



**A review of data provided by the Office of the Police and Crime Commissioner (Wiltshire) for comparison to the data contained in the report *Specialist Domestic Violence Courts – How special are they?* (Office of the Police and Crime Commissioner Northumbria)**

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This report was commissioned by the Office of the Police and Crime Commissioner, Wiltshire. The authors would like to express grateful thanks to Carolyn Deverall from the OPCC for her support in compiling this report.

The purpose of the report was to provide a comparison to the study commissioned by Northumbria Office of the Police and Crime Commissioner; *Specialist Domestic Violence Courts – How special are they?* To achieve the comparison, this report examined data collect by Soroptimists at Swindon Magistrates Court and Chippenham Magistrates Court. The data was analysed utilising the same, or similar metrics to that of the Northumbria report.

It must be noted that the number of court observations in the Wiltshire study were less than the number observed in the Northumbria study. Therefore, it is difficult to draw conclusive comparisons between some parts of the two studies. However, that stated and where applicable, this report concludes with a set of tables that provide a comparison from the findings from this study with that of the Northumbria study.

Given, this study is replicating that of the Northumbria study, the authors of this report acknowledge that the context and background setting out the framework for the research is reproduced in its entirety with exception to national data, which has been updated. This replication is acknowledged by means of italics.

# Section 1.

## 1.1 Introduction

*Domestic abuse has been widespread issue in England and Wales for many years. Occurring in the private world of the family, it was either little known about or regarded as not being a public matter. More than four decades ago it first came to the attention of Parliament when, following a Select Committee report, Jo Richardson MP in 1976, gained Government backing for a Private Members Bill to give the right to apply to the family courts for protective orders.*

*These orders were largely designed to make up for the ineffectuality of the criminal justice system to tackle perpetrators and give victims protection. However, criminalising domestic abuse is an important part of recognising the profound physical and psychological harms it causes and to demonstrate that domestic abuse is no less an offence against the state because it is inflicted in the private sphere. As has recently been recognised by the Sentencing Council in guidelines coming into force in May 2018, domestic abuse is more serious and more damaging than the equivalent abuse in other aspects of life. Although in the debate on Jo Richardson's Bill there was much reference to police and the criminal courts and the role they should play in this sphere, the actual history of their engagement with domestic abuse continued to be poor (Centre for Justice Innovation, 2014: ONS, 2018).*

*Domestic abuse practitioners and academics have continuously criticised the police response, perceived as weak through reluctance to intervene and uncertainty about their powers in private situations. Prosecutors took only small numbers of offenders to court where even fewer were convicted and magistrates imposed over-lenient sentences (Centre for Justice Innovation, 2014).*

*Complainants were discouraged by all of these failures and often tolerated escalating violent and abusive behaviour for want of a safe and effective alternative. In turn the criminal justice agencies felt thwarted by the failure of complainants to support police action or to attend court to testify. There are clearly special circumstances where the complainant and the defendant are involved in an intimate relationship, which can both make prosecution harder and witnesses less willing to testify. Courts were used to dealing with individual incidents of criminality, whilst the essence of domestic abuse is a pattern of coercive control, using psychological, emotional and financial abuse as well as sexual and physical assaults. The impact of such abuse is profound, complex and perhaps counter-intuitive but it has to be understood to do justice. It was therefore essential for there to be training in domestic violence and abuse for key court practitioners. It was imperative that victims were made to feel safe and had expert input to manage the risks they face as well as specialist support to engage with the justice agencies (Centre for Justice Innovation, 2014).*

*In 1999 the Labour government sought to tackle these issues by piloting a version of the problem-solving courts already in existence in the USA, Canada and Australia, which bring specialist focus on issues where a traditional criminal justice approach is less successful. The Specialist Domestic Violence Court (SDVC) model was tested*

*and shaped in half a dozen English and Welsh sites from Leeds to Caerphilly over a five year period, undergoing several positive, independent evaluations. These demonstrated that by adopting particular working practices significant improvements could be made to the outcomes of domestic violence and abuse cases.*

*As part of the search for better domestic abuse solutions, the Government piloted and evaluated two further, related, policy initiatives, namely the new role of the Independent Domestic Violence Advocate (IDVA) and the Multi-Agency Risk Assessment Conference (MARAC). Both were shown to improve outcomes by enhancing the effectiveness of the court and support services for victims, facilitating information-sharing and improving risk management, victim participation and satisfaction, leading to greater accountability for perpetrators and increasing public confidence in the criminal justice system. SDVCs, IDVAs and MARACs were rolled out nationally in 2005-6.*

*The important working practices highlighted in the various evaluations became the twelve key components of the SDVC system, set out in detail in the SDVC Programme Resource Manual, first issued in 2006. This manual was revised in 2008 (Home Office, CPS, HMCS, 2008) to reflect best practice highlighted by the review of the first 23 systems in 2007/2008, Safety with Justice (Home Office, CPS, HMCS, 2008), carried out over the autumn of 2007. In 2013 the Centre for Justice Innovation (2014) carried out a brief review, noting that there were at that time 138 accredited domestic violence courts.*

*In 2015, the CPS did a 'deep dive' and produced best practice guidance. There have been many independent research initiatives in addition, but there has been no shift from the original position that the SDVC system is effective and successful in proportion to the presence of the key components established as integral during the first roll out period.*

## 1.2 The Key Components of the Special Domestic Violence Courts System

*In essence the key components for an effective SDVC system are:*

- *Identification of cases: This is done by trained police officers using a number of markers who ensure that there is a proper risk assessment and flag cases so that they are allocated to appropriate resources, in particular to the SDVC.*
- *IDVAs: Every evaluation has found that the provision of specialist DV support services for complainants at medium to high risk are critical to the effective working of SDVCs and all have recommended that there be professional IDVAs attached to every SDVC. IDVAs, who are independent of any of the agencies which make up the criminal justice system, focus on the complainant's interests, their rights under the Victims Code and their safety throughout the process. They provide a point of contact for the court and aim to involve the complainant in every decision which may affect them or their children, such as whether to remand or grant bail and the terms of bail, changes to charges against the perpetrator, dates and times of attendance at trial, requests for special measures and making a Victim Personal Statement. They will work with the court-based Witness Service on such things as familiarisation visits and will accompany the victim at court.*
- *Trained and dedicated criminal justice staff: This includes police at all levels, CPS, court staff, magistrates and probation staff and is essential for awareness of the dynamics of domestic abuse, the approach needed to support victims and the importance of effective evidence gathering.*
- *Court listing practices: Depending on caseload and specialist staff availability DV cases are either clustered together in a court session or fast-tracked to first hearing/pre-trial review with an abridged trial date. There are other considerations such as the need for cases to be listed at a fixed time and date and not 'floating' over or 'backing' other cases. If practical, the courts should have morning only sessions to accommodate childcare and school issues.*
- *Court facilities: These play an important role in the victim's experience. In particular, separate entrances and exits and separate waiting facilities, inside or outside the courthouse are important. Court familiarisation visits are seen as the most successful non-statutory special measures in supporting victims to give their best evidence.*
- *Children's services: At least 750,000 children a year witness domestic violence and abuse and are thus caused 'significant harm' according to the legal definition since 2005. Research suggests that they can be*

*negatively affected in all aspects of their functioning and that supporting the non-abusing parent is the best way of reducing children's risk. At court there are specific rights to special measures for under 17s and charters and codes protecting their interests.*

- *Community based perpetrator programmes: Community Rehabilitation Companies (CRCs) provide perpetrator programmes, notably Building Better Relationships (BBR) and many Local Authorities and Police and Crime Commissioners fund perpetrator programmes which are voluntary. All programmes incorporate support and safeguarding for the victim.*
- *Data collection and monitoring: Police, Crown Prosecution Service (CPS), Courts, Probation and where possible specialist DV support agencies should collect data on incidents, numbers of crimes, arrests, charges, repeat victimisation, offenders, detailed trial outcomes, guilty and not guilty pleas, non-attendance of witnesses, use of supporting evidence, offering no evidence, sentencing, all to be collated locally forming part of local evaluation.*
- *Multi-agency partnerships: linked to the SDVCs and local Community Safety Partnerships with the safety of the victim as their over-arching aim.*
- *Multi-Agency Risk Assessment Conferences (MARACs) and Multi-Agency Public Protection Arrangements (MAPPA): MARACs receive referrals which have been assessed as high risk, by agencies such as the police and share information to facilitate further systematic assessment and the implementation of a plan for support and risk management. For the MARAC, IDVAs are crucial to represent the victim, to provide fuller information through their relationship to her/him and, in most cases, to action what is agreed there. MAPPA is a statutory process to address the risk management issues of convicted offenders who pose the highest risk of serious harm. It will include but is not specific to domestic abuse offenders in that category.*
- *Equality and diversity: should be addressed in terms of social cultural and language issues where practical with experienced workers from BAME women's organisations.*
- *Other services: should also be in place to ensure that the wider needs of victims such as refuge services, housing services, health services etc. are met as part of a co-ordinated community response to domestic violence and abuse.*

## 1.3 Domestic Abuse Today

*The Office for National Statistics reported that in the year ending March 2018, an estimated 2.0 million adults aged 16 to 59 years experienced domestic abuse in the last year (1.3 million women, 695,000 men). Police recorded 1.2 million domestic abuse related incidents of which 50% (599,549 offences) were recorded as domestic abuse crime; this was 33% of all recorded violent crimes. The police made 225,714 arrests for domestic abuse-related offences (in the 39 police forces that could supply adequate data). This equates to 38 arrests per 100 domestic abuse-related crimes recorded (ONS, 2018).*

