

**STANDING
together**
against domestic violence

Two Years On

*Partnership in Practice at The Specialist Domestic Violence Court,
West London*

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against domestic violence

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Written and published by Standing Together Against Domestic Violence

Cover and Design by Iain Anderson

Layout by Shasca Foster

Published by Standing Together Against Domestic Violence, June 2005

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Introduction

Standing Together convenes and coordinates the Management Group which runs the Specialist Domestic Violence Court (SDVC) at West London Magistrates Court (WLMC). All the agencies who are signatories of the multi-agency protocol are represented, and it is their commitment which makes this court such a success.

Partner agencies and Standing Together came together more than three years ago to build an ideal: a court staffed by trained judiciary and court staff, bringing their combined skills to bear on providing a service which keeps victim safety and offender accountability to the fore. They set themselves aims which include providing protection to victim/witnesses, appropriate sanctions for perpetrators, reducing delays, increasing coordination and exploring links with the civil court system.

They have continued their commitment to that ideal and have maintained this best practice model over two and a half years. The work of the court is supported by staff at every level in their agency, reinforced by training, information sharing and the satisfaction of seeing best practice in action.

At Standing Together we know that change in one corner of London is not enough. We work to support change throughout the criminal justice system and within the specialist voluntary sector, and to that end we want to share what we learn in practice and what we hear from partners, survivors and observers.

In February 2004, we published *One Year On*, the report of the review of the first year's operation of the court, and this has been widely distributed and read.

In November 2004, Standing Together facilitated the *Two Years On* review by partner agencies of progress and lessons learnt during the second year of the SDVC. This report *Two Years On: Partnership in Practice*, is the record of that review, and updates both the quantitative and qualitative information from the court and partner agencies to the end of March 2005. It also contains Standing Together's reflections upon some of the lessons learnt since we started developing and operating the court.

It is easy to take for granted, at this stage, how much we have done together and the tendency can be to look at problems. The review gives us a pause to remember our achievements as well as to identify improvements. We are fortunate in having a great deal of evidence and material to consider, and some of it is reproduced here. There is a lot of detail here but the potential for change is in the detail.

What we do locally has been reinforced by the changes for the better which we have seen in all the criminal justice agencies, in how domestic violence is understood and dealt with. The example of Standing Together has, in turn, played a part in those changes. Our approach to practical training, for instance, developed over the six years in partnership with the police, Advocates and CPS, has informed the training which has now been developed within those agencies at a national level.

Standing Together was the first to offer domestic violence training to District Judges and Magistrates. The Specialist Court in West London was the first one in London and the first in the country to hear trials. We have developed and reported on our consultation with survivors. We have identified the need for advocacy services and set up one of the first in the country. We support the development of accreditation and replication through our founder membership of the Coordinated Response and Advocacy Resource Group (CRARG).

The SDVC has been set up in the context of the long standing coordinated response to domestic violence incidents in the London Borough of Hammersmith and Fulham (LBHF), and is really the culmination of that achievement. The court also serves the Royal Borough of Kensington and Chelsea (RBKC), and so both boroughs join in the SDVC protocol. Standing Together has encouraged consideration of the coordinated response model in RBKC, although this has been largely overtaken by the Metropolitan Police initiative in bringing in detailed standardised reporting and risk assessment in domestic violence incidents.

We cannot be complacent. Some indicators are clear and show continuing signs of improvement, some have maintained the initial improvements and remained steady over two years, and some are tending downwards. The court achievement can only be in the context of good coordinated efforts from the 999 call onwards and in the integrated efforts of all agencies in the partnership. We have sought the help of Professor Marianne Hester to assess how we should evaluate our work in the future.

We have been Standing Together for six years, and we are now in the third year that the SDVC has been running. We have cut away the fat, the slack and the easy targets some time ago, when all the indicators, for example, in relation to arrests and charges, rose in the right direction. Most academics will expect a new project to do well, but to have difficulty in maintaining their achievement over time. The SDVC is still here. To have steadily held on to the gains for two and a half years is a success in itself.

This is a partnership of which all members are proud. The SDVC at West London Magistrates Court has achieved a good track record in implementing best practice. It is one model of how to develop and run a specialist domestic violence court. We are keen to share what we have learned with others, and as the enthusiasm builds for rolling out domestic violence court systems across the UK, we offer our expertise and this report as part of that process.

I would like to record our thanks to:

Funders

The SDVC receives financial support from the London Borough of Hammersmith & Fulham Public Service Agreement, and from the Association of London Government. Aspects of Standing Together's work in relation to the SDVC are funded by the Metropolitan Police, Regenasis, Sunley Charitable Foundation, and the City Parochial Foundation. We thank them for their continued support.

Agencies and staff

We are fortunate in having such a good Court Management Group to take issues forward and a staff team at Standing Together to back this up.

We are proud of the quality of analysis of court data which Tanya Borsi has produced. She is rigorous in cross checking anomalies and presenting us with the best information on which to judge performance.

We should thank Victoria Hill, now travelling the world, for all her work last year and in particular for developing the Court Observation Form into the useful tool it is today, and for developing the excellent service to court visitors which has been so appreciated by them.

We also thank Nic Hunter, now back home in the sun in Australia, for her thorough work with the Court Management Group and the Domestic Violence Witness Support Group (DVWSG).

With reduced resources at Standing Together, Adebola Jay-Alechenu has the challenging job of covering both roles and is continuing that good work for the partnership.

As usual we are indebted to Peta Sissons for her facilitation skills and her thorough understanding of the subject, in getting the best out of us all at the review and for her authorship of this report.

This is an ongoing process and it is a pleasure for us all to work with partners who are striving for the best possible service for victims, and for offenders.

Beryl Foster OBE

Director of Standing Together Against Domestic Violence

June 2005

Report Summary

Second year review of the Specialist Domestic Violence Court

About the court

The Specialist Domestic Violence Court (SDVC) based at West London Magistrates Court (WLMC) has been in operation since October 2002. It was developed by the court working in partnership with Standing Together Against Domestic Violence, growing out of several years work to improve the coordinated response to the crime of domestic violence by the whole criminal justice system and advocacy support agencies in the Hammersmith and Fulham borough.

The SDVC deals with all cases of domestic violence between intimate partners and former partners, from first hearing through to trials and sentencing, and was the first in the country to do so. Criminal cases are identified, listed and dealt with in one court room on one day each week. Cases arrive in the SDVC from two boroughs: Hammersmith and Fulham and Kensington and Chelsea. The SDVC was developed out of an existing and longstanding coordinated criminal justice partnership, Standing Together, in Hammersmith and Fulham. Justices, Legal Advisers and Court Managers from WLMC were active members of that partnership before the SDVC was set up.

