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Chapter 2:

Reframing Domestic Abuse: Policing Coercive Control

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Abstract

Domestic Abuse is high volume and often high risk, in the year ending March 2022 representing 17.2% of all crimes reported to police (Office for National Statistics, 2021). Despite its high volume domestic abuse as a crime is often mis-framed by police. This chapter delineates the different ‘types’ of domestic abuse, and shows that the narrative scripts employed by officers often results in much of what makes it harmful to victims being missed. By missing coercive control (which is the most dangerous form of domestic abuse) officers impede their ability to prosecute offenders and to keep victims safe. This chapter will explain coercive control (Wiener, 2023), which in turn shows why victims often become trapped and why they can find it hard to stay engaged with criminal justice process (Edwards, 1991; Harne and Radford, 2008; Robinson et al., 2016; Myhill and Johnson, 2016). Understanding this will allow officers to make better safeguarding decisions and to avoid some of the pit falls that can obstruct a non-control informed approach. Keeping victims of coercive control safe is a challenge: this chapter outlines the interventions officers can use and closes with a list of actions officers should consider when responding to domestic abuse.

Keywords

Domestic abuse, policing coercive control, controlling or coercive behaviour.

Introduction

Domestic abuse is high risk: between two and three women a week are killed by their current or former partner (Femicide Census, 2023). Despite the volume of domestic abuse cases attended by police officers, the 2014 HMIC report on Domestic Abuse recorded that a mere 4% of the police budget is spent on public protection, which equates to just over 9000 officers and staff across England and Wales (HMIC, 2014:84). Bearing in mind that public protection includes child abuse, missing persons, adult protection and a whole host of other areas to do with policing vulnerable adults, and that policing numbers have fallen in real terms since 2010 by up to 20%, then it is likely that there are considerably fewer than 9000 officers and staff across England and Wales specialising in the policing of domestic abuse.

As well as being severely under resourced from a policing perspective, domestic abuse is unfortunately not that clearly understood. In fact, the very term ‘Domestic Abuse’ is an umbrella term for different phenomena that are not always labelled consistently or correctly, and the policing response to domestic abuse has suffered as a result. This chapter begins with an exposition of the different types of abuse; it then considers the *implications* of this distinction (between different types of abuse) for the policing response.

Research: Domestic Abuse and Coercive Control

The measurement of ‘domestic abuse’ has a complicated history. This is because researchers, police statistics and even the Crime Survey of England and Wales (the CSEW) are not always clear about what they are measuring. It is becoming increasingly accepted in the researcher community that there are, in fact, at least two quite different types of domestic abuse (Johnson, 1995). ‘Situational violence’ is where a family resorts to violence to resolve their differences. It is generally one-off, and incident specific. The archetypal fight over the remote control would be an example of this. It can be, but is not always, dangerous. It is perpetrated by women as much as by men.

Coercive control, on the other hand, is never one-off, or incident specific. It escalates, and worsens over time. It is highly gendered as in 99.5% of cases, it is perpetrated almost exclusively by men, and it is always dangerous. It can – and unfortunately often does – result in homicide. According to the Femicide Census around 60% of the (on average) 160 women killed each year by men are killed by an intimate partner, or a former intimate partner (Femicide Census, 2023). This distinction – between situational violence and coercive control and associated risk profiles – has important consequences for the ability of police to keep women safe. Although, a tiny proportion of women perpetrate coercive control, experience indicates that police officers can become manipulated by a controlling male perpetrator who mis frames the situation, depicting the female as the culpable party.

Unfortunately the Crime Survey of England and Wales, which is the primary source for government estimations of the scope of domestic abuse in England and Wales, does not reliably disaggregate the different types of abuse. In the year ending March 2020 an estimated 1.6 million women experienced domestic abuse (Office for National Statistics,

2020). But any attempt to calculate how many of the 1.6 million women are experiencing coercive control rather than situational violence is still speculative, to some degree.

In 2015, Andy Myhill of the College of Policing published an analysis of the 2008/9 Crime Survey of England and Wales data (Myhill, 2015). He estimated then, (and was clear to emphasise the precarious nature of the estimate), that around a third of the women reporting violence to the survey were experiencing coercive control. More recently, Barlow et al. analysis of assault occasioning actual bodily harm cases, recorded by one partner police force over an eighteen month period, found that in 87% of those cases, ‘there was evidence of coercive control identifiable through victim witness statements and previous occurrence records detailing repeat victimisation’ (Barlow, 2020:160). A Home Office review found in 2021 that there was significant variability in data provided by the sector, with estimates of coercive control varying from 30% to over 90% (Home Office, 2021). The CSEW has launched a consultation to develop better survey questions on coercive control (Office for National Statistics, 2021). If drafted properly, these could be critical to an improved understanding of its prevalence.

In the absence of that quantification, it is still imperative that the policing response to domestic abuse incorporates a nuanced understanding of how to respond to abuse that is coercive control – which is a challenge. To understand the challenge, it is important to recognise that police historically have responded to domestic abuse as if it is all situational - within a framework, in other words, that Evan Stark calls the ‘violent incident model’ (Stark, 2012). This model targets the discrete assaults that are typical of situational violence, and rests on an assumption that ‘the severity of abuse can be gauged by applying a calculus of physical harms to these incidents’ (Stark, 2012:200). Officers are better at this kind of response but coercive control, which is the most dangerous form of domestic abuse, does not fit this model.