*The majority of victims between April 2013 and March 2018 were females. Out of all the domestic abuse-related cases that were referred to the CPS, 70% resulted in a decision to charge, equating to the charge of 77,725 defendants. Of those cases which proceeded to court, convictions were secured in 76% of cases (ONS, 2018).*

*These figures are the highest ever recorded and there is no doubt that great improvements have been made in how the criminal justice agencies deal with this issue.*

*However, there is an enormous dropout rate for domestic abuse cases, both while they are in the hands of the police or the CPS and when they get to court. That is of those cases about which there is ever a complaint. Women's Aid believe that only between one fifth and one quarter of domestic abuse victims ever report the matter to anyone in authority.*

### **What is Domestic Abuse?**

*The working definition of domestic violence and abuse (which is not a legal definition) is:*

*'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass but is not limited to the following types of abuse: psychological, physical, sexual, financial and emotional.'*

*This definition also clarifies what is meant by both controlling and coercive behaviour in the following ways:*

*'Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.'*

*'Coercive behaviour is: an act or a pattern of acts of assaults, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'*



To confirm that, 'family member' could include a mother, father, son, daughter, brother, sister and grandparents whether directly related, in-laws or step-family. The definition was also intended to include so-called 'honour' based violence, female genital mutilation (FGM) and forced marriage.

There is no crime called 'domestic violence' or 'domestic abuse'. The offence charged will depend upon the facts but are likely to include assaults at all levels, criminal damage, stalking and harassment, threatening or abusive behaviour and coercive and controlling behaviour. However, current government published a landmark Domestic Violence Bill on 21<sup>st</sup> January 2019.

A specific offence of coercive and controlling behaviour was introduced on 29th December 2015 but has not been used often. In both data sets (Northumbria and Wiltshire) coercive behaviour appears only minimally, with the **number** of charges (1) on this basis being the same in each region. However, the difference in sample sizes makes Wilts look better at this when considering these figures as a percentage. It is noteworthy that the sharing of information relating to this issue happened in more of the Northumbria cases, but due to the larger sample of cases in the Northumbria region, appears as a lower percentage than that of Wiltshire. The percentage comparisons for coercive behaviour both in terms of charging and sharing information is therefore misleading, suggesting that Wiltshire SDVCs appear to (i) charge more and (ii) be more aware of this issue, whereas the result show that for the first issue charging is equal in each region and for the second issue, the opposite is the case.

### **Section 76 of the Serious Crime Act 2015**

*Section 76 of the Serious Crime Act 2015 created a new offence of controlling or coercive behaviour in an intimate or family relationship.*

*Prior to the introduction of this offence, case law indicated the difficulty in proving a pattern of behaviour amounting to harassment within an intimate relationship (the Statutory Guidance cites the following cases – Curtis [2010] EWCA Crim 123 and Widdows [2011] EWCA Crim 1500).*

*The new offence, which does not have retrospective effect, came into force on 29 December 2015.*

#### **An offence is committed by A if:**

- *A repeatedly or continuously engages in behaviour towards another person, B, that is controlling or coercive; and*
- *At time of the behaviour, A and B are personally connected; and*
- *The behaviour has a serious effect on B; and*
- *A knows or ought to know that the behaviour will have a serious effect on B.*

#### **A and B are 'personally connected' if:**

- *they are in an intimate personal relationship; or*
- *they live together and are either (i) Members of the same family; or(ii) Have*

*previously been in an intimate personal relationship with each other.*

***There are two ways in which it can be proved that A's behaviour has a 'serious effect' on B:***

- If it causes B to fear, on at least two occasions, that violence will be used against them - s.76 (4)(a); or*
- If it causes B serious alarm or distress which has a substantial adverse effect on their day-to-day activities - s.76 (4) (b).*

***For the purposes of this offence, behaviour must be engaged in 'repeatedly' or 'continuously'.***

***The phrase 'substantial adverse effect on Bs usual day-to-day activities' may include, but is not limited to:***

- Stopping or changing the way someone socialises*
- Physical or mental health deterioration*
- A change in routine at home including those associated with mealtimes or household chores*
- Attendance record at school*
- Putting in place measures at home to safeguard themselves or their children*
- Changes to work patterns, employment status or routes to work.*

***For the purposes of the offence A 'ought to know' that which a reasonable person in possession of the same information would know - s.76 (5).***

*Extract taken from the CPS Legal Guidance 'Controlling or Coercive Behaviour in an Intimate or Family Relationship', reviewed 30 June 2017.*

*National data on the number of prosecutions and convictions under this new legislation is not easy to locate. Under Freedom of Information provisions, a law firm asked all police forces in England to reveal how many people were arrested, and how many people were charged under Section 76 of the Serious Crime Act 2015 for Controlling or Coercive Behaviour during the first 18 months of the new law. A total of 35 police forces responded indicating that, in the first six months of the new law, 798 people were arrested and 130 were charged. The following six months saw numbers more than double, with 1709 arrests and 287 people charged (between 1st January and 30th June 2017) and increased again in the following six months.*

*In total, in the first 18 months of the legislation, 3937 arrests were made but only 666 offenders (16.9%) were charged - suggesting that the work involved in gathering enough evidence to meet the demands of the CPS is challenging and that many cases are being dropped because of insufficient evidence or because the victim has withdrawn their support.*

*In terms of prosecutions and convictions, the CPS Violence Against Women and Girls (VAWG) report for 2016-2017 reported that there had been more than 300 prosecutions for offences of coercive and controlling behaviour, since the law was introduced at the end of December 2015.*

*The Criminal Justice Statistics Bulletin also recorded 59 convictions for controlling or coercive behaviour in the twelve months to December 2016.*

*Both figures need to be compared with the 70,853 convictions for other 'domestic abuse related offences' that were secured between April 2016 and March 2017.*

*There is a similar picture in Northumbria, with Northumbria Police recording 581 incidents as coercive and controlling behaviour between April 2016 and March 2018 and charging 46 individuals for this offence.*

*To date, however, this work has resulted in just five convictions with just a few cases awaiting trial. Although the offence has not been used extensively, the definition sets out as a concept the understanding (which women's organisations have known for decades) that domestic abuse is far more than single incidents of violence. It is a course of conduct intended to coerce the other party into subjection to the will of the perpetrator using emotional, economic, psychological and sexual abuse as well as threats and violence. In that way the advent of the offence has served a broader purpose than prosecution. New best practice framework was rolled out in January 2019 after an initial pilot in London – this is supposed to help with drive up prosecutions, though it is not specifically geared towards coercive control prosecutions.*

*Police, CPS and other criminal justice agencies have had to train to understand the offence and hence to become more familiar with the concept of what domestic abuse really is. The training of judges is the responsibility of the Judicial College and the nature of content of judicial training is not made public however, informal contacts indicate that the judiciary as a whole has not had thorough training to understand this important concept. Magistrates often have local training either to augment or instead of that delivered by the Judicial College and it is understood that the magistrates in Northumbria took domestic abuse training shortly before these observations commenced.*

## 1.4 The SDVC's role and the process in outline

*The SDVC is a special form of the Magistrates Court. This means that it can be presided over either by a Bench of Lay Justices of the Peace, who usually sit in threes, or by a legally qualified District Judge (Crime) who usually sits alone. They deal with adult criminal cases only. Their sentencing powers are limited but they can commit a defendant to the Crown Court for a heavier sentence if they believe their powers to be insufficient. If there is a not guilty plea to a domestic abuse offence which is more serious, the magistrates can send it, or the defendant can elect to be sent to the Crown Court where it will be tried by a Judge and Jury.*

*Domestic abuse cases start with a First Hearing at the SDVC at which the defendant will be expected to indicate, or preferably to tender, a plea to the charge(s).*

*No witnesses, including the complainant, are required to attend a First Hearing. If there is an indication or guilty plea, at that stage, there will be no need for the*

attendance of the complainant or other witnesses at any stage of the proceedings. Sometimes defendants indicate that they would plead guilty to a lesser offence but would contest the current charge, whereupon the CPS will consider whether the proposed alternative is sufficient and either accept a guilty plea to that or continue to trial on the original charge. Although all of this is intended to be accomplished in a single hearing, there are sometimes obstacles which mean that cases are returned to court a number of times. If there is a not guilty plea, the SDVC will hold a preliminary hearing to fix a time and place for the trial and to agree such matters as which witnesses must attend and whether the defendant should be granted bail. Then the case will be adjourned out of the SDVC system to be heard as a contested hearing by an 'ordinary' Magistrates Court.

In every case in which there is a finding of guilty or a plea of guilty, there will have to be a sentencing hearing. Sentencing hearings may be heard immediately after the plea or verdict but on some occasions are adjourned for the bench to receive reports from the probation service or elsewhere, to provide them with a fuller context for the sentencing exercise.

Where there has been a finding of guilt in a case which has been adjourned out of the SDVC for trial, the court may similarly sentence immediately or adjourn for reports and in some cases the trial court will adjourn the entire sentencing exercise back to the SDVC in deference to its 'special' understanding of domestic abuse issues.

