

Shifting the scales of justice

**Priorities for change in the criminal
justice response to domestic abuse**

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**domestic
abuse
commissioner**

Introduction

Every survivor should feel safe to report abuse to the police and be met with a compassionate response which supports them to safety – no matter what safety means for them.

Although some survivors do receive such a response, many others consistently report being let down across every stage of the criminal justice system.



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That just one in five of the 2.1 million annual victims of domestic abuse report to the police is testament to this.

Despite low reporting rates, domestic abuse incidents still make up approximately one in three violent crimes recorded by police and a fifth of annual homicides, while one-third of those managed by probation are known to have a history of domestic abuse.

In the last year, 100 people were killed as a result of domestic abuse, and millions more suffered severe harm – this is unacceptable.

Later this year, the Domestic Abuse Commissioner will be laying before Parliament a report on her vision for the criminal justice response to domestic abuse with recommendations for long-term, systemic change. Given the urgency of this work, the Commissioner is publishing the following briefing highlighting her early findings to date and initial priorities for immediate change.

Whole system

“What I wanted out of the criminal justice system... was justice, first and foremost, but also compassion – to be treated like a human being.” – survivor

The issue

Criminal justice outcomes for survivors of domestic abuse are unacceptably low. With only 6% of domestic abuse crimes reported to police resulting in a charge and even fewer in a conviction,¹ the system is clearly failing to work together to pursue perpetrators and support victims from the point of first report through to conviction and sentencing.

Multi-agency partnership working – not simply referral pathways – including vital independent specialist support to survivors through the voluntary sector is critical to ensuring that the system works as it should, yet there is significant variation between forces, CPS areas, and local authorities across the country.

Data quality across police forces is inconsistent and fails to accurately reflect police activity on domestic abuse. This has only worsened following changes to the Home Office Counting Rules brought into force without consultation in June 2023.

Furthermore, because we cannot track cases from report to court, the impact of whole-system interventions and improvements cannot be accurately measured, and specialist organisations are operating with limited resource despite ever-growing demand. Given the high volume and harm of domestic abuse, it is critical that systemic shortcomings are not the reason why a survivor does not seek a criminal justice outcome.

Confidence in the system has also significantly decreased as a result of exposures of police-perpetrated violence against women and girls and failures across the system to adequately address and prevent such crimes.

As the Angiolini Inquiry and Casey Review, amongst others, have found, there are systemic failings in how forces handle allegations and cases of police-perpetrated VAWG which must be urgently addressed.

There are pockets of positive practice across the system which deliver good outcomes for those survivors who can access them. However, these are often either limited to one particular area or implemented in vastly different ways with variant outcomes across areas. Despite efforts across individual agencies, there are not national structures in place to drive national consistency and rollout of such practices.

The solution

Standards and consistency in the end-to-end criminal justice response to domestic abuse must be improved. This should be driven through accountability mechanisms across the system, joined up working between agencies, and embedded collaboration with the specialist domestic abuse sector.

To improve survivors' confidence in the system in response to mishandling of police-perpetrated violence against women and girls, in the first instance, structural changes must be made to the management of police misconduct and vetting in order to begin earning back the confidence and trust of victims and survivors.

In the longer term, changes must be made to recruitment processes in order to embed compassion and understanding within policing's culture and approach to domestic abuse.

The Commissioner therefore recommends that:

- The Ministry of Justice and the Home Office work together alongside relevant criminal justice agencies to overhaul data gathering across the system, so we have an accurate understanding of activity in order to monitor effectiveness and hold agencies to account. A central part of this must be developing a domestic abuse data tool to link data and IT systems across the criminal justice system and allow the tracking of cases from report to court.
- The Ministry of Justice and the Home Office jointly set and rigorously assess progress against clear targets for the criminal justice system and agencies within it which require joined up working and higher standards in every area.
- The Ministry of Justice ensure that the needs assessments, now required by law through the Victims and Prisoners Act, are consistent across areas and brought together by Government and a national statement of need is published to inform investment in the specialist domestic abuse sector – including dedicated funding for specialist ‘by and for’ organisations.
- The Ministry of Justice and Home Office ensure that, in addition to broader funding for specialist domestic abuse services, dedicated funding is made available for criminal justice IDVAs to ensure survivors can access support through the investigation and court process.
- The Home Office introduce a statutory requirement for police officers and staff to hold vetting and to be re-vetted upon transfer between forces, as well as clarify guidance to emphasize that failure of vetting constitutes gross misconduct.