Stark points out that responding to coercive control as if it was situational or incident specific *trivialises* abuse because the kinds of ongoing low-level violence experienced by a high proportion of abused women are dismissed as ‘minor’ when viewed through an incident specific lens (Stark, 2012). One significant negative consequence of the trivialisation of abuse in this way is the impact on the risk assessment process that police utilise to try to keep the most vulnerable victims safe (Wiener, 2017). Risk assessments are necessary and useful – a way to ration finite police resources. But as Stark points out: ‘the level of control an

offender is exercising is a far better way to ration scarce police resources than the level of violence' (Stark, 2012:202).

Another long-term difficulty exacerbated by using an incident specific lens to view endemic coercive control is that it leads to 'the assumption that victims ... exercise decisional autonomy "between" episodes' (Stark, 2012:200). This means that victims who fail to capitalise on that (assumed) autonomy are perceived as responsible, at least in part, for the ongoing abuse that they experience. However, as Dutton explains: 'abusive behaviour does not occur as a series of discrete events' (Dutton, 1992:1208). Instead, the wrong of abuse is enacted on the terrain of the relationship and it is the abuser's strategic intent that provides the thread that connects and organises the acts.

Each violent incident is, to many women, relatively unimportant in the context of the 'state of siege' (Dutton 1992: 1208) imposed by their abuser. There is no 'between' episodes: while the violence might be sporadic, the fear it engenders is not. Stark describes the effect of this kind of mismatch between police assumptions and empirical reality as follows: 'some police officers attribute the woman's apparent inability to "leave" to a deficit in her character and consider her expressions of fear exaggerated, fabricated, or as the by-product of mental illness, particularly in contrast to the relatively minor nature of the incident to which they are responding' (Stark 2012:205).

Frustration with victims who are 'un-cooperative', difficulties with risk assessment and mistakes with safeguarding all have an effect on the ability of police to prosecute offenders and keep victims safe. For these reasons Stark concluded that 'even the most rigorous enforcement of current domestic violence law is largely ineffective against coercive control, the most prevalent and devastating form of partner abuse' (Stark, 2012:213). He anticipated in 2012 that 'reframing domestic violence as coercive control changes everything about how law enforcement responds to partner abuse, from the underlying principles guiding police and legal intervention, including arrest, to how suspects are questioned, evidence is gathered, resources are rationed ...' (Stark, 2012:213).

In England and Wales, in December 2015, potentially everything changed. A specific 'Controlling or Coercive Behaviour' (CCB) offence was introduced by the Serious Crime Act 2015, section 76, making 'controlling or coercive behaviour in an intimate relationship' a standalone criminal offence. While this progressive step has had significant positive impact,

the police uptake of the offence is still relatively low. In the year ending March 2021 there were 33,954 CCB offences recorded by police in England and Wales, which is an increase on the preceding year (24, 856) but in the context of the 1.7 million women experiencing abuse annually suggests that much coercive control is still being missed (Office for National Statistics, 2021). There are a number of reasons for this, which have been explored elsewhere (Wiener, 2023), but it is likely that a lack of bespoke training for police and CPS; a resistance to investigate, linked possibly to the perception that coercive control investigations are protracted and difficult; and a lack of understanding of what coercive control is (not helped by the lack of any definition in the CCB offence itself), are all contributing to the low convictions rates for coercive control.

Research suggests, therefore, that legislative change is not, in and of itself, enough to effect the kind of ‘reframing’ that Stark correctly identifies is needed. Police understandably need help to move from the violent incident model to a coercive control model, despite the existence of legislation that makes that shift possible. The rest of this chapter focusses on how this might be done, beginning with an exposé of what coercive control is, before moving on to consider the implications for police policy and practice. In essence, officers historically have found it hard to evidence coercive control because they do not know where to look.

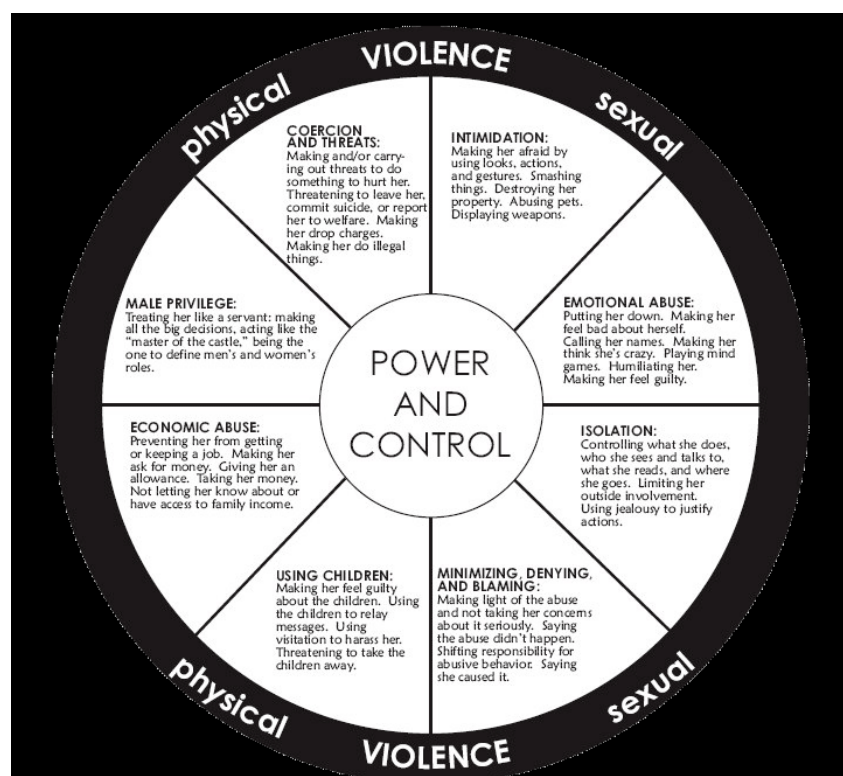
Research: What is Coercive Control?