The SDVC's operation is overseen by a multi-agency Court Management Group (CMG), and coordinated by Standing Together, an independent charity.

Detailed observation of the court

Standing Together is in the court every week carrying out a number of practical tasks, and making detailed observations. These observations are summarised in Chapter 4. This detailed and valuable information about the actual practice leads to specific issues being taken up with the partner agencies and the CMG, and can be picked up in training and in information provided to support the work of the partner agencies.

The SDVC's aims are to increase the effectiveness of the judicial system in dealing with domestic violence by providing:

- protection and support to victims/witnesses of domestic violence attending the SDVC through a co-ordinated service
- appropriate sanctions to perpetrators
- a reduction in delay through effective case management
- a further increase in co-ordination of agencies, including the Crown Court, involved in supporting victims and witnesses and dealing with perpetrators
- an opportunity to explore the potential for linking civil courts in to the criminal justice process at WLMC.

A copy of the Process Map for the court and a list of the partner agencies are included in the Appendices to this report.

Key Features of the Court

- Written protocol, signed by all agencies, giving clear guidance on roles and responsibilities
- Court Management Group of all participating agencies
- Training for all District Judges, Magistrates and court staff
- 3 Senior Prosecutors committed to and covering the court
- Key agencies present in court each week: Probation, Standing Together, ADVANCE, Eaves Women's Aid or K&C Victim Support, H&F Police Community Safety Unit
- The Domestic Violence Witness Support Group (DVWSG), with its own protocol
- System for getting results to survivors
- Good data sharing and good data analysis to make the data accessible to partners
- Detailed observations for practitioners' information weekly, and for the Court Management Group to progress quarterly

Measuring Progress

Monitoring outcomes and progress at the court is an ongoing process for Standing Together and the other partner agencies. It includes both quantitative and qualitative data, from a range of sources. The information collected is actively used to inform decisions about changes in practice throughout the year.

The methods and sources of the information and data informing this report are:

- Standing Together employs a Data Development and Tracking Officer who works in collaboration with the Leader of the Performance Team at WLMC to analyse the court's own data, and has access to police CRIS (Crime Reporting Information System) forms for all domestic violence incidents in the borough
- Standing Together set up the annual review process which is both a consultation in writing and a meeting at which all partner agencies, from both Hammersmith and Fulham and Kensington and Chelsea, are asked to prepare and contribute their agency's views on what is working well in relation to the court, what needs changing, gaps and challenges
- every week the court is observed and recorded in detail by a member of Standing Together staff. These reports are provided weekly to the partner agencies who need to be able to act upon individual cases as well as to be aware of trends and any emerging problems or issues to be addressed. Summaries of the weekly reports are discussed in the quarterly Court Management Meetings chaired by the Head of Legal Operations, WLMC, and action taken and monitored as a result.
- official visitors to the court are briefed by Standing Together, and complete a detailed feedback form
- face to face and phone consultation is carried out with survivors of domestic violence who have used the SDVC and other courts
- individual victim/witnesses who appear in the court and/or are supported by one of the advocacy or witness support agencies are asked to complete a feedback form at the end of the case to tell us what they think about the process and the support they received

- we organise group discussion with survivors who have used the WLMC and other courts as part of our ongoing programme of survivor consultation. The results are also published in detail in the survivor consultation reports available from Standing Together.
- the advocacy and victim/witness support agencies are asked to record any comments made to them by the survivors on the phone or by letter about the process of using the court
- the advocacy and support agencies also discuss issues and make proposals relevant to the court at their monthly Domestic Violence Witness Support Group (DVWSG) meetings.

We have not had the financial resources to employ independent evaluators to carry out a full evaluation of the process and quantitative outcomes of the SDVC, using all the sources of data we have now developed. However, an important new initiative for Standing Together this year has been to commission Professor Marianne Hester to examine the ways by which we measure change and progress in relation to the SDVC. Her findings will be used to help us refine and improve the ways in which we collect data, review the impact of the court, and make use of the views of our partner agencies and others.

Summary of main developments during the second year of the SDVC

This report contains detailed information that was presented to the partner agencies and discussed at the review in November 2004, and an update of data and action taken for the 6 month period since then. We have provided this information for our partner agencies and for those who are involved with the development of specialist domestic violence courts in other areas. Summarising the detail into a few key conclusions cannot capture the full picture, but we have highlighted here some main points.

1. So much good practice has now become embedded in the working practice of the agencies involved in making the SDVC work that we cannot list it all here. Good practice is observed in court on a weekly basis. The protocol, aims and good practice are actively adhered to by all the agencies, and we have maintained the progress made in the first year of the court. It has been observed that:

- in court District Judges (DJs), Magistrates and Legal Advisers explicitly refer to the principles included in the SDVC protocol
- there is concrete attention paid to safety, proactive information gathering and sharing, and speedy provision of information to the victim/witness
- there is adherence to the DVWSG protocol in relation to safety before, during and after court
- when problems have been observed and fed back to the Court Management Group, they have been addressed quickly and taken seriously
- only trained magistrates are able to chair the bench in the SDVC
- the court has developed a Domestic Violence Benchbook that has been circulated to all magistrates.

These observations have also been reinforced by many external visitors to the court. A number of further summary points are given below.

2. We have identified the essential components of the partnership approach to developing and running the SDVC and present them in Chapter 1 'Partnership in Practice'.

They could be summed up as:

- partnership working
- effective coordination
- monitoring to include survivors' views
- independent Advocates and support

3. There are significant issues which we continue to address, such as the impact of statutory charging, the problems in getting timely medical evidence, the piloting of Special Measures in domestic violence cases, and the integration of the new Witness Care Units with the work of the existing victim/witness support agencies in the two boroughs. How we are doing so is described in Chapter 3.

4. The training of police officers is agreed to be the key to good evidence gathering. In the past year training in the new domestic violence incident report form (Book 124D) has been rolled out across London by the Metropolitan Police. Standing Together and partners have therefore focused on training new police officers in the coordinated response and aspects of the dynamics of domestic violence.