All of this means that most hearings in the SDVC itself are either to receive guilty or not guilty pleas and/ or to prepare cases for trial and therefore, in very few cases, is the complainant's presence required. However, decisions are made at SDVC hearings which, particularly because of the closeness of the parties, are likely to have significant impact on the complainant's wellbeing. They include the decision to accept a guilty plea to a lesser charge; the grant or refusal of bail; which conditions should/should not be put onto any bail, (often including arrangements for child contact) and when, where and with what special measures s/he is to appear in a contested hearing. In the absence of the complainant, the intention is that there should be an IDVA present at every such SDVC hearing. The IDVA will be someone with professional expertise, who has been supporting the complainant, knows their circumstances and can ensure that their interests are represented in all of these decisions. Without an IDVA at court, the best that is likely to be achieved is that the CPS representative might be able to consult the complainant quickly by telephone from the court as decisions are being made however, this is significantly less satisfactory.

## 1.5 Sentencing for domestic abuse offences

The Sentencing Council is a national body made up of judiciary, lawyers and academics. Its role is to consult the public and draw up guidelines within which the courts are expected to sentence those who appear before them. The only basis on which guidelines can be disregarded is if the court believes that it would not be in the interests of justice to follow them in a particular case.

*The current guidelines on sentencing for domestic abuse were drawn up in 2006, at the request of the then Home Secretary<sup>6</sup> and amended in 2018. In summary, they include the following provisions:*

- *A principle that offences in a domestic context should be regarded as being no less serious than similar offences in a non- domestic context.*

*There are aggravating factors which justify a higher sentence for an offence which include:*

- *Abuse of trust or power – both of these commonly arise in a domestic context where the defendant has been in a trusting relationship with the victim but has abused it by seeking to control them.*
- *Any vulnerability which the victim has which, for one of a number of reasons, may have made it almost impossible for the victim to leave.*
- *Exposure of children to an offence (either directly or indirectly).*
- *A proven history of domestic violence or threats, recognising that there is a cumulative effect of a series of violent incidents or threats over a prolonged period. Considerations which may mitigate the severity of an offence for purposes of sentence:*
  - *Evidence of genuine recognition of the need for change, and evidence of obtaining help or treatment to effect that change.*
  - *Positive ‘good character’.*

*There are special conditions around the consideration of good character in domestic abuse cases. In most other kinds of case an offender’s positive good character can offer mitigation. However, the Sentencing Council understands that domestic violence and abuse can continue unnoticed for lengthy periods because most perpetrators have two personae, one for their life in the outside world and the abusive persona responsible for their domestic abuse. So an offender’s good character in relation to matters outside the home is not mitigation for offences committed during a pattern of domestic abuse, though it is possible for it to have some relevance if the offence in question is an isolated act.*

*Assertions of provocation by bad behaviour from the victim are to be treated with great care and usually only actual or anticipated violence or bullying will be effective mitigation.*

*The domestic abuse courts have access to specially designed courses, Perpetrator Programmes, which are tailored to domestic abuse offenders, encouraging insight into their behaviour and providing guidance on how to change. There is research that such programmes can help rehabilitate domestic abuse perpetrators. They are provided by the Community Rehabilitation Companies who deliver a national course called Building Better Relationships (BBR). Courts may order defendants to attend at*

*such a course as a part, or the whole, of their sentence. Usually this would follow a report from the NPS as to the defendant's suitability for BBR.*

*One feature of the overseas model of problem solving courts which has not been taken up in SDVCs is an enhanced role for the judiciary, in following up and reviewing how the defendant is progressing on their sentence. This enhanced role does feature in other specialist courts in England and Wales and may be particularly appropriate in domestic abuse cases if applied to a defendant sentenced to attend BBR. It is possible that there will be consideration in due course as to whether judicial oversight may improve perpetrator accountability/rehabilitation in domestic abuse courts in the future.*

## 1.6 Victim and witness support in relation to the court

*Domestic violence and abuse victims are, in many cases, given support in dealing with their overall situation in a number of ways and often by a range of agencies, ideally co-ordinated by an IDVA.*

### 1.6.1 Special Measures

*In their capacity as witnesses and potential witnesses at court they are in a category of people who may be considered to be potentially 'vulnerable or intimidated' and can be considered for special measures to assist them to manage the stress, fear and apprehension to which they may be subject. A recent announcement from the former Home Secretary suggested that domestic abuse complainants may soon get automatic entitlement to special measures. The purpose of special measures is to enable a witness, notwithstanding those pressures, to give the best evidence to the court that they can give. Whether, and which special measures, each complainant/witness should have for this purpose is the decision of the judge following a pre-trial application for special measures made by the prosecution after discussion with the complainant.*

*Commonly available special measures include giving evidence from behind a screen or from another room or building via a television link and to have the assistance of an intermediary if there is a communications difficulty. These will be of limited effect though unless they are accompanied by such non-statutory arrangements as arranging a familiarisation visit, ensuring the complainant can enter and exit the court building away from the defendant, can wait to go into court in a separate waiting room and to be accompanied, if they wish by an IDVA or a supporter of her choice whilst testifying (the special measures provisions are set out in full in appendix C).*

### 1.6.2 The Victim's Code

*Every victim has entitlements under the Victims Code including some which apply to the court hearing. In particular every victim is entitled to make a Victim Personal Statement (VPS) setting out in their own words, the impact that the offence has had on themselves and their family and expressing any concerns they have. The VPS is usually taken down by the police shortly after the offence, although occasionally it may be supplemented with new material as the impact of the offence on a victim or family member changes or develops. There is a related entitlement for the victim to*

*say whether they wish to read the VPS personally to the court, or to play it if it is recorded or to have it read aloud to the court by someone else such as a family member or the CPS.*

*Police are responsible for ensuring that the CPS have the statement and in turn CPS must pass it to the court who will then decide if the victim will be allowed to read it in open court and pass that information back in time for any necessary attendance. There is higher judicial guidance to the effect that the court should not adjourn any hearing for the sole purpose of allowing a victim to read their own VPS.*

## 1.7 Methodology

This report was commissioned by the Office of the Police and Crime Commissioner, Wiltshire.

The objective of the report was to replicate a study undertaken by Northumbria Office of the Police and Crime Commissioner. This study, *Specialist Domestic Violence Courts – How special are they?* analysed data collected from trained Soroptimists who observed SDVC court hearings and trials to establish if these courts were effectively discharging their particular function in relation to domestic violence. The study concluded that while there was some high quality practice across the board, there were also concerns that some of the components required for an effective and efficient system were absent. Consequently, the report made 13 recommendations to ensure better support for future complainants in domestic abuse proceedings.

The methodology therefore, was simply to replicate the data analysis undertaken in the Northumbria study. Data was provided to the researchers that had been collected from the observations of the Soroptimists, who had observed hearings and trials in Swindon Magistrates Court and Chippenham Magistrates Court.

This data was analysed using the Northumbria Report as the framework for evaluation. However, it should be noted that caution should be given when reading across and comparing this report to the Northumbria report, for the following reasons:

- (i) The difference in the number of observations between each study;
- (ii) The analysis of this report was conducted independently of the Soroptimists, and therefore it was difficult to clarify matters that arose during evaluation;
- (iii) Any deviance to the methodological approach between data collection in Northumbria and in Wiltshire.

Ethics approval for conducting this research was sought and approved from Bath Spa University Ethics Committee by Professor Allyson Macvean January 2019.



## Section 2.

### 2.1 First and preliminary hearings observations

#### 2.1.1 Overview

All pre-trial cases were heard by lay magistrates. 29 cases in total were heard. 55% of these cases proceeded on the basis of a guilty plea, 28% on a not guilty plea, 3 % involved a mixed plea and 14% did not proceed to trial (NFA, unfit to plead, non DV charge). 93% of the defendants in the pre-trials were male and 7% were female. 62% of complainants were female and 7% were male. 7% of cases involved two complainants (1 x F and F and 1 x mixed sex pair). In 24% of the pre-trials the sex of the complainant was not identified.

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
TOTAL NO OF OBSERVATIONS	29 (100%)	0	29
OF WHICH			
B. CASE PROCEEDED ON GUILTY PLEA	16 (55%)	0	16
C. CASE PROCEEDED ON NOT GUILTY PLEA	8 (28%)	0	8
d. Mixed plea	1 (3%)	0	1
NO TRIAL (nfa/unfit to plead/non dv charge)	4 (14%)	0	4
TOTAL	29	0	29

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF TOTAL OBSERVATIONS	29	0	29
OF WHICH			
DEFENDANT IS MALE	27 (93%)	0	
DEFENDANT IS FEMALE	2 (7%)	0	2
COMPLAINANT IS MALE	2 (7%)	0	2
COMPLAINANT IS FEMALE	18 (62%)	0	18
COMPLAINANTS AND F/F AND F	2 (7%)	0	2
COMPLAINANT N/I	7 (24%)	0	7

## 2.1.2 Cases Based on Guilty Plea

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
OF WHICH			
DEFENDANT IS MALE	14 (88%)	0	14
DEFENDANT IS FEMALE	2 (13%)	0	2
COMPLAINANT IS MALE	2 (13%)	0	2
COMPLAINANT IS FEMALE	12 (75%)	0	12
COMPLAINANTS N/I	2 (13%)	0	2

Of the 16 cases that proceeded on the basis of a guilty plea, 88% of them involved a male defendant and 13% involved a female defendant. In 75% of the 'guilty plea' cases the complainant was female, with 13% of the complainants being male. In 13% of these cases the sex of the complainant was not identified. Of the 16 pre-trial 'guilty plea' cases 31% were adjourned for reports with 69% of them being sentenced on the day.

