselling themselves and some may wish to give evidence.**

Ten of the eleven victims interviewed had not completed a **Victim Personal Statement** and knew nothing about them.<sup>106</sup> Furthermore, the victim who had completed a VPS believed that she should have received more information regarding the potential impact that the statement could have on the case. *“I wasn’t very secure in what I was being told. His family told me that it was the VPS that nearly had him put in prison. I didn’t know how it was different and I needed to know because me and my family have to deal with the repercussions.”* [C4]

A number of victims were sorry not to have had the opportunity to complete a VPS. This appeared to be particularly the case if victims were unhappy with the level of detail disclosed in their police statements. Often victims felt that they were not able to give a detailed picture of events during the immediate aftermath of an incident. It was important to them that the court had a comprehensive level of understanding about the circumstances of the abuse.

## 6.10 Advocacy and Witness Service

The victims were asked about the levels of support that they had received both after the initial incident, and during the interim period before they were due to attend court. Advocacy agencies mentioned by victims included CDVAS, the Witness Service and Women’s Aid.

### Good practice

**All of those interviewed had received support in some form, and for the majority the advocacy agency had been their main point of contact. In addition, many victims revealed that the contact had proved invaluable in terms of emotional support, procedural advice, and crucially in relation to increasing feelings of safety: “CDVAS got in contact quite quickly. They were very helpful. I don’t know what I would have done without them.” [C11] “CDVAS were really good. They called me a lot and changed my locks. They have kept me updated, brilliant really.” [C9]**

<sup>106</sup> Again, quantitative data were not available on the number of VPSs taken by police over the study period.

Some victims had had some negative experiences. There were those who felt that advocacy agencies had been slow to make contact, and on occasions did not fulfil promised actions. *“CDVAS were pretty good but always seemed so busy. They could only help you when you asked/phoned them. I don’t think that they took on board the urgency of the situation”.* [C3]

In terms of interim support, nine of the ten victims attending court stated that the Witness Service were crucial both in terms of emotional support and the provision of information on court processes and expectations for the day in court. In some cases, victims had received little support until the WS contacted them, and the WS quickly became their main point of contact.

#### **Good practice**

**The support and information provided by CDVAS and the Witness Service had a substantial impact upon the emotional well-being and knowledge of most of the victims. This in turn had a significant impact upon victim confidence that they were not alone and that they were indeed ‘doing the right thing’.**

There was some evidence that support was not provided consistently to all victims. In some instances, victims felt that there should have been a wider range of support and advice available to them. Some victims recalled that they had received good procedural advice but limited emotional support. In other instances, the reverse was true. Five of the eleven victims recommended the provision of a telephone number or a leaflet that instantly *“guides women to one point of contact, a place that brings it all together. It would be nice to have emotional help and legal things all brought together in one place.”* [C1] This indicated that more work is needed to ensure that information about all the support services is provided.

### **6.11 Retraction**

#### **Good practice**

**Ten of the eleven victims had not retracted their statements because of their desire for justice, consideration for children, and the support of friends and family. One victim stated that it was the advocacy support she received that helped her to continue. *“The support to me was vital, I don’t think that I would have gone to court [without it].”* [C10]**

The victim who retracted stated that a decision had been made to continue the case without her statement and that this had left her feeling powerless. Inevitably, a victim’s decision whether to continue with a case is complex, including issues of personal safety and children. The support they receive is often crucial to such decisions. Furthermore, it is vital for a risk assessment to be conducted when deciding to pursue cases where victims retract and for prosecutors to follow the procedure outlined in the CPS DV Guidance (at 16.23).

### **6.12 Information about Court Processes**

#### **Good practice**

**Eight of ten victims were satisfied with the amount of information that they received about the process. Their responses revealed the Witness Service to be the main source of information, although CDVAS and the police were also referred to on a number of occasions. In two instances, victims believed that the level of knowledge they had of court processes was as a result of pursuing civil action at the same time.**

Victims' responses made it clear that in order to increase confidence in the criminal justice system, it is vital that victims feel included in the process, have legal terminology explained and are in possession of up to date information regarding their case.