5. Following determined action by the H&F Probation office, there has been a marked improvement in the difficulties Probation had in getting Pre-Sentence Reports (PSRs) written. There are continuing concerns about tackling breaches of orders by domestic violence offenders, in particular those attending the Integrated Domestic Abuse Programme (IDAP). The training of CPS agents has been less of an issue recently because they have been used less in 2005.

6. There are some familiar but relevant failings in the criminal justice system generally which impact on the implementation of domestic violence courts. Delays are difficult to eradicate as they are inherent in the system and occur for a wide variety of reasons. These are noted and reported on a weekly basis and all agencies work to eliminate as many as possible. The quantitative indicators show a reduction in the time from charge to conviction and in the mean number of hearings which is encouraging.

7. Issues around case file preparation continues to be noted and addressed. All criminal justice agencies expect this area to improve with appointment of Case Progression Officers (CPOs) and it is a priority for all courts in the year ahead.

8. There has been consistent and sustained good performance in taking safety fully into account in bail decisions. Unconditional bail is seldom granted now in the SDVC, which is why the Observation Report highlights occasions when there have been concerns, because they are not the norm. (See Chapter 4).

9. Information sharing is the core of a partnership approach. In general the systems are detailed and good. With good coordination, changed conditions and possible heightened concerns about risk and safety are speedily identified and solutions sought. (See Appendix I for the SDVC Process Map).

10. The presence of Advocates in court who are fully informed about the situation of victim/witnesses and able to contact them promptly, is essential for safety and to reduce delays. The service of ADVANCE in Hammersmith & Fulham is a best practice example.

11. It is central to this court that key agencies are present in the court each week: Standing Together, ADVANCE, Eaves or Victim Support for RBKC cases, H&F Police CSU, Probation.

12. It is a key achievement to have 3 Senior Prosecutors committed and covering the court. They are crucial to good outcomes and are highly valued.

13. Good data sharing has been the core contribution of Standing Together. Good data analysis is essential in making the data accessible to partner agencies.

14. Outcomes against targets and monitoring figures: The SDVC has achieved significant results in relation to the specific PSA targets and its own targets for case management. Some highlights are:

- there have been a total of 743 charges brought against 422 defendants during the first two years of the SDVC
- over 90% of defendants arriving at the SDVC within the first two years were given conditional bail or remanded in custody
- the SDVC has reduced the mean number of hearings per case from 7 before the court was launched, to 4.1 during the second year of the court
- during the first two years of operation, the SDVC ensured that over 67% of charges that completed did so within 3 months of police charge
- defendants pleaded guilty to 29% of charges arriving at the SDVC during Year 2 or were found guilty by the court
- in both years of the SDVC, 30% of charges that completed at the court did so with a conviction. During the following 6 months ending in March 2005, this rose to 41%.
- over half of defendants convicted in the first two years of the SDVC were given a Community Rehabilitation or Combination Order as part of their sentence. Two thirds of these orders contained a requirement to attend the Integrated Domestic Abuse Programme (IDAP).
- of the incidents that occurred between April 2004 and December 2004 that resulted in a conviction, two thirds involved women survivors who are clients of ADVANCE
- during 2004/5, Standing Together and its partners have been successful in reducing the percentage of domestic violence incidents that involve repeat victimisation by 25.3% from the baseline.

See Chapter 2 for the data and commentary.

15. Statutory charging and reduction in charges arriving at court:

- nationally the responsibility for charging has now passed from the police to the CPS, with a prosecutor based at the police station. In Hammersmith & Fulham this started in the second year of the court's operation, in December 2003.

During the period April 2004-March 2005 we have recorded:

- a drop in the proportion of domestic violence incidents that have resulted in charge
- an increase in the proportion of charges that completed at the court resulting in a conviction
- an increase in the number of cautions.

We will now be examining with partners what, if any, is the relationship between these developments, and their impact upon the other measures of victim safety and perpetrator accountability that are key ones for the Standing Together partners.

If the number of charges entering the SDVC continues to decline, this could make it difficult to maintain a full hearings listing in a designated court. We need to consider how much the decline is the result of the change to statutory charging, or of the reduction in reports of repeat victimisation. Changes which bring improvements in indicators for one agency, may rebound in unexpected ways.

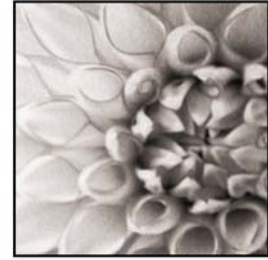
We do see a higher proportion of charges proceeding to conviction, but a lower proportion of crimes are being charged. A Metropolitan Police-wide improvement in charging is a good thing, but in LBHF where the partnership approach encouraged charging on all available evidence, this seems to have led to a decline. This is why Standing Together continues to work for an integrated approach which prioritises safety and accountability.

16. Other matters covered in more detail later in this report:

- Action taken: Collaborative working within an agreed set of overarching aims has led to much effective problem solving by partner agencies over the 18 months. These are given in more detail in Chapter 3.
- Survivors' views of the court: In all its work, Standing Together puts great value on the voices of survivors in informing the way we and partner agencies develop services and responses. In relation to the SDVC, we capture this information in a number of ways. (See Chapter 4.)
- Visitors' observations: Over the last 18 months we have had 143 'official' visitors to the court. Their comments have been overwhelmingly positive, particularly from those who have had experience of the criminal justice system. Those new to court proceedings have sometimes not had their expectations met. (See Chapter 4).

Chapter I

Partnership in practice – lessons learnt



Over the three years of the development and operation of the Specialist Domestic Violence Court (SDVC) at West London Magistrates Court (WLMC), Standing Together has consistently monitored inputs and outcomes, both quantitative and qualitative, and consulted providers and users of the services. As a result of gathering and analysing a great deal of detailed information, we have learnt a number of lessons which we would like to share with those who are considering setting up or influencing the development of new specialist domestic violence courts around the country.

The operational domestic violence court model that has developed in west London arises out of the specific history of partnership work on domestic violence in Hammersmith and Fulham. It is a coordinated, operational partnership, in which each agency plays a specific role, guided both by overarching aims and written protocols. It locates the court process within the context of the partner agencies' work all the way through from the 999 calls to completion of sentence.

Essential components of a specialist domestic violence court

Standing Together's experience of coordinating the partnership agencies involved with the operation of the SDVC has led us to a number of conclusions about the essential components that are necessary for a court to be effective.

These are:

1. Partnership working that:

- is operational
- recognises the current priorities, opportunities and restrictions for each agency, as well as the shared interests of partner agencies
- is clearly defined by written protocols
- involves all the key agencies because of their operational role in the court's work
- aims to embed in each partner agency's practice a systematic and consistent response to domestic violence, and to achieve sustainable change in agencies' practice.