### NATURE OF THE HEARINGS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE GUILTY PLEA SUBMITTED	16 (100%)	0	16
CASES AJOURNED FOR REPORTS	5 (31%)	0	5
CASES WHERE SENTENCE IMPOSED ON DAY	11 (69%)	0	11

#### ACTIONS TAKEN BY THE DEFENCE

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING GUILTY PLEA	16 (100%)	0	16
OF WHICH: These categories not discrete			
DEFENDANT DISPUTED AN ASPECT OF THE PROSECUTION CASE	7 (44%)	0	7
DEFENCE REFERRED TO GOOD CHARACTER OF THE DEFENDANT	8 (50%)	0	8
ASPECT OF VICTIM'S BEHAVIOUR USED AS PART OF DEFENCE	7 (44%)	0	7

In the 16 pre-trial, guilty plea cases the defendant disputed an aspect of the prosecution case in 44% of them, the same percentage of cases where aspects of the victim's behaviour was used as part of the defence. In exactly half of them the good character of the defendant was referred to as part of the defence.

#### CONSIDERING VICTIM'S NEEDS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING GUILTY PLEAS	16 (100%)	0	16
OBSERVER SATISFIED VICTIM NEEDS FULLY CONSIDERED	12 (75%)	0	11
AT LEAST ONE OBSERVER SATISFIED	-	-	-
OBSERVER NOT SATISFIED	1 (6%)	0	1
OBSERVER UNABLE TO COMMENT	3 (19%)	0	3

#### CONSIDERING CHILDREN'S NEEDS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING GUILTY PLEAS	16	0	16
REFERENCE TO NEEDS OF CHILDREN MENTIONED	5 (31%)	0	5

In 75% of the guilty plea, pre-trial cases, the court observer was satisfied that the victim's needs had been fully considered. In 6% the observer was not satisfied. In

19% of these cases the observer was unable to comment. In 31% of the cases, the needs of children were mentioned. However, only cases where sentencing passed were counted in these figures. It is important to note that aggravating and mitigating factors were mentioned cases where sentencing was not passed.

#### PRIOR CONVICTIONS, AGGRAVATING AND MITIGATING FACTORS

	LAY MAGISTRATE	ALL
NO CASES INVOLVING GUILTY PLEAS	16 (100%)	16
CASES WHERE A SENTENCE WAS PASSED	9 (56%)	9
CPS SET OUT AGGRAVATING FACTORS PRIOR TO SENTENCING	4 (44%) of 9	4

Only cases where sentencing passed counted (aggravating factors mentioned in other cases).

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING GUILTY PLEAS	16 (100%)	0	16
CASES WHERE A SENTENCE WAS PASSED	9 (56%)	0	16
MITIGATING FACTORS HIGHLIGHTED BY DEFENCE PRIOR TO SENTENCING	6 (67%) of 9	0	6

Only cases where sentencing passed counted (mitigating factors mentioned in other cases).

#### VICTIM PERSONAL STATEMENT

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE SENTENCE PASSED	9 (56% of 16)	0	9
OF WHICH VPS:			
REFERRED TO BY CPS PRIOR TO SENTENCING	1 (11%) of 9.	0	1
NOT REFERRED TO	8 (89%) "	0	8
QUESTION LEFT BLANK	0 (0%) "	0	0
REFERENCE MADE TO VICTIM WANTING TO READ VPS IN PERSON	1 (11%) "	0	1

In 56% of the guilty-plea, pre-trial cases, sentences were passed with the CPS setting out aggravating factors in 44% of them. In 67% of these cases, mitigating factors were highlighted by the defence prior to sentencing. In 11% of the guilty plea, pre-trial cases the VPS was referred to by the CPS in 11% of them prior to sentencing. In 89% of the cases the VPS was not referred to. In only 1 of these cases (11%) was reference made to the victim who wanted to read their VPS in person.

## SENTENCING

### SENTENCING ON THE DAY

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE SENTENCE PASSED	9 (56%)	0	9
OF WHICH:			
COMMUNITY ORDER	7 (78% of 9)	0	
REHABILITATION ACTIVITY	1 (11%) "	0	
UNPAID WORK	4 (44%)"	0	
FINES	1 (11%)"	0	
VICTIM SURCHARGE	4 (44%)"	0	
VICTIM COMPENSATION	1 (11%)"	0	
COURT COSTS	4 (44%)"	0	
RELATIONSHIPS COURSE/ANG MGMT	2 (22%)"	0	
SUSPENDED PRISON SENTENCE	0 (0%)"	0	

Categories are not discrete. Curfew was also imposed in one case.

Of the nine guilty-plea, pre-trial cases where sentencing was passed - 78% of the sentences involved a community order. Unpaid work, court costs, victim surcharge was involved in 44% of the cases and relationships management was involved in 22%. Rehabilitation activity, fines, victim compensation were each involved in 11% of them. None of the sentences involved a suspended prison sentence.

ADJOURNED SENTENCING:

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE SENTENCE AJOURNED:	7 (44%) of 16	0	7
OF WHICH:			
COMMUNITY ORDER	0	0	0
REHABILITATION ACTIVITY	0	0	0
UNPAID WORK	0	0	0
FINES	0	0	0
VICTIM SURCHARGE	0	0	0
VICTIM COMPENSATION	0	0	0
COURT COSTS	0	0	0
RELATIONSHIPS COURSE/ANG MGMT	0	0	0
SUSPENDED PRISON SENTENCE	0	0	0
*CONDITIONAL BAIL	3 (43%) of 7	0	3
*PROBATION REPORTS	3 (43%)”	0	3
*SUGGESTED CUSTODIAL	1 (14%)”	0	1
*REFERRED TO CROWN	1 (14%)”	0	1
*ABSOLUTE DISCHARGE	1 (14%)”	0	1

Non discrete categories.

Of the seven guilty-plea, pre-trial cases where sentencing was adjourned, conditional bail and probation reports were each involved in 43% of them and a suggested custodial sentence, an absolute discharge and a referral to the Crown Court were each involved in 14% of them.

RESTRAINING ORDERS:

USE OF RESTRAINING ORDERS ON THE DAY

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE SENTENCE PASSED	9 (56%) of 16	0	9
RESTRAINING ORDER MADE AT SENTENCE	5 (56%) of 9	0	5
OF WHICH:			
REFERENCE MADE TO VICTIM BEING CONSULTED ON CONTENTS	3 (33%) “	0	3
DEFENCE REQUEST TO FACILITATE CHILD CONTACT	1 (11%) “	0	1

56% of the sentences passed on the day involved a restraining order, with 33% of the cases including a reference being made to victim consultation on the contents of the RO. In 11% of the cases the defence made a request for the RO to facilitate child contact. In the guilty-plea sentences where sentencing was adjourned and passed at a later hearing, there was no information available as to restraining orders being made later (other colleagues?). Some restraining orders were already in force (1), the question not present on the observer's questionnaire (1) or were not answered by the observer (1). Some later sentences not knowable so counted as adjourned.

#### USE OF RESTRAINING ORDERS AT SENTENCING:

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
GUILTY PLEA CASES WHERE SENTENCING ADJOURNED AND PASSED AT LATER HEARING	7 (78%)	0	7
RESTRAINING ORDER MADE AT SENTENCE	0	0	0

Some restraining orders already in force (1). Question not present (1) or not answered (1). Some later sentences not knowable so counted as adjourned.

#### PROBLEMS IN THE ACQUISITION OF EVIDENCE FROM THE POLICE

NO OF CASES INVOLVING A GUILTY PLEA	16 (100%)
CASES WHERE OBSERVERS NOTED THAT PROBLEMS WITH ACQUIRING EVIDENCE FROM POLICE HIGHLIGHTED	0 (1 not answered)

Of the 16 cases involving a guilty-plea, none highlighted problems with acquiring evidence from the police.

## EVIDENCING COERCIVE AND CONTROLLING BEHAVIOUR

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING GUILTY PLEA	16 (100%)	0	16
CASES WHERE CHARGE INVOLVES COERCIVE BEHAVIOUR	1 (6%)	0	1
CASES WHERE INFO SHARED THAT COERCIVE BEHAVIOUR PART OF RELATIONSHIP	2 (13%)	0	2

3 not answered.

Of the 16 cases involving a guilty-plea, 6% (1) involved a charge involving coercive behaviour. In 13% of these cases the information shared in court suggested that coercive behaviour was part of the relationship. However, in three of the cases this question was not answered on the questionnaire.

### 2.1.3 Cases Based On Not Guilty Plea

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
CASES WHERE NOT GUILTY PLEA SUBMITTED	8 (89%)	0	8
MIXED	1 (11%)	0	1
TOTAL CASES (9/29)	31%		
OF WHICH			
DEF SEX N/I	1 (11%)	0	1
DEFENDANT IS MALE	7 (78%)	0	7
DEFENDANT IS FEMALE	0	0	0
COMPLAINANT IS MALE	0	0	0
COMPLAINANT IS FEMALE	5 (56%)	0	5
COMP SEX N/I	4 (44%)	0	4
*NFA/NO PLEA	4 (44%)	0	5

Out of the 29 total pre-trial cases, there were 8 cases that submitted a not guilty plea and one case where a mix of pleas were submitted. This amounts to 28% of all pre-trial cases submitting a not-guilty plea and 3.4% submitting a mixed plea. 78% of the



not guilty pleas were submitted by male defendants, with none submitted by female defendants. In 56% of the not guilty plea cases the complainants were female, none of the complainants were identified as male. The sex of the complainant was not recorded in 44% of the cases. In 44% of the total cases, no plea was recorded or no further action was taken. The data below has only been taken from the not guilty and mixed plea, the anomalous cases\* have not been included.