In order to ‘see’ coercive control officers need to understand it. Coercive control can be best understood in two parts – perpetrator behaviour and victim response. Both parts form part of the CCB offence, and both parts are significant in terms of the impact they will have on the policing response to domestic abuse that is coercive control. Perpetrators employ a range of tools to allow for the implementation of their strategies of domination. These strategies are at once bespoke, that is, different in every case and tailored to exploit identified vulnerabilities in particular victims, and at the same time generalisable, in that they follow the familiar contours and patterns that apply in every case. Victims’ responses to the abuse are also inevitably individualistic in that women respond to trauma in different ways – but also follow patterns and manifest in harm that is consistent across case studies. In the following section of this chapter I explain the perpetrator behaviour patterns and the impact these have on victims in turn. I will also outline how understanding both facets of coercive control has the potential to impact on the policing response to domestic abuse.

Perpetrator behaviours

Stark conceptualises coercive control as a ‘capture crime’, analogous to other capture crimes such as hostage taking and kidnapping (Stark, 2007). Using human rights discourse, Stark explains perpetrator success by their use of tools more familiar as used to break the will of kidnap victims, prisoners, hostages and prisoners of war. In this way, the gaslighting tactics of a coercively controlling regime are brought into sharp focus, dimensions of domestic abuse that Stark points out, ‘have gone largely unnoticed and are not normally associated with assault’ (Stark, 2007:205). Stark therefore frames perpetrator behaviour (including physical/sexual violence) as compliance ensuring tactics - by making victims afraid and denying basic rights, perpetrators make coercive demands which they can ensure their victims obey.

The Power and Control Wheel: Domestic Abuse Intervention Project, Duluth Minnesota



(Pence and Paymar, 1993)

Violence can take the form of an initial one-off attack. This can take the form of a demonstration of physical power, designed to make a victim realise ‘for once and for all’

how vulnerable they really are. Jessica, an Independent Domestic Violence Adviser (IDVA), told me the disturbing story of a client who was badly frightened on her honeymoon:

Her story was that everything was groovy, no issues, they got married, they went on their honeymoon, and he strangled her with the bathroom towel. Really, really badly. There was a horrific, traumatic incident when he strangled her almost to death with the bathroom towel ... So then after that for six years of their relationship -... he never ever again used physical violence on her but whenever there was a moment of tension, he would go to the bathroom and he would bring out a towel, and he would put it on the table. And that was the sign: and then she would just be, like, “and then I would just give in - I would just do whatever it is he was trying to get me to do” (Jessica, 2016:6).¹

Evidencing a one-off demonstration of physical aggressive like the towel incident, above, fits with the ‘violent incident model’ that police are used to working with. However, the impact of the towel incident – which lasted for six years – is much more significant than physical injury alone and can only be ‘seen’ with an understanding of coercive control. Furthermore, supposedly ‘low level’ sexual and physical violence can also often be present as perpetrator behaviours, and can also be useful evidence of control. This can take the form of shoving, pushing and/or threatening behaviour. Women have told me about being shoved on the street, having their supper thrown at them across the dinner table, having bottles smashed on the floor in front of them. While these attacks might not cause extensive physical harm, it is important to remember that the significance of the violence is that it, or the fear of it, usually underpins control. It’s an easy way to make a victim afraid. With fear comes credibility: when a threat is credible, a demand is coercive. For many survivors, it does not take much to remind her of *what he could do if he wanted*.

Sexual violence is used in the same way as physical violence. There can be a transformative moment; this can be a rape, or rough unwanted handling or touching, for example, and this gives credibility to later sexual demands and threats which can present as ‘low level’ if their significance is misunderstood. Louise Plummer, an Australian researcher and survivor, writes of her experience of living with a coercively controlling perpetrator. She explains in detail how her recognition of what her abusive partner, Richard, was capable of gave credibility to his threats. This meant that, for the duration of their relationship, she had sex whenever and however he wanted it.

¹ Names of interview respondents have been changed to protect their identity.

Louise explains:

Richard seemed to believe that in order to keep me, he needed to rule me. Early in our relationship, we argued and he called me degrading names. I angrily expressed regret for becoming involved with him, and said, “You will never touch me again. Now, get out.” Richard sneered, “I can fuck you whenever I want to.” I raised my voice, reiterating that he should leave. Richard pushed me to the floor and sat on me, delivering repeated hard slaps across my face, and then raped me, taunting me with the fact that he could and would do what he liked, when he liked. I actually did feel like conquered property: worthless. The rape ended, at least for the time being, further talk of leaving.