### 6.13 Pre-Court Visits and Court Facilities

#### Good practice

**Eight victims had been offered the chance to visit the court prior to their case. Six took the opportunity and believed that pre-court visits considerably helped them prepare for court.**

*"It helped me to see where I would be, what would happen. It stopped me having so many negative feelings. I would have felt a lot worse had I not gone before."* [C2]

#### Good practice

**There was considerable praise for the Witness Suite with a number of victims recalling that they felt safe and comfortable.**

Two victims felt that the communal area was small and noisy and found it difficult to prepare themselves for the courtroom. *"There were lots of people in there and I wasn't able to concentrate on my statement that I hadn't seen for months. I had no space to collect my thoughts."* [C1] These experiences prompted one victim to recommend that there should be a distinction made between victims and witnesses of crime.

### 6.14 Screens and other Special Measures

In some (but not necessarily all) cases, victims of domestic violence are eligible for special measures under the Youth Justice and Criminal Evidence Act 1999. It is important that consideration is given to their use and applications made in appropriate cases. Only three of the eleven victims said that they were provided with any information regarding action that could be taken to ensure they would feel safer or more comfortable while attending court. Two victims requested screens to be put up only to discover that they were not available on the day of trial. A third victim revealed that she was told they would not be needed. *"I would have liked to have had the screens. I asked for them but was told that they were not necessary because he's in the witness box so can't do anything. That's not the point is it?"* [C5]. A further two victims were told to stand in a certain position in the courtroom in order to avoid eye contact with the defendant.

**The responses of all of the victims illustrate the feelings of fear and insecurity that are evoked by court attendance.** The victims were intimidated by the court environment itself, and deeply anxious that they might come face to face with the defendant. The valuable support provided by the Witness Service and other advocacy agencies on the day of court was often undermined when the victim entered the courtroom itself. The offer and subsequent provision of screens or other special measures would greatly contribute to feelings of personal safety and general confidence in the system.

## 6.15 Experiences at Court

The following sections (6.15 through 6.18) relate to the ten victims who attended court.

### Good practice

**Eight victims were satisfied with the length of time that they were in court, with two victims noting that the Witness Service communicated reasons for any delays to them.**

Of the two victims who recalled negative experiences, one noted a lack of information about delays and this was exacerbated by limited facilities for children in her opinion. *“I was hanging around for ages and there was no place for the kids. When I walked in, I was ready, calm, and confident. After hanging around I was angry, agitated, anxious.”* [C9]

### Good practice

**The support received on the day of court was invaluable to every victim. The Witness Service in particular played a crucial role for many of the victims by providing personal reassurance and regular updates on case progress throughout the day.**

*“The WS were great – they do their job and they do it really well”* [C7].

**The work of CDVAS was also praised with one victim revealing that the advocate’s presence at court provided great reassurance. The conduct of the Witness Service staff and CDVAS workers on the day of court undoubtedly contributed to victim confidence and feelings of safety while they waited to give evidence.**

## 6.16 Satisfaction with the CPS

### Good practice

**The findings reveal an improvement in the level of satisfaction with the CPS with six of the eleven victims stating that they were happy with the interaction they had with the lawyer before entering court. These victims revealed that the lawyer had sought them out and introduced him/herself. They were also pleased with the opportunity to discuss concerns that they had with the courtroom environment, and the case evidence.**

*“[CPS] was brilliant and helpful, and told me what I could expect. [The lawyer] even asked me what I thought was needed. They made me feel included in what was happening.”* [C7]

Satisfaction depended on **lawyers taking time to introduce themselves and explain procedures, and their preparedness and level of familiarity with their case.** One victim revealed that she had pushed to see the lawyer before entering the courtroom to talk over her concerns with the case. *“[The lawyer] wasn’t aware of the second part of my statement and was surprised at the photos that I had brought, [saying] they were much better than the ones that they had in file! [She/he] admitted that [s/he] had not really had time to read the case, and was already looking at another one before mine had been heard. At the end [s/he] was really pleased that I had asked to talk to [him/her]. I thought it was ridiculous that [s/he] just had a pile of cases and no knowledge. That all made me feel very nervous.”* [C3]

**The findings reveal that interaction with the CPS lawyer is very important to victims' confidence on the day of trial.** Feelings of confidence and satisfaction can be significantly improved by lawyers taking time to introduce themselves and explain briefly what to expect, as well as by being fully prepared. Managers should ensure that lawyers are given enough time properly to prepare cases in accordance with the national advocacy standards.

### 6.17 Satisfaction with Outcome

Nine of the eleven victims were aware of the sentencing outcome at the time of the interview. Four of the nine women were satisfied with the result. Some said it was what they expected, and others felt vindicated by the sentence. As one victim stated, *"I was very pleased. He didn't deserve to go to prison. He has problems and they were recognised – he got fine, probation and perpetrator programme"*. [C7]

Five victims revealed significant dissatisfaction with the outcome. Their reasons included: the case had been dismissed, and they believed this was because available evidence had not been collected; the sentence was not severe enough; there had been insufficient focus upon the needs of the perpetrator.