#### NATURE OF THE HEARINGS

Non-discrete categories	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING A NG PLEA	9	0	9
OF WHICH			
ASSAULTS	8 (89%)	0	8
SEXUAL ASSAULT	1 (11%)	0	1
CRIM DAMAGE	1 (11%)	0	1
STALKING HARASSMENT (INC MALICIOUS COMMENTS)	0	0	0
THREATENNG OR ABUSIVE BEHAVIOUR	1 (11%)	0	1
CONTROLLING BEHAVIOUR	0	0	0

Of the not-guilty pleas in pre-trial 89% involved a charge of assault. Criminal damage and threatening/abusive behaviour respectively featured in 11% of the cases. None of the cases involved stalking harassment or controlling behaviour. One of the cases (11%) was for a charge of sexual assault.

#### APPLICATIONS TO VARY BAIL CONDITIONS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING A NG PLEA	9	0	9
APPLICATION MADE TO VARY BAIL CONDITIONS	2 (22%)	0	2
OF WHICH			
REFERENCE WAS MADE IN OPEN COURT TO CONSULTATION WITH ALLEGED VICTIM ON THESE VARIATIONS	0	0	0

In 22% of the cases an application to vary bail conditions was made. Neither of these two cases made reference in open court to consultation with the alleged victim.

#### ISSUES FOR TRIAL HIGHLIGHTED BY DEFENCE

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING A NOT GUILTY PLEA	9	0	9
DEFENCE CLEARLY IDENTIFIED ISSUE FOR TRIAL	6 (67%)	0	0
OF WHICH (n-d cats)			
DENIED OFFENCE – DISPUTES VICTIM OR WITNESS ACCOUNT	1 (17%) (of 6)	0	1
DENIED OFFENCE – CLAIMS SELF DEFENCE	3 (50%)”	0	3
NOT ENOUGH INFO PROVIDED BY OBSERVER TO CATEGORISE	1 (17%)”	0	1
IP IS A DEFENCE WITNESS	1 (17%)”	0	1

In 67% of the not guilty plea cases, the defence clearly identified issues for trial. From within these 6, 17% disputed the victim’s/witness’ account. Half of these claimed self-defence as an issue for trial. In 17% of the cases there was not enough information provided to categorise the data. This was the same number of cases where the IP as a defence witness was raised as an issue for trial.

#### THE VICTIM’S EXPERIENCE

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING A NOT GUILTY PLEA	9	0	9
CASES WHERE SPECIAL MEASURES WERE REQUESTED FOR COMPLAINANT	2 (22%)	0	2
OF WHICH, A LIVE LINK WAS REQUESTED	1 (for child) (11%)	0	
NO OF CASES WHERE ISSUING A WITNESS SUMMONS FOR COMPLAINANT DISCUSSED IN COURT	2 (22%)	0	2
NO OF CASES WHERE APPLICATION MADE TO PREVENT DEFENDANT CROSS-EXAMINING IN	4 (44%)	0	4

PERSON			
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In 22% of these cases special measures were requested for the complainant. This is the same number of cases where issuing a witness summons for the complainant was discussed in court. 11% of these cases requested a live link for a child. In 44% of the cases an application was made to prevent the defendant from cross-examining the witness in court.

CONSIDERING VICTIM'S NEEDS THROUGHOUT PROCEEDINGS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING NOT GUILTY PLEAS	9	0	9
OBSERVER SATISFIED VICTIM NEEDS FULLY CONSIDERED	7 (78%)	0	7
AT LEAST ONE OBSERVER SATISFIED	7 (78%)	0	7
OBSERVER NOT SATISFIED	0	0	0
OBSERVERS DISAGREED	0	0	0
OBSERVER(S) NO COMMENT	2 (22%)	0	2

In 78% of the cases the observer was satisfied that the victim's needs had been fully considered. No clear second observer was included in the pre-trial data so this has also been taken to be the same as one observer being satisfied, certainly no disagreements between observers were shown. In 22% of the cases no information regarding this issue was recorded.

IN THE CASES WHERE OBSERVERS WERE NOT SATISFIED, REASONS WERE:

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NOT ENOUGH DETAIL /CONFUSING INFO/GIVEN IN COURT OR NOT ABLE TO CONTACT VICTIM TO CHECK INFO GIVEN IN COURT	N/A	0	N/A
V'S RETRACTION NOT OBSERVED/V AFRAID TO ATTEND COURT/	N/A	0	N/A
OTHER	N/A	0	N/A
REASON NOT GIVEN	N/A	0	N/A

## CASE PROGRESSION AND COMPLAINANT CONSULTATION

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
TIME UNTIL NEXT HEARING (WEEKS)(poor categories)			
1 – 4	1 (11%)	0	1
5 - 8	3 (33%)	0	3
9 – 12	4 (44%)	0	4
13 - 16	0	0	0
NEXT HEARING DATE UNKNOWN	1 (11%)	0	1
TOTALS	9	0	9

These categories are problematic, because ratio data (time) which is non-discrete is set out as discrete categories. It would be more sociologically sound to record this information in working days rather than weeks. The answer has been recorded to the category that it fits the closest. In 11% of cases the time until the next hearing was approximately between 1 – 4 weeks, which was the same number of cases where the date of the next hearing was not shown. 44% of the cases had an approximate 9 -12 week gap between hearings and a third (33%) had an approximate gap of 5 – 8 weeks.

## CONSIDERING CHILDREN’S NEEDS IN THE PROCEEDINGS

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO CASES INVOLVING NOT GUILTY PLEAS	9	0	9
CASES WITH OPEN DISCUSSION IN COURT ABOUT RISKS TO/NEEDS OF ASSOCIATED CHILDREN	2 (22%)	0	2
CASES WITH NO OPEN DISCUSSION IN COURT REGARDING ABOVE	4 (44%)	0	4
NO CHILDREN MENTIONED (?)	7 (78%)	0	7
NO OBSERVATION PROVIDED	3 (33%)	0	3
CASES WHERE OBSERVERS DISAGREED	0	0	0

22% of the not guilty cases made open discussion in court about the risks/to needs of associated children. In 78% of these cases no children were mentioned. This was made up of 44% of cases where there was no open discussion in court regarding associated children and 33% where no observation on this question was recorded.

PROBLEMS IN THE ACQUISITION OF EVIDENCE FROM THE POLICE

NO OF CASES INVOLVING A NOT GUILTY PLEA	9
CASES WHERE OBSERVERS NOTED THAT PROBLEMS WITH ACQUIRING EVIDENCE FROM POLICE HIGHLIGHTED	0
OF WHICH:	
NO BODY WORN VIDEO EVIDENCE/EV NOT RECEIVED OR INCOMPLETE	N/A
PREVIOUS CONVICTIONS INFO NOT PROVIDED	N/A
FURTHER CLARITY REQUIRED ON INFO BEFORE THE COURT OR REASONS FOR DELAY IN CASE COMING TO COURT	N/A

None of the not guilty, pre-trial cases raised problems with acquisition of evidence from the police as an issue nor did any of the cases bring a charge of, or share information regarding, coercive behaviour as part of the relationship.

EVIDENCING COERCIVE OR CONTROLLING BEHAVIOUR

	LAY MAGISTRATE	DISTRICT JUDGE	ALL
NO OF CASES INVOLVING NOT GUILTY PLEA	9	0	9
CASES WHERE CHARGE WAS BROUGHT FOR COERCIVE BEHAVIOUR	0	0	0
CASES WHERE INFO SHARED THAT COERCIVE BEHAVIOUR PART OF RELATIONSHIP	0	0	0

## **Trial Observations**

### **General information**

It was noted that only 2 (22.2%) cases out of the 9 cases that went to trial in which the defendant pleaded guilty to some of charges.

Both cases were heard by a Lay Magistrates. One case was heard at Chippenham Magistrates Court and the other case in Swindon Magistrates Court.

Both cases involved male defendants. One of the cases was referred to have substantive charges to be dealt at Salisbury Court at a later date.

Both cases (100%) involved a female complainant.

Both cases involved a former intimate partner.

### **The nature of the trials**

There is no criminal offence of domestic violence; a variety of charges are applied to a range of behaviours and actions, mainly assault, criminal damage and harassment/threatening or abusive behaviour.

The defendants in one of the cases faced more than one charge but did not plead guilty to all charges. It is unknown as to what the charges were relating to in the second case as it was referred to be dealt with at Salisbury Court at a later date.

There were no variation to the charges be heard at trial hearing. The charges included 'assault by beating' and 'criminal damage'.

### **Actions taken by the defence**

The defendant in case 1 pleaded guilty to only charges of criminal damage and not guilty to charges of assaults. The defendant mitigated his charge of assault by insisting he had 'not punched' the complainant but had sustained injury to herself 'when she got in the way of the car door'.

Subject	Case 1	Case 2
Court	Chippenham	Swindon
Charges	Assault by Beating and Criminal Damage	Breach of existing conditions of bail
The defendant disputed all or	Yes	No

some of the charges		
The defendant disputed an aspect of the prosecution case at some point during the trial	Yes	No
The defence referred to the good character of the defendant at some point during the trial	No	Yes
The defence sought to excuse the defendant's conduct by referencing the victim's behaviour at some point during the trial	Yes	Yes
Defendant and victim have child(ren)	Yes	No
Newton Hearing	Considered but this had not taken place	N/A
Did the defence appear to use/reinforce myths or stereotypes about domestic violence	No	No
Final outcome	Sentencing deferred pending Probation report to inform sentencing	Bailed again and waiting substantive charges to be dealt with at Salisbury Crown Court

### **Consideration of complainants needs throughout proceedings**

There were no special measures required to assist the victim in either of the two cases.