- The Home Office amend the Police (Conduct) Regulations to ensure automatic suspension for any officer charged with a crime related to domestic abuse or violence against women and girls, and automatic dismissal for any conviction of this nature. In the absence of a charge or conviction, regulations should clearly establish a holistic approach based on consistent recording, risk assessment, and imposition of relevant measures to any complaint made against a serving officer related to domestic abuse or violence against women and girls.

First response

“She listened, and she believed me. And I think that was the first point where I actually thought, you know what? I’m not going crazy in my own head...It was just so empowering to have somebody listen.”
– survivor

The issue

The Commissioner’s 2023 mapping found that police were one of the first professionals which survivors told about the abuse they were experiencing.²

A positive, trauma-informed, and compassionate first response serves a number of critical purposes. It can make the difference between victims and survivors supporting a criminal justice process or not, connect victims and survivors with wider support beyond the criminal justice system, and send a strong message to the perpetrator that their actions have consequences.

Many victims and survivors of domestic abuse – especially those with particular vulnerabilities or who experience multiple disadvantages

– will face significant barriers to accessing the criminal justice system. For those who do reach the threshold of the system, their first interaction will have a direct impact on their likelihood of continuing through the process and their wider trust.

However, discussions with survivors and specialist domestic abuse organisations have indicated that, in a number of cases, police officers first attending a call-out have failed to accurately unpick the circumstances which led to it and the offences which may have occurred, as well as minimised the level of harm and risk experienced by the victim.

Positively, in some cases, survivors told us about experiences with particular forces where they felt believed and validated, and quick arrest and charging of the perpetrator as well as regular updates from police helped them feel safe. Unfortunately, however, these stories were few and far between.

It is vital that victims and survivors are promptly connected with independent, specialist domestic abuse services in order to access wider support that is led and informed by their needs, and ensure that they have an advocate to support them through the criminal justice process – if they choose to participate.

Embedded partnership working between police and specialist services – beyond just referral pathways – is necessary in order to ensure victims and survivors receive a holistic response. Such partnerships are also critical in order to address inconsistencies in tactical policing and the response to perpetrators (see pages 12-14 for more on perpetrator management).

Some areas do this very well – one response to our call for evidence told us about an early intervention partnership between the local police force and specialist domestic abuse service, where IDVAs and police based in the Public Protection Unit upskill each other and offer direct support for victims and survivors. Unfortunately, despite some directed funding being made available for such provision, this is still lacking in a number of areas.

A lack of trauma-informed practice, including failure to support a survivor to access specialist support, is likely to trigger disengagement from the entire criminal justice process when it has barely begun.

Research has found that nearly half of victims will withdraw within five days of reporting an incident and identifies this as a key factor in case attrition, with the vast majority of withdrawals occurring in the pre-charge stage.³ This is likely to undermine the purpose behind a victim's decision to report – and in some cases puts them at higher risk.

The solution

If the police get the first response right every time, put the necessary protections and safeguards in place, and properly investigate domestic abuse crimes, then repeat offending and future harm will be prevented.

It is critical that all first responders are prepared to engage with victims and survivors in an empathetic, compassionate, trauma-informed way, and that they have the knowledge and expertise to accurately assess risk, gather evidence across all forms of abuse, and implement safeguarding measures. Forces must have partnership working with local specialist domestic abuse services embedded within their response to domestic abuse.

The Commissioner therefore recommends that:

- The College of Policing and the Home Office jointly ensure that all police officers and 999 call handlers are comprehensively, consistently, and regularly trained in identifying and responding to all forms of domestic abuse. This training must be developed and implemented in collaboration with local specialist domestic abuse services, in particular 'by and for' services. Its efficacy and consistency must be nationally monitored with accountability measures in place for forces that fail to comply.
- The Home Office re-examine the way that crime outcomes are recorded, in order to provide fuller information particularly where a case is not pursued due to evidential difficulties, whether or not the victim supports this.
- The Home Office and the Ministry of Justice jointly conduct a scoping exercise to understand the dynamics of partnership working between police and specialist domestic abuse services at the local level. These findings should inform guidance directed towards forces, Authorised Professional Practice on domestic abuse, and the Victims' Funding Strategy.
- The Home Office and Ministry of Justice prioritize work to connect civil and family court databases and IT systems with police databases and IT systems, so that police are immediately and automatically informed of protection orders which have been granted to avoid delays and gaps in enforcement.
- The Home Office immediately institute a data-sharing firewall between police and Immigration Enforcement, in order to ensure that victims and survivors of domestic abuse with insecure immigration status feel safe to report abuse to the police.