In this scenario, Richard makes a threat, ‘I can fuck you whenever I want to’, which he carries out with a violent attack. He slaps her, pushes her to the floor and then rapes her. Louise feels ‘conquered’ and is coerced into staying with him. For the rest of their time together Richard only needed to warn, ‘don’t make me come and get you’, and she would submit to sex. His threat had credibility. She knew what he would do if she did not submit. The regular (unwanted) sex that they had was Richard exercising sexual control: having sex when and how he wanted. While the first, extreme attack ‘fits’ with the policing incident specific model of rape, it is important to remember that all non-consensual sex is rape. Officers that do not understand coercive control will miss this.

Perpetrators deny survivors’ rights, resources and liberties that in “normal” life are taken for granted. This makes victims less able to resist or escape. Like all perpetrator behaviour, the demands that take these rights, resources and liberties away are myriad and bespoke but also follow a familiar pattern. To the outsider they can seem bizarre. One IDVA I interviewed told me about a survivor whose partner hid gold coins around the house before he left for work in the morning. When he returned home in the evening he held out his hand for the coins. If she had not found them all, it meant she had not cleaned the house properly and she was punished (Meghan, 2015). A good way of discovering what demands might be in operation is to ask a victim whether there are any ‘rules’ in her relationship, and also what the consequences are for her if she breaks them.

Denying survivors access to family and friends is another tool - it has a profound and long-term effect on a survivor in the way that it increases her vulnerability. Without support, it is difficult for her to resist the worldview that he has and wants her to share (Stark, 2007). This has emotional and cognitive repercussions that are discussed in relation to the survivor response, below. This can be evidenced by the survivor herself but also by her friends and

family, who may have noticed that they are seeing her less, or that she seems unable to meet them like she used to. Does she have the same access as the perpetrator to modes of transport, such as a family car? Can she afford to get public transport without having to ask for money from the perpetrator?

If the survivor has no access to money this can be a sign of economic abuse which also often underpins the control. There might be evidence that all of the bills are in the survivor's name, for example, while all of the assets might be in the perpetrator's. Having no access to money (which is possible even if she is working, her salary might get paid into his bank account) makes it very difficult to escape, and often answers the question as to why she feels unable to leave. Particularly if, as is often the case, she has a young family to protect (who she would not feel safe leaving with an abusive perpetrator) her options without recourse to funds will feel extremely limited. Again, officers that do not understand coercive control historically have missed this.

Denying survivors the freedom to go about their daily lives without surveillance takes away another "for granted" freedom – and also adds credibility to the perpetrator threat. The survivor has reason to be fearful that the perpetrator will know if she disobeys his demands because she knows that he is spying on her. Technology is the perpetrator's friend. As with everything else, it can seem innocuous if it is not contextualised. Officers should look for tracking devices on survivors' phones, for evidence of constant, repeated calls or text messages from the perpetrator, for devices on cars (less usual now a phone can operate as a tracking device) and for CCTV cameras installed in the family home. Finally, it is important to remember that the sensation of being watched, as with so much of the coercive behaviours, does not end with the relationship. A survivor I spoke too, Kim, spoke about the post-separation presence of her former partner:

And there were incidents at the house that were happening to make me feel scared, I couldn't prove it was him. I'd come home and there was a big footprint at the front door, it was like someone had kicked the door, because it was like rubber. And in the middle of the night, I've got a little dog, and he was barking, and I came downstairs and the back door was open. And things like my washing line - I really like hanging washing out, and he knew that, and the washing line had been cut (Kim, 3).

Kim's relationship with the perpetrator had ended, but he still knew where she lived, and knew enough about her personally to continue to terrorise her. He knew, for example, that she likes to hang out her washing, so the cutting of the washing line had a personalised

(frightening) significance. It is interesting that survivors are aware that the end of the relationship is not necessarily a solution for them. Despite the narrative constructed by police that women who are abused should leave their abuser. Do not ever assume that if a survivor leaves an abusive perpetrator this will keep her safe – leaving is a well-known domestic homicide trigger and victims know and fear this. The perpetrator will often threaten a victim with homicide if she should ever leave him. If a victim is bravely planning to leave this can be an important moment to revisit and reinforce the safeguarding plans in place for her protection.

To summarise: the dimensions of perpetrator behaviour manifests as a strategy of domination. The strategy involves making the victim afraid - which usually, but not always, involves the fear of physical and/or sexual violence. The physical and sexual violence can be ‘incident’ based, i.e. one-off, which fits with the way that police traditionally view crime. However, the consequences are long term and can only be understood in the context of coercive control. The violence can also be constant, and present as ‘low level’. The seriousness of the injury, in other words, is not a reliable way to gauge the severity of the control, and evidencing the low level violence (and understanding its significance) is essential to support a CCB offence charge and to making correct safeguarding decisions. The taking away of “for granted” rights and freedoms, including access to money, friends and family, makes it harder for the victim to resist. Understanding this can help police to feel empathy for the victim which will help keep her engaged in the investigation. Asking the victim about ‘rules’ in the relationship can reveal the bespoke nature of a particular perpetrators’ demands and threats. Constant text messaging, missed calls, tracking devices and CCTV can be evidence of surveillance. Evidence of victim isolation can be supported by friends and family. The totality of the harm experienced by the survivor can only be understood with an appreciation of this infrastructure and context. The next section of this chapter explores the harm by reviewing the impact that coercive behaviour has on its victims.