Subject	Case 1	Case 2
Was the observer satisfied that the needs of the victim were fully considered during the proceedings	Yes (2 observers)	Yes
Was an IDVA present in court during the case	A lady was present (probably from Horizon)	No

It was noted by the observers in both cases that the needs of the victims were fully considered during the course of the proceedings. They were not considered 'vulnerable or intimidated' witnesses and there was no evidence of coercive or controlling behaviour as a characteristic in the relationship between offender and victim. Nonetheless, the victim in one of the cases had a lady present (probably from Horizon) during the trial process.

### **Consideration of children's needs throughout proceedings**

Only one case involved a child being present during the alleged incident. There was a discussion about the risks posed to the child. The Magistrate requested a Probation report because of this. A date was set for hearing in the Family Court.

### **Prior convictions, aggravating and mitigating factors**

Sentencing was imposed on one of the cases. In the other case sentencing was deferred pending a request for a report from the Probation Service.

**Prior convictions:** Where sentencing is to be passed, part of the CPS role is to highlight any previous convictions of the defendant. However, this case was for breach of bail conditions and the defendant was bailed again with condition imposed not to go to the complainant's address.

In the second case, there was a discussion between the CPS lawyer and the legal advisor, not in the presence of the Magistrates. A decision was made not to disclose an earlier conviction, presumably because sentencing was not being imposed until the report from the Probation Service had been undertaken and would inform the sentencing process.

**Aggravating and mitigating factors:** In addition, taking account of previous relevant conditions, the Sentencing Council Guidelines (2006) highlights a range of aggravating and mitigating factors that can affect sentencing in domestic abuse cases and which should be highlighted respectively by the prosecution and the defence.

**Aggravating factors:** One case tendered an aggravating factor in that there was a baby in the house at the time the alleged incident took place.

**Mitigating factors:** Both cases submitted mitigating factors on behalf of the defence. One factor related to the fact that the defendant thought the relationship with the victim at the time of the incident was 'not finished and they had agreed not to cheat on each other'. To this extent, the victim's (alleged) behaviour was used as a mitigating factor. The other case proffered the factor that he was a lonely man, on



medication and found the breakdown of the relationship difficult to accept and he was very sorry.

It is noted, that although there are only two cases in this cohort, neither alcohol or drugs was extended as either aggravating or mitigating factors.

### **The victim personal statement**

A Victim Personal Statement describing the impact of an offence(s) should be referred to prior to an offender being sentenced. CPS can apply to the court for the complainant to read their own statement if that is requested. In practice, it is often read by the CPS, especially since victims are not usually present at guilty plea hearings and there is guidance against adjourning proceedings to afford a victim the chance to read it out.

There was only one case that sentencing was considered. It was noted that the Victim Personal Statement was neither referred to by the CPS prior to sentencing, nor was there any reference made to the victim wanting to attend court to read their VPS.

### **Sentencing**

Of the two cases involved:

- The first case involved sentencing to be deferred pending a report from the Probation Service to inform the sentencing;
- And in the second case, the accused was bailed and waiting for substantive charges to be dealt with at Salisbury Crown Court.

## 2.2.2 Trials that proceeded on a not guilty plea

### General information

A total of 7 cases proceeded on the basis of a not guilty plea (representing 7 out of 9 cases or 77.7%).

6 of the cases were heard by Lay Magistrates and one case by a District Judge.

3 cases were heard in Chippenham Magistrates Court, 3 in Swindon Magistrates Court and 1 case in Swindon Crown Court.

Domestic abuse cases can include violence or abuse against an intimate partner and/or against other family members over the age of 16 years. 4 of the cases involved an intimate partner, 1 case for family violence (assault on girlfriend's son), 1 case for breaches of a restraining order and 1 case for a hearing to discharge an order.

Of these 7 cases, 6 of the defendants were male and 1 was female. The female was accused of assault and criminal damage on a male complainant.

In 5 out of the 7 cases, the complainant was female. Two complainants were male. One of the cases was family violence and included an alleged assault on the son of his girlfriend.

### The nature of the trials

#### Cases which proceeded on a not-guilty plea

Subject	Lay Magistrate	District Judge
Number of cases	6	1
Case dismissed before trial commenced	1	0
Trial adjourned to later date	1	0
Trial proceeded on day	4	1

The case dismissed before the trial commenced was as a result of:

- i. The suggestion that the victim had retracted her statement relating to an assault on her son by her boyfriend. The victim and police witness had not attended court, although body worn video footage was available. The CPS representative could not make contact with either the police witness or the victim. The defendant was called into court and the case dismissed.

The 1 case which was adjourned to a later date was as a result of:

- i. The victim or witnesses attending court, although the victim was referred to as vulnerable and high risk. The alleged offence was assault by beating. Reference was made to previous convictions for both the defendant and victim. The trial was adjourned pending a summons.

Of the 4 cases that proceeded on the day, the following observations were made:

- I. One case was a hearing to discharge an order. This was an application by Wiltshire Constabulary to discharge a restraining order as the complainant had stated she had not requested a restraining order and would refuse to support the order. She alleged that it had only been a petty argument. The case to discharge was supported by the CPS. The Magistrates agreed to discharge the order.
- II. The second case, the female defendant attended the hearing via video link from a police station where she had been detained following arrest on a warrant for non-attendance for a previous hearing. A case management meeting was arranged at a future date.
- III. This case concerned assault by beating which resulted in teeth of victim being displaced and the assault occurring in the presence of a baby. The District Judge stated they wanted Probation Reports before imposing a sentence and a date was arranged for sentencing as the Judge wanted to impose the sentence his/her self.
- IV. The fourth case was listed as assault by beating but the victim became very distressed during the court hearing and thus her evidence was compromised. Thus, the charge was varied and downgraded which resulted in a two-year restraining order being made against the defendant.

### Meeting the complainant needs

Subject		
Were the needs of the alleged victim fully considered during the proceedings	In 3 cases the needs of the alleged victims were considered	In 4 cases, the needs of the alleged victims were not applicable
Special Measures	A screen was put up for one victim. Another victim was asked if she required a screen by the Judge, but she refused. Another victim had been consulted as to what	

	measures should be taken against the accused	
Was IDVA support present in court during the case	In 6 cases there was no IDVA or other professional support was present in any of the cases	In 1 case there was professional support (Horizon?)

### The case for the complainant

In two of the cases, the victim did not attend the trial and in one of the cases, the Magistrate issued a summons for the victim to attend, thus adjourning that particular case.

In one case, the complainant had requested a screen but the defence had not agreed to. The Magistrate granted the request and a screen was put up. In another case, the Magistrate asked the complainant if she required a screen but refused as she had seen the defence recently in relation to contact with the child.

Generally, where complainants gave evidence or testified in court, the Magistrates and Judge appeared to be considerate to their needs and concerns:

*“The victim...was referred to by the Judge for her view and confirmation and in his summing up appeared to relate the incident very much for her viewpoint and in the way she described it, rather than the defendant’s version”.*

However, that said, in another case, the victim was too distressed to give evidence and thus a compromise was agreed to impose a two year restraining order.

### Actions taken by the defence

Subject			
Court	3 in Chippenham Magistrates Court	3 in Swindon Magistrates Court	1 in Swindon Crown Court
Charges	3 x Assault by beating 1 x Breach of restraining order 1 x Assault on son of girlfriend 1 x Hearing to discharge order 1 x Criminal damage		
The defence referred to the good character of the defendant at some point during the trial	1 x No	2 x Yes	4 x N/A
The defence sought to excuse the defendant’s conduct by referencing the victim’s	2 x No	1 x Yes	4 x N/A

behaviour at some point during the trial			
Defendant and victim have child(ren)	4 x No	2 x Yes	1 x Not Known
Newton Hearing	3 x No	1 x Yes	3 x N/A
Did the defence appear to use/reinforce myths or stereotypes about domestic violence	3 x No	0 x Yes	4 x N/A

### **The case for the defence**

In one of the cases, the defendant gave evidence via a video link from the police station as she had been arrested on a warrant for non-attendance.

Of concern, in one case, although the defendant was unemployed he did not qualify for legal aid or have the money to pay for legal representation. So while the Court appointed a Defence to cross-examine the victim, the defendant questioned all other witnesses. Given this case potentially involved a prison sentence due to the severity of the injury, this is of concern.

In another case, both the victim (mother of son and girlfriend of defendant) and police witness failed to attend the trial. The CPS representative at court had received no evidence despite being given time to do so. The case was dismissed. This case related to assault on the son of the girlfriend of the defendant. The age of the son who had been the subject of the assault was unknown.

It was common place for the defendant's case to refer to the 'bad behaviour' of the complainant as an aggravating feature for the defendant's actions.

### **Considerations of child(ren) needs**

Two out of the seven cases made reference to children. It would appear that in the remaining five cases there were no children in the relationship.

One of the cases involving child related to assault on the son of the girlfriend of the defendant. However, the complainant (girlfriend of defendant) had retracted her statement although there was a video available from a police body worn video. However, the CPS representative was unable to obtain instructions from the CPS during the morning and the Magistrate had no alternative than to dismiss the case.