2. An independent advocacy service that:

- focuses on the safety of survivors before, during and after court
- supports victim/witnesses through the criminal justice processes, whilst ensuring that all options for safety are addressed, that risks are identified, and that practical steps are taken to manage risk.

3. Effective coordination of partner agencies

For Standing Together this involves:

- taking a proactive role on all issues
- defining problems and proposing solutions in a collaborative way
- developing and monitoring compliance with protocols
- encouraging and modelling accountability of the key partner agencies to each other for their work in connection with the court
- providing practical services and resources to partner agencies to support their work in and around the court, such as training, data collection and analysis, and servicing the partnership
- coordinating the work of independent advocacy and the victim/witness support agencies in relation to the court, and striving to meet their needs, and fill gaps in services for survivors
- sharing best practice ideas and experience locally and nationally
- building the capacity of partner agencies to respond well to domestic violence. In practice this includes:
 - delivering training and increasing the confidence of, and tools available to, front line practitioners and managers
 - defining the respective roles of each agency and its contribution towards the whole
 - creating clear structures into which each agency's work will fit
 - supporting individual agencies and providing useful, constructive feedback to them
 - monitoring, reviewing, and evaluating achievements and barriers on a regular basis
 - adapting to respond to new national and local developments, for example, Special Measures and Witness Care Units.

4. Monitoring, data collection and data sharing

This means valuing this role and making time and resources to do it to a high standard. This has several purposes:

- in order to inform change in practice by partner agencies, and to base that change upon an accurate picture rather than subjective impressions of partner agencies
- setting clear targets and defining the criteria for success and for safe practice
- providing and analysing high quality data about the whole criminal justice system (CJS) process from 999 through to effectiveness of sentences – because the court is only one part of the picture
- it is additional work, and some of the information about targets doesn't easily come out of the court data.

5. To bring the survivors' voices and needs into the process

In order to:

- inform all aspects of the court's operation and the work of partner agencies
- keep practical safety issues and risk management always on the agenda.

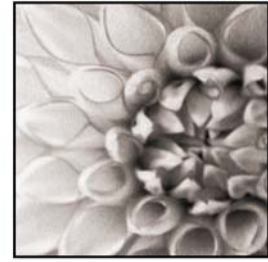
In conclusion

There are no short cuts to the process of building an effective specialist court within a partnership structure. It takes time, attention to detail, and an openness to change by partner agencies. The court system alone cannot achieve the important institutional and cultural shifts on the issue of domestic violence that are now accepted as essential at national and local level. But the court is a crucial part of the coordinated response to tackle this serious crime.



Standing Together partners present '6 Years On' at Portcullis House, November 2004

Chapter Two



Data and statistics about the court and related work

Introduction

The analysis of data is an essential way of measuring the success of the specialist court and the wider context within which it operates. Trends over time can be highlighted and the rate of attrition examined.

The Specialist Domestic Violence Court (SDVC) at West London Magistrates Court (WLMC) serves two London boroughs – the London Borough of Hammersmith & Fulham (LBHF) and the Royal Borough of Kensington & Chelsea (RBKC).

Both boroughs have similar populations according to the 2001 Census. Hammersmith & Fulham have a slightly higher population of 165,242 and Kensington & Chelsea have a population of 158,919. However, the estimated populations of both boroughs in mid-2003 closed the gap between the two boroughs (Hammersmith & Fulham 174,200; Kensington & Chelsea 174,500). In 2001, 50.4% of Hammersmith & Fulham population were female, compared to 51.1% of Kensington & Chelsea's population. In mid-2003 it was estimated that 52% of the population in both boroughs were female. (Source: Office of National Statistics)

The population figures given above serve to provide a scale of the boroughs and a context within which to view the level of incidents reported and recorded by the police.

Standing Together coordinates a response from 999 calls in LBHF but not in RBKC. The coordinated response in Hammersmith & Fulham includes detailed protocols relating to data sharing, giving Standing Together the opportunity to track data through the criminal justice system, and examine data from each agency to represent the various stages within the criminal justice cycle. This enables a whole picture of the issues, barriers and successes of the borough's coordinated response to domestic violence to be seen. Standing Together looks at intimate partner violence only in Hammersmith & Fulham. Standing Together has not had access to comparable data for Kensington & Chelsea.

Referrals to the SDVC from Hammersmith & Fulham constitute approximately two thirds of all the cases heard within the SDVC. This proportion has remained consistent since October 2002 when the court started. An explanation for the higher proportion of cases from Hammersmith & Fulham could lie in the partnership with the police in this borough who are key to implementing the Standing Together co-ordinated response. On reaching the SDVC, cases from both boroughs (LBHF & RBKC) are shown to perform similarly.

Data collection in LBHF

The use of Standing Together's bespoke database Standing Together Abuse Tracking System (STATS) enable detailed and accurate domestic violence incident and case data to be gathered, stored, disseminated and analysed. This requires input of data from sources such as the police, court,

ADVANCE and Probation/DVIP means that an incident can be tracked from initial crime report being taken by police through to completion of sentence by the offender.

Crime reports taken by the police are filtered so that reported incidents involving intimate partners and former intimate partners are inputted onto the database. Details of police disposal are put in and in cases where the offender is charged with an offence of domestic violence, detailed information from the court continues the data trail onto STATS. Weekly observations made within the SDVC allow for details to be added to STATS regarding the progression of the case, bail conditions and case outcomes. This is backed up by regular information exchange between Standing Together and WLMC to cover hearings that are not heard within the SDVC on a Thursday, thus capturing all the cases of domestic violence that are within the court system. Details of the outcomes of cases that are sent to Crown Court are also captured and fed back to STATS via an information exchange between Standing Together and Blackfriars Crown Court.

The systematic exchange and capture of data enables Standing Together to track the outcomes of every reported incident of domestic violence within the Hammersmith & Fulham borough. This information exchange allows an accurate picture of attrition of reported and recorded domestic violence incidents to be created as is seen in Table 1.