Victims: The Harm

The survivor experience of coercive control is a ‘condition of unfreedom that is experienced as *entrapment*’ (Stark and Hester, 2019:89). In the context of this ‘state of siege’ (Dutton, 1992:1208), survivors make it clear that they do not generally consider physical injury to themselves to be of much consequence. Fear, (and in particular fear for the safety of

children), instability and personality change are all much more important to the survivor than physical injuries. Understanding that this fear is real and not imagined, as it is based on a realistic appraisal of perpetrator capabilities, is important for safeguarding considerations.

To evidence a CCB offence it is necessary to show that the abuse has had a ‘serious effect’ on the victim. This can be shown in two ways – either that the behaviour has caused the victim to fear, on at least two occasions, that violence will be used against her, or that the behaviour has caused her alarm or distress that has had an impact on her daily life. While it might be possible to point to an ‘occasion’ where the survivor has feared that violence will be used against her, the fear that survivors articulate is often expressed as the generalised fear of a non-specific event, a terror of something that might happen, rather than the fear of something specific. The fear is destabilising and it is ongoing - and does not end with the relationship.

Instability and impact on the victim’s daily life is also generated by changes in perpetrator mood. Sarah reported that, ‘It was very much setting up this sense of “here are my rules”, and immediately, although you can’t see them, you are walking on eggshells’ (Sarah, 2016:8).

Sadia commented that:

It’s like living on a rollercoaster. It’s like going on a train journey and never knowing which stop you are going to get off - if it’s going to be a nice stop? Or a bad stop? And the day is like that every day. Basically. You don’t know how the day is going to start. And you don’t know how the day is going to end (Sadia, Survivors Focus Group, 1).

The impact of the control on the victim is devastating. She exists in a constant state of generalised anxiety that she has not moderated her behaviour sufficiently to avert catastrophe for herself and her children. Her fear is real and not imagined as it is based on a realistic appraisal of the perpetrator’s capabilities. As Kim put it: ‘and then obviously when the boys came along I just wanted everything to be OK so ... treading on eggshells, and trying to make it OK. But it wasn’t OK. And, so, it’s like trying to paper the cracks, and there is only so many times that you can keep doing that before they start...’ (she trailed off) (Kim, 5).

For the survivor respondents, however, even the crippling anxiety is not the worst effect of the abuse. US psychologist Mary Ann Dutton talks about the way in which the psychological impact of abuse goes beyond symptom focused conditions such as anxiety to include ‘the ways in which battered women have come to think about the violence, themselves, and others as a result of their experiences’ (Dutton, 1992:1217). Survivors explain that worst of all was

how they learn to blame themselves for the position in which they find themselves, and lose confidence in their ability to make decisions about their own and their children's lives. Stark says, 'what is taken away from the women whose stories I tell... is the capacity for independent decision making in the areas by which we distinguish adults from children and free citizens from indentured servants' (Stark, 2022: 29). Sue (IDVA) gave an example of this:

I had one woman in particular who told me in the beginning like "I don't know what to eat, I don't know how to get dressed in the morning I don't know... because for so long he made every decision in my life, and now I don't know how to make any decisions anymore." (Sue, 6).

IDVAs emphasise that the survivor will not always be aware of these changes in herself when she first reaches out for help: 'the time when they are first talking to us they are probably not the person who they really are but I don't know if they are able to identify if that is the case' (Sue, 6). This is important to remember as it will affect what can be expected from a victim in terms of supporting a police investigation and telling her story.

Conclusions

'Domestic abuse' is an umbrella term for different types of abuse. The most important distinction for policing purposes is the difference between abuse that is situational, and abuse which is part of a coercively controlling strategy. This difference has implications for all aspects of policing, from which crime(s) to charge, to what to expect from victims, to the plans that need to be put into operation to keep the victim safe. Historically, police are trained to view crime as 'incidents'. This approach does not suit the investigation or safeguarding of coercive control. Being able to identify coercive control is the critical first step; all officers need to be familiar with the perpetrator strategies and harm to the victim outlined above. The rest of this chapter focuses on the practical implications for best practice policing of domestic abuse in light of the recognition of the different forms it can take.

Crucially, where there is coercive control present, the extent of the physical violence at any one point in time within coercive control is not a reliable indicator of the seriousness of the offending or the risk to the victim. When physical or sexual abuse forms part of coercive control it is chronic (Palmer, 2020:572): it often presents as supposedly (in terms of injuries) "low-level", but constant. Furthermore, Stark observes that this pattern of supposedly "low-level" physical abuse causes difficulties to police if officers assume victims are lying, or

exaggerating, if they articulate a level of danger that appears disproportionate in the context of the immediately preceding incident alone (Stark, 2007:94).

Finally, it is not yet possible to be clear about how many women are experiencing coercive control, but it is likely to be at least a third of the 1.7 million women each year who are victims of domestic abuse, and could be significantly higher than that. Improving the response to coercive control in the context of domestic abuse needs to be a policing priority for all those who are involved with the investigation of this kind of offending. The rest of this chapter shows how this might be done.