Victims were generally dissatisfied with the imposition of fines, and the failure to enforce compensation orders. Two victims said that there was inadequate investigation into the defendant's financial circumstances. *"The fine made me really angry. I had no input so they just took what he said about his financial situation. He is claiming benefits, he was told to pay me £100 but we have just sold our house. He has £180,000 in the bank. Why is he claiming benefits anyway? He is breaking the law. I could have put the record straight if I had been given the chance."* [C3]

Victims would have liked some input to pre-sentence reports (PSRs). *"I didn't even know that they had deferred for PSR until the CPS called. I went to the court that day – the judge had said that it was important to defer for sentencing because the case had been particularly serious. When it came to sentencing, my second statement wasn't even read out in court. They didn't have the full picture. As a result, they gave a fairly lenient sentence. If the judge thought it was particularly serious then why did the sentence not reflect that? He needed to know that he couldn't get away with nearly killing me."* [C4]

The outcomes of cases had a significant effect upon victims. Some victims felt excluded from crucial decision-making, and thus unimportant in the process. They were left with a profound sense of injustice as a result. **Case outcomes had a significant impact on the victim's feelings of safety.** Four victims thought that there should be a form of post-case protection set up to ensure a means of 'flagging up' previous incidents of domestic violence. Some thought that this should happen whether the offender was found guilty or not guilty to prevent possible intimidation or revenge incidents. *"This would give the victim protection and peace of mind."* [C3] A number of victims felt that if a perpetrator was found guilty then there should be some form of permanent marker in place, such as an automatic Restraining Order, permanent bail conditions, or registration on a Domestic Violence List. As one victim stated, *"He should be marked for life, I feel that I am."* [C5] Under the new Domestic Violence, Crime and Victims

Act 2004, restraining orders should provide more protection and victims will have a right to make representations in court if an application is made to vary or terminate the order.

## 6.18 Post-Court Experiences

### Good practice

**The majority of victims stated that they had received immediate post-case contact from the Witness Service to inform them of sentencing decisions.**

Two of the eleven victims stated that contact with CDVAS had continued, and one was offered the chance to join a support group, which she was considering. As one victim stated, *“the women at CDVAS have made me feel that they are always there if I need them”* [C11]. Five victims stated that they had received no subsequent contact and two of these had not been informed of a release from custody and a delayed sentencing decision. Although there is a significant resource issue to take into consideration, lack of continued contact can leave victims feeling vulnerable. This is especially pertinent for those who have children with the offender, or who are constrained by financial considerations (e.g. mortgages and other housing issues). As one victim noted, *“I still have to see my ex because of child access. There should be more support in place for those that have a child with the guy. This makes the situation a lot more complicated and this should be understood by those dealing with your case.”* [C4]

The presence of children and complex financial considerations often make post-case situations much harder for victims to cope with. It is important for all agencies to recognise such factors so that relevant and effective support can be provided at all stages of the process. This will also encourage victims in future cases.

## 6.19 Recommendations

A summary of all the findings and recommendations may be found in the Executive Summary.



## Chapter 7

### CONCLUSIONS

#### CAERPHILLY CONCLUSION

Providing a coordinated response at the start of a case through liaison and information-sharing between the advocate, DPO and CPS DV-Coordinator has increased both early and late guilty pleas. The provision of better information about the victim and the case has led to improved, earlier decisions about which cases should go ahead, including those with victim retractions. More, stronger cases are going ahead, evidenced by a reduction in cases where the prosecutor offers no evidence at trial (NEOs), fewer hearings and time saved in the process. Victim safety and confidence has been increased through the emotional support and practical assistance provided by the pilot. These positive findings encouraged those associated with the pilot to feel that it should become a mainstream service, rolled out across the whole of Gwent so that all victims of domestic violence could benefit from the same level of support.

#### CROYDON CONCLUSION

The emphasis in Croydon was on the specialist domestic violence court system. Even though more victims retracted, cases were not discontinued and were able to be continued due to an increase in other evidence gathered, e.g. witness statements, medical statements and case exhibits. Instances where the prosecutor offered no evidence at trial were reduced and more defendants were found guilty. Victim interviews also indicated improved safety and confidence. The sentences imposed in Croydon were more appropriate for domestic violence cases, and the use of compliance hearings was seen as a significant benefit. The project aims to include more trials and set up the first court to integrate civil and criminal issues.