Table 1: Police data from incident to charge	Apr 02 – Mar 03	Apr 03 – Mar 04	Apr 04 – Mar 05
Incidents reported to police	1442	1677	1609
Incidents recorded as crimes	961	925	866
<i>As % of incidents reported</i>	66.6%	55.2%	53.8%
Incidents resulting in arrest (crimed incidents)	324	353	316 ¹
<i>As % of incidents classified as crimes</i>	33.7%	38.2%	36.5%
Incidents resulting caution	44	44	63
<i>As % of incidents classified as crimes</i>	4.6%	4.8%	7.3%
<i>As % of incidents classified as crimes resulting in arrest</i>	13.6%	12.5%	19.9%
Incidents resulting charge	128	159	93
<i>As % of incidents classified as crimes</i>	13.3%	17.2%	10.7%
<i>As % of incidents classified as crimes resulting in arrest</i>	39.5%	45.0%	?%

It can be seen from this data table that over the past three years and average of nearly two thirds of incidents reported to and recorded by police in the Hammersmith & Fulham borough were classified

¹ Please note that incidents during February and March 2005 in particular were still ongoing at time of publication. Therefore the arrest figures for the most recent year are likely to increase, as may caution and charge figures.

as crimes. Just over a third of these incidents resulted in arrest, of which just over 40% resulted in caution on average.

The reduction in incidents that resulted in charge during the most recent year (2004-2005) is likely to be, at least in part, a result of recent reforms within the criminal justice system that have meant that the CPS is now responsible for charging perpetrators rather than the police. This is called statutory charging.

Table 1 indicates the proportion of incidents that result in charge. Such figures also provide a wider context within which the court works by highlighting the various outcomes of incidents that do not result in action in the criminal courts. Standing Together endeavours to see that victims of all incidents are offered referral to support agencies to help them seek other options, including civil remedies.

SDVC data - both boroughs

Once a charge within a case of domestic violence enters the Magistrates Court, partners have wanted to measure both the volume of work in the court and the outcome of each charge.

The court data is examined in relation to the following date ranges:

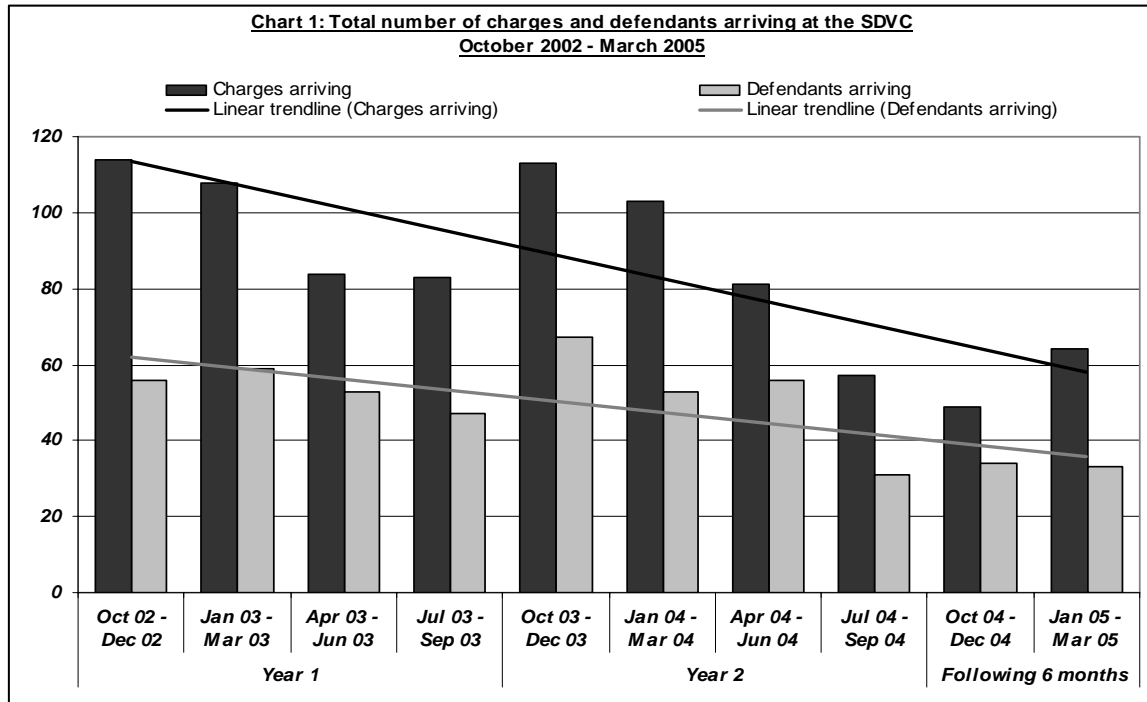
- Year 1 - the first year of the SDVC (October 2002 - September 2003)
- Year 2 - the second year of the SDVC (October 2003 - September 2004)
- the following 6 months - October 2004 - March 2005; 6 months into the third year of the SDVC.

Subsequent evaluations and reports of the court from April 2005 will run alongside the time frames of April - March years, in conjunction with all other data presented by Standing Together's partners.

Charges arriving at court

Volume

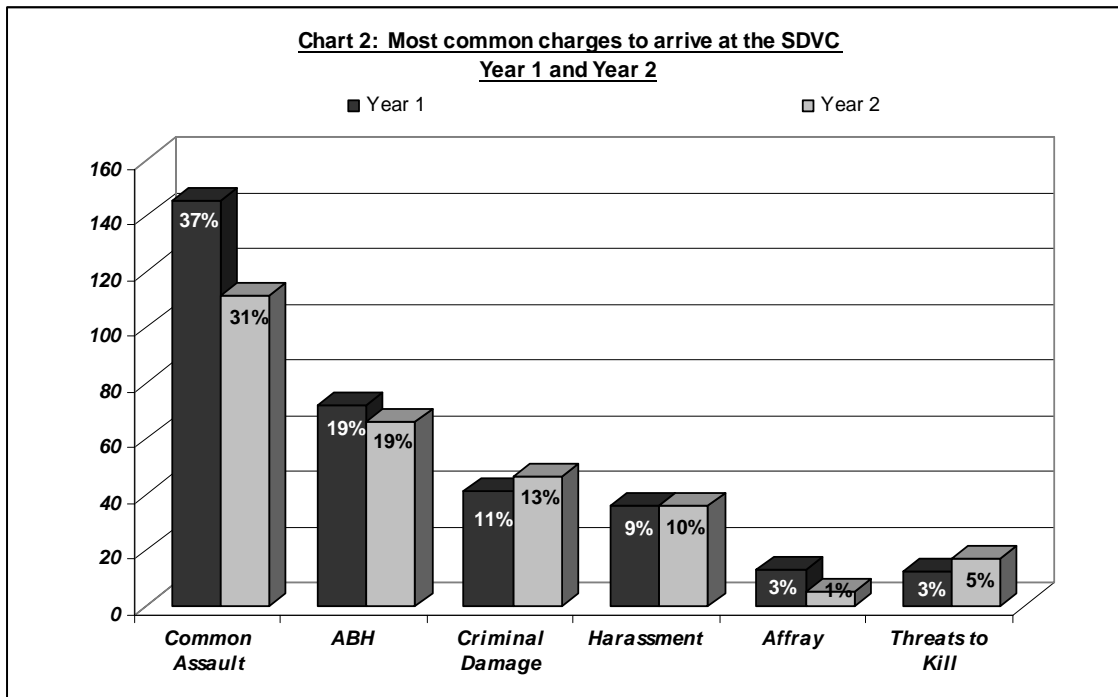
There has been a total of 743 charges brought against 422 defendants during the first two years of the SDVC