Key Actions for Practice

Domestic abuse offending can manifest as a number of different crimes. If there is evidence of coercive control, this usually takes place as part of a cluster of offending so it is likely that officers will follow more than one line of enquiry. Also, if there is evidence of a cluster of offending this means that it is likely the victim is experiencing coercive control. Below are some key actions for practitioners to consider:

CCB offence

- It's important to assess in the very early stages whether or not you think there is evidence of coercive control. The CCB offence is defined in the Serious Crime Act 2015, section 76 as behaviour that is 'controlling or coercive', that is carried out 'repeatedly or continuously' and that has a 'serious effect' on the victim. 'Serious effect' is defined as either when the behaviour causes the victim to fear violence on at least two occasions or where the serious alarm and distress caused by the perpetrator's behaviour has had a substantial adverse effect on the victim's usual day-to-day activities.
- The perpetrator's controlling or coercive behaviour can be proven by evidence of how the victim has been deprived of basic needs, how her time is monitored, how she has been tracked (put under surveillance), how she has been humiliated, hurt or degraded, how she has been economically abused, how she has been threatened with (or experienced) physical and sexual assault. Individual incidents of physical and sexual assault, if they can be located to a time and place, should always be charged separately, especially where they attract a maximum penalty that is more than the five years' imprisonment (the maximum sentence for CCB). Where victims report so-called 'low level' day to day violence that it is difficult for them to locate to a specific time and place, this can and should be used as part of the evidence of the CCB.
- In addition to evidence from the victim, statements from the victim's family and friends can be used to prove all elements of the offence, including how the victim has changed (become more isolated, for example). Economic abuse can be proved by showing that

the perpetrator has limited the victim's economic resources by, for example, putting all of the household bills into her name and all of the assets (including, possibly, her income) into bank accounts controlled by him. The victim's bank statements might show that the perpetrator restricts the victim's access to income. Communication from the perpetrator to the victim, via text, social messaging platforms, social media and so on can evidence emotional abuse. Tracking devices and CCTV cameras installed in the family home, together with repeated calls and messages for example, can evidence the surveillance. All in all, the police narrative that the CCB offence is hard to evidence is a misnomer – coercive control is 'invisible in plain sight' (Stark, 2007) – officers can evidence it, in other words, if they know where to look.

Offences Against the Person

- There might be evidence of significant physical harm caused, for example, by an offence against the person (Offences Against the Person Act 1861, sections 47, 18 and/or 20). There might be common law offences such as common assault and/or battery, although if these are continuous and ongoing (as is often the case in coercive control) then these can often be more easily evidenced as part of the CCB offence. If a victim understandably finds it hard to locate so-called 'low level' assaults and battery to a specific time and place, the 'repeated or continuous' requirement of the CCB offence is a better fit for this kind of offending. If a victim is able to describe a particular violent incident as standing out from the ongoing assaults this should always be charged separately as this will give the judge more options when it comes to sentencing.

Sexual Offending

- Sexual offending that is coercive control should, where possible, always be charged further to the Sexual Offences Act 2003. A rape in a domestic context (Sexual Offences Act 2003, section 1) is usually an indicator of coercive control, so always consider charging the CCB offence alongside. Domestic rape investigations often hinge around contested consent: to prove rape you will have to show that the victim was not consenting to sex, and that the perpetrator did not have a reasonable belief in her consent. Consent is defined by the Sexual Offences Act 2003, section 74 as agreement by choice, where the complainant has the freedom and capacity to make that choice. Charging coercive control alongside the rape allows evidence of the coercive control (and therefore the context in which the rape took place) to go before the jury, and helps to explain that the victim did not have the freedom or the capacity to consent to sex. So-called 'low-level' sexual offending that happens continuously (and is therefore difficult for the victim to locate to a time and place) can be used as evidence in support of the CCB charge.

Stalking/Harassment

- If the victim has managed to escape from the relationship, then stalking and/or harassment can be charged further to the Protection from Harassment Act 1997 (as amended), which has a longer maximum term of imprisonment attached to it than the CCB offence (ten years instead of five). Stalking and/or harassment is two or more

incidents of unwanted behaviour that are intrusive and cause fear of violence or harm and distress to the victim. If the victim and perpetrator are still in a relationship, which is often the case in coercive control, for the reasons stated above, the stalking and harassment can, further to the Domestic Abuse Act 2021, still be evidenced as part of the CCB offence. This is because the Domestic Abuse Act 2021 changed the definition of ‘connected persons’ for the CCB offence which now also protects victims of coercive control that have escaped from the perpetrator.

Other Offences

- Officers may also want to consider other stand-alone offences that often form part of coercive control – such as threats to kill (Offences Against the Person Act 1861, section 16), false imprisonment (common law offence), criminal damage (Criminal Damage Act 1971) and/or non-fatal strangulation or suffocation (Domestic Abuse Act 2021, section 70) if there is any evidence to suggest these crimes have been committed. Where there is sufficient evidence to charge separately, that is alongside the CCB offence, this is preferable as it gives the judge more options when sentencing.

Repeat Offending

- Officers also need to remember that domestic abuse perpetrators are often repeat offenders. Ensuring that intelligence about the suspect’s offending history is checked and accurately recorded, assessing its suitability as evidence, and feeding it into the investigative strategy is critical. Suspect history can inform the investigation, and could be admissible as bad character evidence (see below). Patterns of previous offending (in a previous relationship) might open useful lines of enquiry in the current case: evidence of patterns of behaviour in one abusive relationship might identify useful lines of inquiry in another of the relationships.