In the second case, the defendant and complainant had a 3 month old baby. The baby was being held by the complainant at the time of the assault. The defendant was accused of head butting the victim causing serious damage. The defendant tried

to mitigate his behaviour by stating she had tripped over a box and he was trying to help her when her face knocked against his head. The Judge had called for a section 45 at the start of the trial.

### Sentencing and case outcomes

Subject			
Did the prosecution seek to rely on the evidence of the defendant's bad character in the trial?	3 x No	1 x Yes	3 x N/A
Was a Victims Personal Statement referred to by CPS before sentencing?	4 x No	Yes	3 x N/A
Was reference made to the victim wanting to attend court to read their VPS?	4 x No	Yes	3 x /A
Did the CPS seek to highlight any previous convictions of the offender that might be relevant prior to sentencing?	4 x No	Yes	3 x N/A
Were any other aggravating factors highlighted by CPS?	4 x No	Yes	3 x N/A
Did the defence make reference to mitigating factors prior to sentencing?	3 x No	1 x Yes	3 x N/A
Did the defence refer to the defendant's previous good character and its relevance to sentencing?	3 x No	1 x Yes	3 x N/A

In two of the cases, sentencing was adjourned pending reports from the Probation Service.

In one case, one of the features of the defence argument related to the behaviour of the complainant as part of the mitigating factors.

### **Sentencing Outcomes:**

Case	Sentencing outcome
Case 1	First charge – not guilty Second charge – no aggravating circumstances and requested a report from probation to determine sentence at later date
Case 2	Case dismissed
Case 3	Date set for Case Management Meeting at later date
Case 4	Order discharged
Case 5	Case proved, sentencing adjourned but indicated high tariff given severity of assault. Instructed defendant to attend Probation Service anger management sessions and for the Probation Service to provide report to influence sentence tariff
Case 6	Restraining Order for 2 years
Case 7	Summons issued for victim to attend court as witness

Thus only 1 out of the 7 cases was dealt with to completion at the trial; in 2 cases sentencing was adjourned to request Probation Service reports to inform the sentence tariff; another case was referred to a case management meeting at a later date; in 2 cases one was dismissed and the other the order discharged, and; the final case issued a summons for the victim to attend the court.

### **Other comments**

While there are too few cases to draw robust and causal conclusions, it is noteworthy to observe that research has linked onset of domestic abuse with the onset of pregnancy and the birth of the first child. This appears to link to one of the cases observed.

In addition, research had further demonstrated a link between alcohol and drugs and domestic violence. This was not recorded in all the observation sheets, but it was noted that in three of the cases, alcohol had been consumed by the defendant or both the defendant and complainant.

## **Applications to vary orders or remand in custody**

### **General information**

There were 2 cases for applications to vary orders and 1 case to remand in custody. Two cases involved intimate partner violence and one involved family violence.

In all three cases, the defendants were male and all the complainants were female.

All three cases were heard by a Lay Magistrate.

### **Case 1**

The application, made by the police, was to vary the order to enable one mediated restorative justice meeting to be arranged between the defendant and complainant.

The victim was consulted about this change before and during the court hearing. The Magistrate agrees to amend the order to allow the mediated meeting.

### **Case 2**

This application was represented by the victim and her mother. The defendant was her brother. The application was a request for a variation of a restraining order granted in 2012 for common assault to prohibit the defendant from seeing his sister without the mother being present. The sister expressed her wish not to see her brother. The restraining order was approved and that the defendant was also not to enter the family home or to go to any school that his sister attends.

A social worker was present and supporting mother and victim during the court process.

### **Case 3**

Case 3 was an application to remand in custody by the police. The defendant had been charged under Section 18 of GBH against complainant.

The defendant appeared via video link from prison. The case was being dealt with a Crown Court with a date set for later – in 4 weeks. The police were concerned that the defendant would offend again.

The Magistrates agreed that there were no conditions they could impose that would alleviate the risk and thus agreed to the application for remand.



## 2.3 Sentencing

	<b>LAY MAGISTRATE</b>	<b>DISTRICT JUDGE</b>	<b>ALL</b>
<b>Total number of observation, of which:</b>	<b>24 (100%)</b>	<b>0</b>	<b>24</b>
Sentenced on a guilty plea	22 (91.7%)	0	22 (91.7%)
Sentenced on a not guilty plea	0	0	0
Mixed plea	1 (4.2%)	0	1 (4.2%)
Defendant failed to surrender	1 (4.2%)	0	1 (4.2%)
<b>TOTAL</b>	<b>24 (100%)</b>	<b>0</b>	<b>24 (100%)</b>

	<b>LAY MAGISTRATE</b>	<b>DISTRICT JUDGE</b>	<b>ALL</b>
<b>Total number of observation, of which:</b>	<b>24</b>	<b>0</b>	<b>24</b>
Defendant is male	23 (95.8%)	0	24
Defendant is female	1 (4.2%)	0	1

There were 24 cases that involved an imposition of a sentence, either on the day, or following the completion of a pre-sentencing report. Defendants in all cases were sentenced by Lay Magistrates in Swindon Magistrates Court. In 19 cases (76%) magistrates were able to pass the sentence immediately. In three cases (12.5%) magistrates asked for an interview with a Probation Officer to be completed before sentencing, and this was done on the same day. One case (4.2%) was adjourned for a pre-sentencing report to be completed. The defendants in the observed cases were largely male (23 cases, 95.8%), with only one female defendant (4.2%). The majority of victims were female (22 cases,

95.7%), with one male victim (4.3%). In one case it was impossible to ascertain anything about the victim.

As there is no specific criminal offence of 'domestic violence', defendants were convicted of various offences that were flagged as 'domestic', for example common assault, assault by beating, harassment and threatening behaviour, or criminal damage. 22 defendants (91.7%) were sentenced having entered a guilty plea. In one case (4.2%) the defendant entered a mixed plea (pleading guilty to one charge, but not guilty to another), and in one case (4.2%) the defendant failed to surrender into the custody of a court. This would usually result in an arrest warrant being issued by the Court under Bail Act 1976.

#### Actions taken by the defence

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
Defendant disputed an aspect of the prosecution case	7 (31.8%)
Defence referred to previous good character of the defendant	8 (36.4%)
Defence used victim's behaviour to excuse the defendant's conduct	6 (27.3%)
Defence appeared to reinforce or use common myths about domestic abuse	2 (9.1%)

In the 22 cases that were sentenced on the day, the defendant disputed an aspect of the prosecution's cases in 31.8% of cases. In a similar proportion of cases (36.4%), the defendant's previous good character was referred to as relevant in passing a sentence. In addition to putting forward mitigation, the defence made references to the victim's behaviour before, during or after the incident in their presentation in 6 cases (27.3%), and in 2 cases (9.1%), the defence appeared to reinforce or use common myths and misconceptions about domestic abuse.

#### Considering victim's needs

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
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Cases where the observer(s) was satisfied that the needs of the victim were fully considered during the proceedings	17 (77.3%)
Cases where the observer was not satisfied that the victim's needs were fully considered during the proceedings	5 (22.7%)
Cases where observers felt unable to comment	0

#### Considering children's needs

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
A reference was made to the needs/risks of associated children at some point during the hearing	6 (27.3%)

In 77.3% of cases that were sentenced on the basis of a guilty plea, the observers were fully satisfied that the victim's needs had been fully considered. In five cases (22.7%) the observer was not satisfied, although in one case the observer indicated that they had not been satisfied but also commented that they were not sure. Children's needs were referred to in the proceedings in 27.3% of cases. It is notable that IDVAs (Independent Domestic Violence Advisors) were not present during the sentencing of none of the 22 cases where a sentence was passed on the day.

#### Prior convictions, aggravating and mitigating factors

In a sentencing hearing once the defendant has either pleaded guilty or has been found guilty, it is the role of the Crown Prosecution Service (CPS) to highlight any *relevant* previous convictions of the defendant that should be taken into account when passing a sentence. In addition to previous convictions, the prosecution and the defence should highlight any aggravating and mitigating (respectively) factors that might affect sentencing, as per the guidelines of the Sentencing Council (2006)

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
CPS highlighted relevant previous convictions of the defendant.	11 (50%)
Cases where the CPS set out aggravating factors prior to sentencing	4 (18.2%)
Mitigating factors were highlighted by the defence prior to sentencing	17 (77.3%)

### Victim Personal Statement

Victim Personal Statement (VPS) is a statement made by the victim that describes the impact of the offence(s), and this should be taken into account when passing a sentence.

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
VPS referred to by CPS prior to sentencing	5 (22.7%)
VPS was not referred to by CPS prior to sentencing	17 (77.3%)
Question left blank/ Observations unclear	0
Reference made to victim wishing to read VPS in person	0

### Sentencing on the day

The range of sentences imposed in 21 cases where a sentence was passed on the day can be seen below. Only in two cases (9.1%) the custody threshold was met, but in both cases custodial sentence was suspended. Magistrates imposed a range of community-based sentences, such as community orders (54.5% cases), unpaid work (31.8% of cases) or Rehabilitation Activity Requirement days (50% of cases). Fines were imposed in 31.8% of cases, and in 68.2% of cases

the defendants were ordered to pay a victim surcharge. On average, there were 4 items per sentence passed.