Prosecution, trial & sentencing

“You come into these court systems, which is already intimidating enough, and they make you feel like you're making a big deal out of nothing, as if you're wasting everyone's time.” – survivor

The issue

A positive first response can only go so far for victims and survivors of domestic abuse who then face a court experience which can be intimidating and retraumatizing.

A lack of information around charging and court processes combined with almost no communication with prosecution can leave victims and survivors in the dark about the progression of their case and what to expect. This is compounded by the lack of a point of contact to answer their questions or clear means of recourse if they have reason to believe their case was not accurately evaluated.

Such fears are only amplified for victims and survivors who do not feel they have been heard and understood through the investigation, and therefore are wary of the case presented to the prosecution.

The NPCC and CPS Joint Justice Plan, which aims to improve the interface between policing and the CPS, goes some way in addressing these shortcomings, but is not broad nor ambitious enough to create the end-to-end operational change which is required to truly transform the investigation and prosecution of domestic abuse.

Additionally, these uncertainties are often stretched over significant amounts of time. Court delays and backlogs can mean that victims and

survivors are waiting years without resolution, which can have significant impacts on their mental health. Such delays may also contribute to increases in their risk level, as they work tirelessly to keep themselves and potentially their children safe often with limited to no support. Lack of criminal resolution can also have a negative knock-on effect on other legal processes, including those in the Family Court.⁴

Because domestic abuse manifests in a variety of ways, from public order offences to coercive and controlling behaviour to homicide, sentences can vary considerably depending on the crime charged.

Most urgently, given the impact of the prison capacity crisis, it is critical that sentencing levels do not dip in response to anxiety around a lack of prison places – victims and survivors of domestic abuse should never pay the price for the capacity crisis.

The solution

Transparency and specialism in prosecution of domestic abuse cases is absolutely vital to ensure accurate and proportionate charging and sentencing. Backlogs and delays should not compound the trauma that victims and survivors experience, and they should have direct access to specialist support throughout the process.

The Commissioner therefore recommends that:

- The Ministry of Justice adequately resource the re-establishment of Specialist Domestic Abuse Courts (SDACs) in Magistrates' Courts, implementing learnings from the Westminster and South Wales SDACs.
- The Ministry of Justice prioritize domestic abuse and VAWG cases in 'Nightingale Courts', and increase provision of such courts where necessary, in order to ease court backlogs and delays.

- The Ministry of Justice implement the full suite of recommendations in the Wade Review into domestic homicide sentencing, so that perpetrators of domestic abuse who kill their partners are appropriately held to account.
- The Ministry of Justice and the Judiciary jointly monitor sentencing levels for domestic abuse-flagged crimes to ensure that the prison capacity crisis does not inadvertently lead to depressed sentences which do not reflect the severity of the crime.

Prisons & probation

“It feels to me like they can't do anything with the perpetrator, so they put it all on the victim.” – survivor

The issue

For those victims and survivors whose perpetrators are convicted, siloed working from statutory agencies and pressures on frontline professionals in the Probation Service and the police can put them at further risk once their perpetrator is released.

In the context of the prison capacity crisis, such pressures will only increase, given that – despite exemptions for certain domestic abuse-related crimes under SDS40 – a number of perpetrators who are in custody for other index crimes will still be released early.

It is critical that community management is a safe and sustainable option to effectively manage risk and safeguard victims, not only to get through this crisis point but also to future-proof the system as improvements encourage more victims and survivors to report and convictions increase.

Additionally, victims and survivors of domestic abuse may be criminalised due to offending as a result of the abuse they have experienced. There is little available to them in the system to recover from abuse, and the support which is available is often highly generic or reliant on the uncompensated resource of the specialist sector for development and delivery.

The solution

Victim safety following sentencing relies heavily on the expertise and capacity of staff in prisons and probation; partnership working with specialist domestic abuse organisations, comprehensive training and adequate resourcing are critical in order to ensure that perpetrators are identified in custody and managed safely within the community.

Furthermore, it is vital that the criminal justice system on the whole becomes more abuse-informed in order to support victims and survivors within it and ensure that they are able to access specialised support.