Bad Character Evidence

- Bad character evidence is defined in the Criminal Justice Act, 2003 section 98 as ‘evidence of, or a disposition towards, misconduct’. It covers anything that would show that the conduct of the suspect would be seen with disapproval by a reasonable person. This therefore covers conduct arising out of a previous conviction but also conduct that ultimately resulted in an acquittal. It does *not* cover conduct that is the subject of the current investigation/charge. The perpetrator may have previous convictions for domestic abuse, or may have been charged with a domestic abuse related offence but may have been acquitted, for example.

Disclosure

- Where the offences are domestic in nature and historic offending has come to light, it might be worth considering whether or not a disclosure to an existing partner should be made further to the Domestic Violence Disclosure Scheme (also known as Clare’s Law).

CPS Early Advice

- Liaising with the CPS from the outset to get advice on the lines of enquiry identified is helpful. Early advice clinics can be a good opportunity to test lines of enquiry at an early stage, and the CPS will need a full picture of the suspect's offending history at an early stage so that they can make a decision on whether there is evidence that could be used as bad character evidence in court.

Civil preventative orders

- Safeguarding victims of coercive control is difficult. It is also difficult for a victim to engage with police if she feels that a perpetrator still has access to her, which in the case of coercive control is almost always the case. Civil preventative orders are orders that officers and, in some cases, victims, can apply for that place conditions on perpetrators that can be very helpful. Civil orders are essential if you have identified the existence of coercive control but where remand to custody or bail conditions are for whatever reason unavailable, for example in cases where the threshold for a charge has not yet been met. This is because they are a means by which restrictions can be placed on suspects which can buy the victim some much needed 'space' from the perpetrator in these circumstances which can be very helpful for the investigation. In any event, criminal prosecutions can take a long time, and civil orders can be an invaluable tool where there is ongoing coercive control and a perpetrator has ready access (or would have ready access were it not for the civil preventative orders) to his victim.

Domestic Violence Protection Order (DVPO) regime

- The DVPN/O regime is an essential 'stop gap' measure to keep a vulnerable victim safe and/or to introduce a breathing space to allow for a safeguarding plan to be put in place. These orders can be especially helpful if you have identified coercive control where there is a suspect who lives with, or has access to, the victim and who is to be released from custody without any bail conditions, for example. You can issue a DVPN (with Superintendent authorisation) to a suspect who is a perpetrator of domestic abuse, where there has been a violent incident or where violence has been threatened. The notice is an immediate measure to impose restrictive (non-molestation) conditions to protect the victim from further harm.
- A DVPN can only be enforced for 48 hours, but during this time you can make an application to the Magistrates Court for the DVPN to be replaced by a Domestic Violence Protection Order (DVPO). The Magistrates can impose the same non-molestation conditions that are on the DVPN or add different conditions. The DVPO can last for between 14-28 days from the date of issue. If the suspect breaches the DVPO this is a criminal offence punishable by up to five years' imprisonment.
- DVPNs and DVPOs are soon to be replaced. The Domestic Abuse Act 2021 introduces a new, improved regime consisting of a new Domestic Abuse Protection Notice (DAPN) and Domestic Abuse Protection Order (DAPO) which is not yet in force. The DAPN and DAPO are more flexible than the current regime and reflect a better understanding of coercive control. The Home Office has issued a factsheet setting out what it plans to do (Home Office, 2022). At the moment it is intended that Non-Molestation Orders and Restraining Orders will remain available, but that their use will in practice be restricted to non-domestic abuse cases (e.g. stranger harassment or

stalking) and that the new DAPN/DAPO will become the 'go to' protective order in cases of domestic abuse.

Stalking Protection Order

- You can make an application for a Stalking Protection Order to a Magistrates Court in both domestic (ex-partner) and non-domestic (stranger stalking) cases. A Stalking Protection Order is not a substitute for a prosecution for stalking, further to the Protection From Harassment Act, but it allows for protection to be in place if, for example, the threshold test to commence criminal proceedings has not yet been met, or if a defendant has been acquitted.
- In order for the magistrates to grant an order you need to be able to show that the suspect has carried out acts associated with stalking and poses a risk of stalking, and that there is reasonable cause to believe that the proposed order is necessary to protect the victim from that risk.
- You can ask for both prohibitive and/or positive requirements in the order. The victim will usually be best placed to advise on what they need to feel safe. Examples of common prohibitions would be preventing the suspect from contacting the victim by any means, or preventing the suspect from making reference to the victim on social media. Examples of positive requirements might be to attend a mental health assessment or a perpetrator intervention programme. If an order is granted the suspect must notify the police of their name and address initially, and then within 3 days of any changes. Breaches of the terms of the order are criminal offences punishable by up to five years' imprisonment.

Non-Molestation Orders and Occupation Orders

- A victim can apply for a non-molestation order or an occupation order against intimate partners to protect themselves from harassment or violence. Importantly a victim can apply for a non-molestation order if they are still sharing a home with their abuser. A non-molestation order can even exclude suspects from a shared home if the perpetrator has no legal entitlement to the home, otherwise an occupation order can order the perpetrator out of the home. The victim needs to apply to the Family Court using a form FL401 which they can obtain from a court or from the Ministry of Justice website. There is no court fee. The victim will make a witness statement setting out the details of the relationship and the events which led to the need for protection. Officers can make a supporting report, which the victim can attach to her statement as an exhibit. Once an order has been issued a breach is a criminal offence punishable by up to five years' imprisonment.