Cases that were linked with civil orders declined during the second year of the SDVC. During Year 1 there were 140 civil orders linked with arriving cases at the court and this dramatically reduced to 52 civil order during Year 2. These figures have been checked with the Family Proceedings Court, who stated that they are getting fewer applications from the Registry Office at the High Court, hence the lower figures.

Types of offences

As Chart 2 indicates, the most common types of offences brought to the SDVC over both years have been those of Common Assault, ABH, Criminal Damage and Harassment. The percentages shown on each bar indicate the proportion of all charges arriving during each year.



During both years, the top 5 charges accounted for nearly 80% of all the charges arriving. There were a few more Breach of Restraining Order charges brought in during Year 2 (10, compared to 2 in Year 1) and there was a slightly higher proportion of charges that were criminal damage and harassment in Year 2.

The percentage of arriving charges that were Common Assault reduced in Year 2, the difference being distributed amongst Criminal Damage, Harassment and other charges.

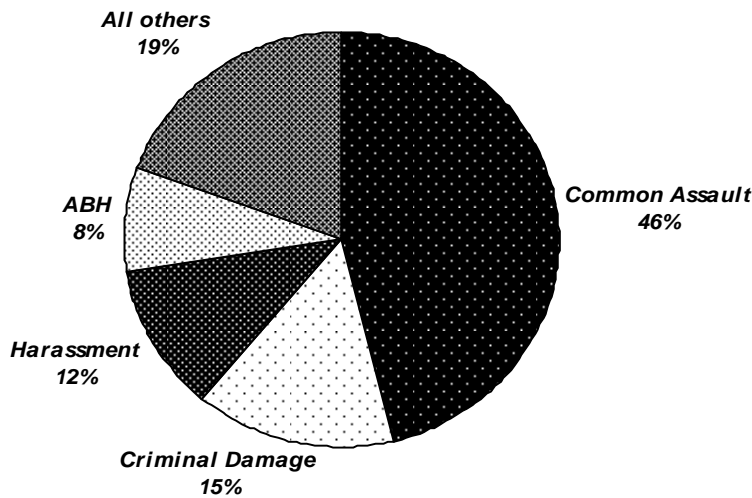
The majority of charges brought against defendants during both years involved violence against person (71.7% Yr 1, 67.2% Yr 2) and there was a slightly higher percentage of charges involving criminal damage in Year 2 than in Year 1.

During the first six months of the third year of the SDVC, the proportion of charges arriving that are of Common Assault increased to just under half of all charges. ABH as a charge arriving reduced quite significantly (from 19% of all charges arriving in Year 2, to only 8% during the following 6 months). This difference appears to have been distributed amongst Criminal Damage and Harassment charges.

It appears from the data that Criminal Damage and Harassment charges consistently remain amongst the most common charges brought to the SDVC. The proportion of charges arriving that are of Common Assault and ABH appear to fluctuate.

Chart 3 provides a view of the most common charges to have arrived at the SDVC during the first six months of the third year.

Chart 3: Most common charge types to arrive at the SDVC
October 04 - March 05



Court management process

The effective management of the court process is a core indicator and target for the SDVC, and is measured on several levels, as detailed below.

Mean number of hearings per case

The SDVC has reduced the mean number of hearings per case from 7 before the court was launched, to 4.1 during the second year of the court

The mean number of hearings per case was 4.2 in Year 1 and 4.1 in Year 2 so there has been a very slight decrease in the second year. However, there was a slightly bigger difference when comparing the boroughs over the two years, with Hammersmith & Fulham having an average of 4.0 hearings per case and Kensington & Chelsea having an average of 4.5 hearings per case.

The total mean number of hearings for completed cases during the following six months has slightly increased to 5. The difference between boroughs has been slightly reversed in that Kensington & Chelsea have had a lower mean number of hearings (4.7) than Hammersmith & Fulham (5.1).

Number of months between charge and completion

During the first two years of operation, the SDVC ensured that over 67% of charges that completed did so within 3 months of police charge

The percentage of charges that completed within a month of the defendant being charged by police was the same for both years, constituting 22.2% of all charges arriving.

The vast majority of these charges that completed within 1 month were withdrawn, discontinued, (No Evidence Offered) NEO or dismissed (84%). 16% of charges resulted in conviction, and the remainder were committed to Blackfriars Crown Court.

Year 2 appeared to have a slightly higher percentage (10.7%) of charges completing after 6 months than year 1 (6.3%). These charges were contained within 24 cases (17 LBHF, 7 RBKC). Altogether,

there were 189 hearings for these cases, meaning that there was an average of 8 hearings per case that lasted over 6 months.

Just under a quarter (23%) of the hearings were shown on the court sheets as ‘Listed for trial,’ 13% were shown as ‘Listed for Pre-Sentence Report,’ 8% for CPS Review and 8% for Pre-Trial Review.’

Just over half (n=13) of the cases that lasted over 6 months (n=24) resulted in conviction within the SDVC.

Pleas entered and changed²

Defendants pleaded guilty to 29% of charges arriving at the SDVC during Year 2 or were found guilty by the court

The majority of initial pleas entered to charges during the second year of the SDVC were that of Not Guilty (approximately 60%). Approximately 6% of these were later changed to Guilty.