The Commissioner therefore recommends that:

- In the context of SDS40 and the prison capacity crisis, the Ministry of Justice ensure that the Probation Service is comprehensively trained and sustainably resourced to notify all victims and survivors of domestic abuse whose perpetrators are eligible for release as well as engage in proactive partnership working and information sharing with statutory agencies and specialist support services in order to effectively risk assess and manage perpetrators.
- The Ministry of Justice introduce a statutory mitigating factor for victims of VAWG whose offending is driven by their experiences of abuse.
- The Ministry of Justice conduct a scoping exercise of the support available to victims and survivors of domestic abuse in the criminal justice system and a subsequent plan to fill identified gaps with evidence-based programmes.

Perpetrator management

“I’ve had to quit my career, move house – what’s he doing? Probably the same thing to the next woman.” – survivor

The issue

The vast majority of domestic abuse perpetrators remain in the community, regardless of whether they have been charged or convicted, and the risk they pose must be accurately managed in order to keep their victim(s) as well as the wider public safe.

Unfortunately, poor communication between agencies and systems means that protective measures put in place to manage perpetrators and safeguard victims do not always have their intended impact.

Formalized systems only actively manage perpetrators who are convicted of a domestic abuse-related crime, and – as they currently function – even these are insufficient to effectively manage perpetrators. Given unacceptably low conviction rates, this means that, for the most part, the onus is on victims to manage their own risk and safety.

Furthermore, little is being done to intervene and prevent future abuse through behaviour change. The Commissioner’s 2023 mapping found that although over 50% of victims and survivors wanted their perpetrators to access behaviour change interventions, only 7% were successful in doing so. This is particularly concerning in the context of the planned pilot of Domestic Abuse Protection Orders (DAPOs), which will require consistency of access to interventions in order to succeed.⁵

Inconsistencies in access to behaviour change interventions put victims and survivors at increased risk.

In theory, there are a range of interventions available to address different levels of risk and need; however, in practice, there is little formalized delivery of structured interventions and practitioner toolkits, and no comprehensive analysis of expected delivery volume or efficacy.

Some areas, however, have proactively implemented positive multi-agency approaches to perpetrator management through early intervention.

A response to our call for evidence told us about a weekly partnership hub meeting with representatives from across statutory agencies and the voluntary sector – in addition to MARAC – which provides a forum to bring concerns about cases including domestic abuse, in order to help identify domestic abuse where it might not otherwise have been recognized as well as to implement early intervention and prevention strategies.

The solution

Management of domestic abuse perpetrators posing any level of risk requires a coordinated, multi-agency response. Interventions should be quality assured and evidence-based and made consistently accessible across the country through strategic and sustainable funding. Early intervention and prevention are central to preventing abuse and must be prioritised in addition to coordinated management of high-risk, high-harm perpetrators.

The Commissioner therefore recommends that:

- The Ministry of Justice and Home Office jointly develop a national strategy, accompanied by sustainable and strategic investment, for the provision of best practice programme models for perpetrator management.

- The Ministry of Justice and Home Office jointly conduct a scoping exercise and subsequently fund pilots for evidence-based, holistic, specialist interventions for perpetrators which effect behaviour change.⁶ This should be informed by the findings of the DAPO pilot, which must be adequately and sustainably resourced.

What next?

Under Part 2 of the Domestic Abuse Act, by the end of the year the Commissioner will lay a report before Parliament which presents an ambitious and achievable vision for long-term systems change in the end-to-end criminal justice response to domestic abuse.

This report will utilise analysis of data and outcomes, input from survivors through roundtables, and findings from a system-wide Call for Evidence to inform a full suite of transformative recommendations.

Government and relevant public agencies will be required to respond to the recommendations made in the report within 56 days of its publication.

References

[1] This rate is calculated using police-recorded domestic abuse-flagged crimes and data from the CPS on domestic-abuse flagged charge volumes.

[2] Office of the Domestic Abuse Commissioner (2023). [A Patchwork of Provision: how to meet the needs of victims and survivors of domestic abuse across England and Wales](#), p.49.

[3] Barrow Grint, K (2016). Attrition rates in domestic abuse: time for change? Application of temporal sequencing theory, Policing: A Journal of Policy and Practice, p.256.

McPhee, D et al (2021). Criminal justice responses to domestic violence and abuse in England: an analysis of case attrition and inequalities using police data, Policing and Society, p.9.

[4] Office of the Domestic Abuse Commissioner (2023). The Family Court and domestic abuse: achieving cultural change, p.14, p.41.

[5] Office of the Domestic Abuse Commissioner (2023). A Patchwork of Provision: how to meet the needs of victims and survivors of domestic abuse across England and Wales, p.18.

[6] The Drive Partnership (2024). A Call for Further Action: Strengthen the Response to Perpetrators of Domestic Abuse, p.2.