Reflections

- ☐ If there is evidence of coercive control, officers need to remember that a victim who is experiencing coercive control is likely to express or display signs of trauma that might

seem out of step with their immediate circumstances as they first appear. The anxiety that the victim experiences is likely to be constant, and to take the form of a non-specific fear of some future event. This kind of ‘living-in-fear’ is experienced by victims of coercive control because they – and often only they - know what their abuser might be capable of. For this reason, officers must make it clear to the victim that they understand the potentially precarious nature of her position. Officers must not allow evidence of physical injury alone (or what officers might perceive as a lack of evidence of serious physical injury) to ‘trump’ the victim’s account of how at risk she feels. It is also helpful for officers to take steps to communicate the attention that they are giving to the victim’s safeguarding needs.

- ❑ Poor mental health is unfortunately one of the long-term consequences of ‘living-in-fear’ - a victim who is experiencing coercive control might well display symptoms of post-traumatic stress disorder, depression and anxiety. Being subjected to ‘gaslighting’ tactics and emotional abuse over a period of time has well known effects on mental health. Victims often experience common mood disorders such as anxiety and/or depression. Officers that show victims that they understand this will help maintain the victim’s trust and will enhance the victim’s ability to support the investigation.
- ❑ It is also important to remember that victims of coercive control, unlike victims of violence that is situational, rarely ‘choose’ to stay with abusers, at least not in the way that ‘choice’ is usually understood. Leaving a controlling relationship without access to money, housing or support is not easy. This is especially true where there are children to consider, as leaving without children might mean leaving them unsafe. Unfortunately, leaving a controlling relationship does not necessarily mean that a victim or her children will be safe, as leaving a controlling relationship is extremely dangerous. Research shows that separation from a controlling partner and any attempts to end a coercive relationship are strongly linked to heightened risks for the victim, including and up to homicide (Monkton-Smith, 2021). Victims who leave an abusive partner are aware that this is unlikely to end the abuse. Instead, they know that they are putting themselves at a considerably higher risk of violence, sexual offences and murder. These factors – the risk and the difficulties – are why there are usually repeated attempts (at escape). It can be helpful to remember that being trapped by a controlling perpetrator in this way can happen to anyone, and that it can create, as well as exploit, victim vulnerability.
- ❑ From a safeguarding perspective where there is evidence of control, it is important to remember that the perpetrator knows his victim well. He knows the victim’s daily routine, for example where the victim works and where the victim’s children are at school. The perpetrator probably knows where the victim is living; he might even still be living with her. The victim’s ability to support the police investigation will be severely compromised as a result. The victim may well be reluctant to attend an interview or provide a statement. Officers need to remember, in these circumstances, that the victim will be fearful of the repercussions for herself and her children, which might be extreme. *It is important for officers to bear the precarious nature of the victim’s position in mind when asking things of them.* Prioritising the victim’s safeguarding needs (and communicating this prioritisation) must come before any requests are made of the victim for the investigation.

- ❑ Finally, where there is coercive control, it is likely that there will be a cluster of interlinked offending. Violence that the victim can locate to a time and a place should always be charged separately. Violence that is ‘ongoing’ can be evidenced as part of a CCB charge. Stand-alone offending can and always should be charged separately as this gives the judge more options when it comes to sentencing the suspect. If the victim has been raped it is highly likely that there will be evidence to justify a CCB offence being charged alongside, and the evidence of the coercive control will help a jury to understand that the victim did not have the freedom or the capacity to consent to sex.

Key Resources

College of Policing general guidance on investigations:

<https://www.college.police.uk/app/investigation/investigation-introduction>

College of Policing guidance on civil orders:

<https://www.college.police.uk/guidance/violence-against-women-and-girls-toolkit/protective-measures-and-civil-orders>

College of Policing guidance on the range of orders that are specifically used to prevent sexual offending: <https://www.college.police.uk/app/major-investigation-and-public-protection/managing-sexual-offenders-and-violent-offenders/court-orders-and-notice>

CPS Guidance on Controlling or Coercive Behaviour: <https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>

Government Guidance on Controlling or Coercive Behaviour:

<https://www.gov.uk/government/publications/controlling-or-coercive-behaviour-statutory-guidance-framework>

Government Guidance on Domestic Abuse (how to get help):

<https://www.gov.uk/guidance/domestic-abuse-how-to-get-help>

Paladin National Stalking Service: <https://www.paladinservice.co.uk>

Refuge Domestic Abuse Helpline: <https://refuge.org.uk/i-need-help-now/how-we-can-help-you/gender-based-violence-services/>

Respect (For Male Victims): <https://www.respect.uk.net>

Suzy Lamplugh Trust (Support for Victims of Stalking):

<https://www.suzylamplugh.org/Pages/FAQs/Category/anti-stalking>

Women’s Aid Live Chat Support Service for Victims:

<https://chat.womensaid.org.uk>

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Interviews and Focus Groups

Interview with Jessica (August 16, 2016)

Interview with Kim (November 24, 2016)

Interview with Meghan (June 2, 2015)

Interview with Sarah (June 29, 2016)

Interview with Sue (August 16, 2016)

Sadia, Survivors Focus Group (September 8, 2016)