Building Better Relationships (BBR) is an accredited programme specifically designed to address the criminogenic needs of perpetrators of domestic violence, and the requirement to complete the programme can be attached to an order. This was only the case in three (13.6%) of the observed proceedings. Notably, the defendant in one case (4.5%) had already completed BBR as a requirement of a previous order at the point of being sentenced for a further IPV offence. The Alcohol Treatment Requirement was imposed in three cases (13.6%), highlighting that alcohol misuse remains an important factor in the understating of DV offences.

One case (4.5%) was adjourned for pre-sentencing report to be completed, and the outcome of this hearing could not be ascertained. In one case (4.5%) the defendant failed to surrender to the custody of the Court and sentence was not passed.

<b>Cases where sentence was passed on the day, of which:</b>	
Curfew	1 (4.5%)
Community Order	12 (54.5%)
Rehabilitation Activity Requirement (RAR) days	11 (50%)
Unpaid work	7 (31.8%)
Fine	7 (31.8%)
Victim surcharge	15 (68.2%)
Victim compensation	6 (27.3%)
Court costs	16 (72.7%)
Alcohol Treatment Requirement (ATR)	3 (13.6%)
Programme Requirement (Building Better Relationships, BBR)	3 (13.6%)
Suspended Sentence Order (SSO)	2 (9.1%)
Immediate custody	0
Restraining order	5 (22.7%)
Adjourned	1 (4.5%)

### Use of restraining orders

Restraining orders are used in order to protect a victim of domestic abuse from the perpetrator. Orders can be applied for by prosecution on behalf of the victim, and made by a judge at sentencing, or before a sentence is passed, if the Court is sufficiently concerned about the safety of the victim and the behaviour of the defendant that they deem such safeguard to be necessary.

Of the 22 cases that proceeded to sentencing, in 5 cases (22.7%) an application for a restraining order was made and an order was made. A restraining order was also made in one case that was adjourned for sentencing, demonstrating that an order can be made before a sentence is passed, should it be deemed necessary to do so.

Cases where sentence was passed	22
<b>Restraining order made at sentence, of which:</b>	5 (22.7%)
Reference made to victim being consulted on its content	2 (40%)
The defence requested the order be written in a way that facilitated child contact	3 (60%)

While restraining orders were made in 22.7% of observed cases that were concluded on the day, it is concerning that in only two of these cases (40%), a reference was made to the victim being consulted on what the order should and should not contain. Defence solicitors requested that an order should be written in such a way so that to facilitate contact with children in three cases (60%).

### Problems relating to the acquisition of evidence from the police

The observers did not note any problems relating to the acquisition of evidence from the police in none of the 22 cases that proceeded to sentencing on the basis of a guilty plea. However, as these were sentencing hearings, and that sentences were mostly being passed on the basis of a guilty plea, it was unlikely that new evidence would be presented at this stage.

### Evidence of coercive and controlling behaviour

Coercive and controlling behaviour became a criminal offence under s.76 of the Serious Crime Act 2015. There was only one charge under this legislation in the 22 observed cases that were sentenced on the day. Observers noted evidence of coercive or controlling behaviour in the relationship in two cases (9.1%).

<b>Number of cases that were sentenced on the basis of a guilty plea, of which:</b>	<b>22 (100%)</b>
Cases where a charge was brought for coercive behaviour	1 (4.5%)
Cases where information was shared that indicated coercive or controlling behaviour was a feature of the relationship	2 (9.1%)

## Section 3

### 3.1 Findings and Conclusion

This project was undertaken by Professor Allyson Macvean, Dr Claire Edwards-Evans and Pauline Tusien of Bath Spa University for the Office of the Police and Crime Commissioner (OPCC), Wiltshire.

The project was to evaluate a set of data, collected independently by members of Soroptimists International on behalf of Wiltshire OPCC and compare the findings against a similar study conducted in Northumbria.

To that extent, the context of study as it relates to Specialist Domestic Violence Courts (SDVC) is largely replicated from the study, *Specialist Domestic Violence Courts – How special are they?* (Baird et al, 2017/18). Thus, the framework that sets out the definition of domestic violence, the rationale and purpose of SDVC is duplicated in order that the findings of the evaluation can be compared in a framework that corresponds to that of the Northumbria study.

It should be noted that the Wiltshire study had significantly lower number of observations than the Northumbria study. Therefore, care should be taken when concluding similarities and comparisons between the two studies. Nonetheless, there are comparable findings that are important and noteworthy in providing an insight into the effectiveness of SDVC and the experience of the victims particularly in relation to the stages relating to Preliminary and First Hearings. Thus, a table has been created setting out the comparable data for these stages, as below:

#### **SDVC overview**

	<b>Wiltshire</b>	<b>Northumbria</b>
Number of cases	29 (100%)	170 (100%)
Cases proceeded based on a guilty plea	16 (55%)	87 (51%)
Cases proceeded based on a not guilty plea	8 (28%)	83 (49%)
Cases proceeded based on mixed plea	1 (3%)	
Cases that did not go to trial	4 (14%)	

#### **SDVC that proceeded on the basis of a guilty plea**



### **Actions taken by the defence**

	<b>Wiltshire</b>	<b>Northumbria</b>
Number of cases	16 (100%)	87 (100%)
The defendant disputed an aspect of the prosecution case at some point during the hearing	7 (44%)	23 (26%)
The defence referred to the good character of the defendant at some point during the hearing	8 (50%)	83 (49%) This should read 24 (28%)
The defence sought to excuse the defendant's conduct by referencing the victim's behaviour at some point during the hearing	7 (44%)	32 (37%)

### **Considering victim needs throughout proceedings**

	<b>Wiltshire</b>	<b>Northumbria</b>
Number of cases	16 (100%)	87 (100%)
Cases where observers were satisfied that the needs of the victim were fully considered during the proceedings	12 (75%)	50 (57%)
Cases where at least one observer was satisfied that the needs of the victim were fully considered during the proceedings	–	4 (5%)
Cases where the observer was not satisfied that the victim's needs were fully considered during the proceedings	1 (6%)	18 (21%)
Cases where observers felt unable to comment	3 (19%)	15 (17%)

### **Considering Children's needs throughout proceedings**

	<b>Wiltshire</b>	<b>Northumbria</b>
Number of cases	16 (100%)	87 (100%)
Of which, reference was made to the needs/risks of associated children at some point during the hearing	5 (31%)	13 (15%)

### Prior convictions, aggravating and mitigating factors

	Wiltshire	Northumbria
Cases where a sentence was passed	9	62
Cases where CPS set out aggravating factors prior to sentencing	4 (44%)	28 (45%)
Mitigating factors were highlighted by the defence prior to sentencing	6 (67%)	50 (81%)

### The victim personal statement

	Wiltshire	Northumbria
Cases where a sentence was passed	9	62
VPS referred to by CPS prior to sentencing	1 (11%)	23 (26%) should this be 37%
VPS was not referred to by CPS prior to sentencing	8 (89%)	28 (45%)
Questions left blank/observers unclear	0	9 (15%)
Reference made to victim wishing to read VPS in person	1 (11%)	1 (2%) inserted by AM

### Sentencing

	Wiltshire	Northumbria
Cases where sentencing was passed	9 (100%)	62 (100%)
Community Order	7 (78%)	32 (52%)
Rehabilitation Activity	1 (11%)	35 (56%)
Unpaid Work	4 (44%)	11 (18%)
Fines	1 (11%)	24 (39%)
Victim Surcharge	4 (44%)	37 (60%)
Victim Compensation	1 (11%)	33 (53%)
Court Costs	4 (44%)	36 (58%)
Building Better Relationships/Anger Management Programme	2 (22%)	11 (18%)
Suspended prison sentence	0	10 (16%)

	Wiltshire	Northumbria
Cases where sentencing was adjourned and passed at a later hearing	7 (100%)	25 (100%)
Community Order	0	9 (50%)
Rehabilitation Activity	0	16 (89%)
Unpaid Work	0	3 (17%)
Fines	0	2 (11%)

Victim Surcharge	0	6 (33%)
Victim Compensation	0	5 (28%)
Court Costs	0	7 (39%)
Building Better Relationships/Anger Management Programme	0	4 (22%)
Suspended prison sentence	0	7 (39%)
Custodial Sentence	0	1 (6%)
Conditional Bail	3 (43%)	
Probation Report	3 (43%)	
Suggested Custodial	1 (14%)	
Referred to Crown Court	1 (14%)	
Absolute Discharge	1 (14%)	

### The use of restraining orders on the day

	Wiltshire	Northumbria
Cases where sentences were passed	9	62
Restraining order made at sentence – Of Which:	5 (56%)	39 (63%)
Reference made to victim being consulted on its contents	3 (33%)	13 (33%)
The defence requested the order be written in a way that facilitated child contact	1 (11%)	12 (31%)

### The use of restraining orders in sentencing

	Wiltshire	Northumbria
Guilty plea cases where sentence adjourned and passed at later hearing	7	25 Results are shown for 18 of the 25 cases
Restraining order made at sentence	0	15 (83%)

### Problems relating to acquisition of evidence from the police

	Wiltshire	Northumbria
Number of cases involving a guilty plea	16	87
Cases where observers noted that problems relating to the acquisition of evidence/documentation from the police were being highlighted	0	3 (3.5%)

## Evidence of coercive and controlling behaviour

	<b>Wiltshire</b>	<b>Northumbria</b>
Number of cases involving a guilty plea	16	87
Cases where a charge was brought for coercive behaviour	1 (6%)	1 (1%)
Cases where information was shared that indicated coercive or controlling behaviour was a feature of the relationship	2 (30%)	11 (13%)

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