Table 2 shows the stages at which guilty pleas were entered or found during Year 2 of the SDVC:

Table 2: Guilty Pleas

Initially pleaded guilty	Changed to guilty before trial	Found guilty at trial	Total charges guilty
70 [charges]	13 [charges]	19 [charges]	102 [charges]

There was a slight difference between the boroughs when it came to guilty pleas during Year 2. Overall, Kensington & Chelsea appeared to have a slightly higher percentage of guilty pleas (27% compared to 22% LBHF), however this was largely down to a couple of months in particular where the percentage of guilty pleas was particularly high (Jan 04 63% + Mar 04 67%). Guilty pleas given by Hammersmith & Fulham defendants appeared to be a lot more consistent, and the mean average in terms of percentage of pleas that were guilty from LBHF were higher than from RBKC (LBHF 19%; RBKC 13%).

Bail given by the SDVC

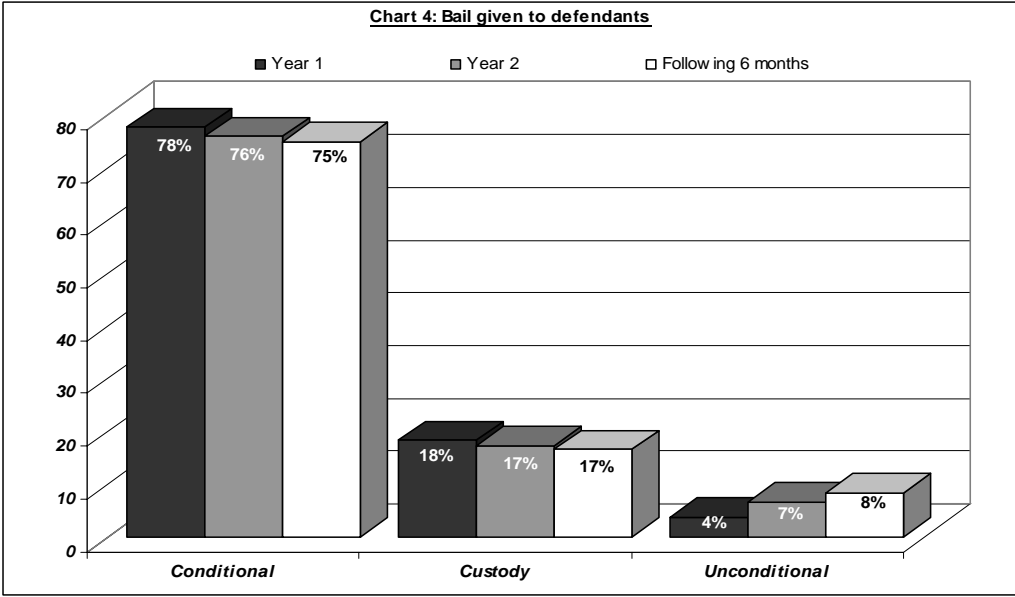
Over 90% of defendants arriving at the SDVC within the first two years were given conditional bail or remanded in custody

Conditional bail was given to 78% of defendants who were given bail or remanded in custody at the SDVC during Year 1 and 76% of defendants during Year 2. The percentage of defendants given conditional bail during the following six months remained the same at 76%. Custody as an alternative to bail appears to have slightly decreased in relation to the proportion of defendants given bail or remanded in custody. During year 2, 7% (n=13) of defendants were given unconditional bail. The percentage slightly rose to 8% (n=5) during the following six months.

Chart 4 indicates the type of bail given to defendants as a proportion of all defendants given bail (conditional or unconditional) or remanded in custody. Unconditional bail figures were quite low and

² Pleas entered, changed and found guilty refer to the individual charges that arrived at the SDVC as it is found that defendants do plead differently to various charges that may be brought against them.

although there appeared to be such a big increase from Year 1 to Year 2 (and further into the following six months), this equated to 13 defendants given unconditional bail in Year 2 compared with 8 in Year 1.



Completion of cases

Type of completion

In both years of the SDVC, 30% of charges that completed at the court did so with a conviction. During the following 6 months, this rose to 41%.

The percentage of completed charges that resulted in withdrawal, dismissal, NEO or discontinuance was higher in Year 2 (52.1% Year 1, 63.3% Year 2), and this may have been due to the lower number of charges being sent to other courts during Year 2.

Whilst the same percentage of charges resulted in conviction during both years, there were (5) more defendants convicted in Year 2. This is because more defendants in Year 2 were convicted for 1 charge only (78% of convicted defendants in year 2 compared to 73% in year 1). During Year 1, 10 defendants (13%) compared to 3 (4%) in Year 2, had 3 or 4 charges convicted.

The number of charges that were sent to other courts during the first two years was relatively small. During Year 1, there were 45 more charges and 7 more defendants sent to other courts compared to Year 2. This also indicates that during Year 1 there were more charges per defendant being referred to other courts (2.6 Year 1, 1.6 Year 2).

During both years, ABH was the most common charge to be sent to Blackfriars Crown Court for trial. Charges of Harassment accounted for 16% (Yr 1) and 10% (Yr 2) of charges sent to Blackfriars for trial. There were 6 charges of Common Assault sent in Year 1, and there were no charges of Common Assault sent to Blackfriars for trial during Year 2.

The vast majority of defendants sent to other courts were sent to Blackfriars Crown Court in order to stand trial, and this is applicable for both years. During Year 1 there were 18 defendants sent to Blackfriars for trial, and during Year 2 there were 17 defendants sent.

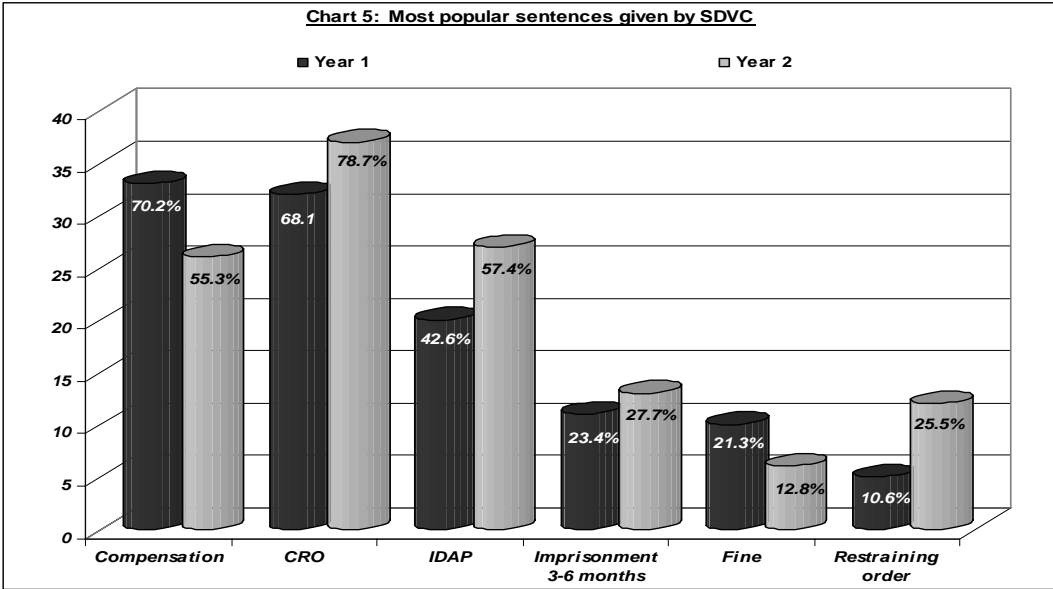
During Year 1, twice as many defendants were convicted within Blackfriars Crown Court than in Year 2 (12 in Year 1, 6 in Year 2). Those that were not convicted during Year 2 were either acquitted (6), transferred to another court (2) or are still within the system (3).