#### OVERALL CONCLUSION

This research has indicated positive and significant changes that have resulted from the implementation of the pilots at Caerphilly and Croydon. There is an increased awareness of the issues relating to domestic violence, both in the community (as a result of publicising the pilots) and among criminal justice professionals. Staff from criminal justice and voluntary sector agencies worked together in partnership to improve the service provided to victims of domestic violence. Substantial progress has been made towards meeting important criminal justice targets such as narrowing the justice gap, reducing ineffective trials, bringing more offenders to justice, and improving victim satisfaction and confidence in the criminal justice system. Furthermore, these significant achievements have been made at relatively small cost. The second year of the Croydon and Caerphilly projects can build upon and further improve these demonstrable changes, including addressing the needs of diverse communities. Joint arrangements to support victims and to investigate and prosecute offences of domestic violence, such as those in Caerphilly and Croydon, will improve the overall response to domestic violence in England and Wales.

## APPENDIX 1

### CPS criteria for success for the Caerphilly (Gwent) and Croydon pilots

Critical success outcomes	Pilot impact desired	Priority of success outcomes	Caerphilly	Croydon
Reported cases of domestic violence being brought to justice	INCREASED	HIGH	↑	↑
Ineffective Trials	REDUCED	HIGH	↓	↓
Quality of Service to Victims (from victim interviews)	INCREASED	HIGH	↑	↑
Confidence of Victims (from victim interviews)	INCREASED	HIGH	↑	↑

### CPS criteria for success for the Caerphilly (Gwent) and Croydon pilots

Critical success outcomes	Pilot impact desired	Priority of success measure	Caerphilly	Croydon
Discontinuance rates	REDUCED	HIGH	↓	↓
Victim Retractions	REDUCED	HIGH	↓	↑
Adverse Outcomes	REDUCED	HIGH	↓	↓
Time for cases to pass through the system	REDUCED	MEDIUM	↓	↑
First time guilty pleas	INCREASED	MEDIUM	↑	↓
Conviction Rates	INCREASED	HIGH	↑	↑

## APPENDIX 2

### CAERPHILLY LIST OF AGENCIES INTERVIEWED

**Criminal justice agencies:**  
 Crown Prosecution Service (4)  
 Magistrates' Court (1)  
 Police (2)  
 Probation Service (1)

**Voluntary sector:**  
 Advocate (1)  
 BAWSO (1)  
 Domestic Violence Forum (2)  
 Victim Support/Witness Service (2)  
 Women's Safety Unit (Cardiff) (1)

### CROYDON LIST OF AGENCIES INTERVIEWED

**Criminal justice agencies:**  
 Crown Prosecution Service (1)  
 Magistrates' Court (2)  
 Police (1)  
 Probation Service (1)

**Voluntary sector:**  
 Victim Support/Witness Service (2)  
 CDVAS (2)

## APPENDIX 3

### ROLES of key personnel in CAERPHILLY PILOT

#### CPS CO-ORDINATOR (3 days per week)<sup>107</sup>

- To explain procedures and issues to the other prosecutors and DCWs;
- Notify them of new cases that come in;
- Review case files before trial;
- Prosecute cases;
- Liase with police and advocate and other agencies;
- Develop strategy for and deliver training.

#### CPS ADMINISTRATOR (2 days per week)

- To organise and take minutes for the Steering Group
- To collect data from all agencies in the pilot
- To input the data
- To run off reports
- To work with the evaluators in analysis of data.

#### ADVOCATE<sup>108</sup>

- Receives referrals almost entirely from the police (so victims have reported a DV incident);
- Contacts victims; explains the criminal process, providing information and support through the prosecution;
- Liases with police and CPS and other agencies (for instance, Social Services, Victim Support, Witness Service);
- Undertakes outreach visits to victims;
- Attends PTRs and relays outcomes of hearings to victims;
- Attends at trials to support victims;
- Attends Steering Group meetings.

#### DEDICATED POLICE OFFICER

- Following the logging and closing out as DV of DV incidents, DPO takes cases off computer every day;
- Information then committed to a form and provided to advocate;
- DPO seeks contact with victim and if established, note put on form to notify advocate;
- Deal with retractions;
- Attend PTRs;
- Deal with children issues and attend initial Child Protection case conferences, strategy meetings and reviews;
- Liase with advocate and CPS;
- Provide contact focal point for any other agency.

#### DVFC<sup>109</sup> ROLE

- Involves networking, not casework;
- Design and delivery of multi-agency training;
- Mapping of gaps in services and working out how to fill those gaps;
- Liasing with the local “Bobby” Scheme for fitting locks, etc;
- Direct links with the Domestic Violence/Abuse Forum and the Community Safety Partnership;
- Developing a local action plan for the Welsh Assembly All Wales strategy on domestic violence.

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<sup>107</sup>. Fuller job description is included in Gwent Pilot Protocol.

<sup>108</sup>. Current holder is on secondment from Probation Service.

<sup>109</sup>. Domestic Violence Forum Co-ordinator.

## APPENDIX 4

### PROFILES OF VICTIMS INTERVIEWED AT EACH SITE

<b>Identity Code</b>	<b>Age</b>	<b>Ethnicity</b>	<b>Agency Contact</b>
<b>Croydon 1</b>	30	White	Witness Service
C2		Black Caribbean	Witness Service
C3	58	White British	CDVAS
C4	40	Black British	CDVAS
C5	25	White British	CDVAS
C6	41	White Irish	Witness Service
C7		Black Caribbean	Witness Service
C8		Asian	Witness Service
C9	28	White British	Witness Service
C10	38	Black British	CDVAS
C11	35	White British	CDVAS
<b>Gwent 1</b>	23	White Welsh	Project SAFF
G2	44	White Welsh	Project SAFF
G3	20	White Welsh	Project SAFF
G4	27	White Welsh	Project SAFF
G5	57	White Welsh	Project SAFF
G6	40	White Welsh	Project SAFF
G7	50	White Welsh	Project SAFF
G8	27	White Welsh	Project SAFF
G9	41	White Welsh	Project SAFF
G10	43	White Welsh	Project SAFF
G11	32	White Welsh	Project SAFF

## Appendix 5

### COSTS OF ATTENDING MEETINGS

#### Attendance at Caerphilly meetings

Representative	Hourly £ Rate	Total £
CPS Project Manager,Chair	34	612
CPS DVCo-ordinator	30	540
CPS Administrator	16	288
CPS EDO	15.93	286.74
Advocate	17.06	307.08
DVFC	11.50	207
BAWSO	18.09	325.62
Probation	28.34	510.12
Cardiff WSU	20	360
MCS	25.08	451.44
MCS	40.11	721.98
Police DPO	16.06	289.08
Police Inspector	22.61	406.98
LA Child Protection	N/K	N/K
<b>TOTAL</b>		<b>5306.04</b>

#### Attendance at Croydon meetings

Representative	Hourly £ Rate	Total £
MCS, Chair of pilot	29	580
MCS	25	500
CPS	61.20	1224
CPS	48	960
LA	14.77	295.40
LA	14.77	295.40
LA	14.77	295.40
Witness Service	10	200
Police	27.50	550
Police	27.50	550
CDVAS	N/K	N/K
Magistrate	–	–
<b>TOTAL</b>		<b>5450.20</b>

## APPENDIX 6

LIST OF TABLES (available online at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk))

### Caerphilly

Table 1	Demographic Characteristics of Victims – Caerphilly
Table 2	Demographic Characteristics of Defendants – Caerphilly
Table 3	Relationships between Victims and Defendants – Caerphilly
Table 4	Special Circumstances of Victims and Defendants – Caerphilly
Table 5	Offences Charged and Charging Alterations – Caerphilly
Table 6	Speed of Process – Caerphilly
Table 7	Evidence Present in CPS Case Files – Caerphilly
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Table 11	Case Progression Information – Caerphilly
Table 12	Victim Retraction – Caerphilly
Table 13	Case Outcomes and Sentencing – Caerphilly
Table 14	Information about Civil Orders – Caerphilly
Table 15	Victim Perceptions of the CPS and SDVCs – Caerphilly

### Croydon

Table 16	Demographic Characteristics of Victims – Croydon
Table 17	Demographic Characteristics of Defendants – Croydon
Table 18	Relationships between Victims and Defendants – Croydon
Table 19	Special Circumstances of Victims and Defendants – Croydon
Table 20	Offences Charged and Charging Alterations – Croydon
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Table 29	Information about Civil Orders – Croydon
Table 30	Victim Perceptions of the CPS and SDVCs – Croydon

DATA COLLECTION INSTRUMENTS are available online at [www.cps.gsi.gov.uk](http://www.cps.gsi.gov.uk)



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