Sentencing

Over half of defendants convicted in the first two years of the SDVC were given a Community Rehabilitation or Combination Order as part of their sentence. Two thirds of these orders contained an IDAP provision³.

Compensation was the most popular form of penalty given to defendants during Year 1, however it became slightly less popular during Year 2 when just over half (55.3%) of defendants were ordered to pay compensation (compared with 70.2% of defendants in Year 1).

In Year 2, Community Rehabilitation Orders (CROs) became the most common sentence (78.7% defendants were given a CRO as part of their sentence) and 73% of these included an order to attend the Integrated Domestic Abuse Programme (IDAP), making the IDAP Order the second most popular sentence type during Year 2.



The most common combination of sentences over the 2 years at the SDVC has been CRO with IDAP Order and Compensation.

During Year 2, a combination of sentences was given to 70% of defendants. This is slightly higher than in Year 1, when 60% of defendants were given a combination of sentences.

The use of Restraining Orders for defendants convicted of harassment has been quite common in the SDVC. During Year 1, 63% (n=5) of defendants convicted of harassment were given a Restraining

³ Broadly, the IDAP was run by Probation during the first year of the SDVC and by the Domestic Violence Intervention Project (DVIP) since the second year.

Order as part of their sentence. During Year 2 this percentage rose to 73% (n=11) of defendants convicted of harassment.

Singular sentences were therefore less common in Year 2 but over half of singular sentences given to defendants were custodial (52%).

The following six months after Year 2 shows a slightly wider dispersal of sentence types given to convicted defendants. CROs and IDAP Orders remain the most popular form of sentence. A higher percentage of defendants were given Community Punishment Orders and Curfew Orders compared with Year 2.

Overall, PSRs were requested in slightly more cases during Year 2 compared to Year 1, but overall, PSRs were requested in the vast majority of cases which resulted in a conviction (84% Yr 1, 88% Yr 2).

Repeat victimisation

Standing Together and its partners have been successful in reducing the percentage of incidents that are repeats by 25.3% during 2004-2005 from the baseline

Repeat victimisation is a key feature of domestic violence. The 2001 British Crime Survey (BCS) estimated that female victims of domestic violence experienced an average of 20 incidents of non-sexual threats or force at the hands of an intimate or former intimate partner within the 12 months prior to interview. The BCS also reported that 'women constituted 89% of all those (victims of DV) who suffered four or more incidents (in the past 12 months).' (Walby, S & Allen, J. 2004 pg 25)

These figures continue to highlight repeat victimisation as a central feature of domestic violence and so another key aim in Standing Together's work is to reduce the level of repeat victimisation in Hammersmith & Fulham.

One of the few numerical indicators of safety is the measurement of reduction in repeat victimisation. Standing Together can only measure recorded reports of incidents. Standing Together recognises the problems with taking repeats as a target. In many contexts an increase in recorded and reported incidents could be a positive indicator. This could reflect any number of things, including victim's confidence in the criminal justice system or improved recording of incident reports by police, etc.

An increase in reporting and recording of domestic violence incidents is likely to mean an increase in repeats figures. However, there are few good quantitative indicators of victim safety and after six years of a co-ordinated response to incidents, backed by independent advocacy, Standing Together believes that a reduction in repeat victimisation is a positive indicator.

Definition and calculation

In order to evaluate any reduction in repeat incidents, Standing Together calculates the level of repeat victimisation by looking at the percentage of recorded incidents that are repeats incidents. Standing Together adopted a gold standard method of defining and calculating repeat victimisation in order to set a baseline number and work towards the aim of reducing repeat incidents via the co-ordinated response of the whole partnership, not just the SDVC.

In order to accurately measure the work of these agencies in reducing repeat victimisation, Standing Together uses the following definitions:

- Incident:
any event of domestic violence (involving intimate or former intimate partners) that has been recorded as such on one of Hammersmith & Fulham's Crime Reporting Information System (CRIS).
An 'event' is usually defined by a police call out and thus would include incidents where more than one offence is alleged and counter allegations.
- Repeat incident:
an event of domestic violence whose perpetrator and victim have also been the perpetrator and victim of a previous Hammersmith & Fulham domestic violence event as judged by the presence/absence of a pre-existing record involving the same victim and perpetrator on the STATS database within the previous 12 months⁴.

Standing Together can only maintain the gold standard method of calculating repeat victimisation and its successful reduction by using the STATS database. Repeats are identified by the existence of previous incidents of domestic violence between the same victim and perpetrator within the previous 12 months. Because STATS contains details of all domestic violence incidents that are reported to and recorded by police in Hammersmith & Fulham, an accurate identification and calculation of incidents in relation to previous reports of incidents is possible.

Standing Together's baseline of repeat victimisation came from the analysis of the reported incidents of domestic violence between April 2002 and March 2003. It was calculated that within this time frame, 38% of incidents reported to the police were repeat incidents involving the same victim and same perpetrator within 12 months of their previous incident. During 2004-2005, this percentage was reduced by 25.3%.

The role of the court

The role of the SDVC in reducing repeat incidents is essential in several ways. Perpetrators of repeats incidents are more likely to be charged and referred to the court for prosecution. Recent analysis of data relating to incidents which occurred between April and December 2004 showed that approximately 58% of incidents that resulted in charge of the perpetrator were repeat incidents. When comparing this percentage with the overall percentage of repeat incidents within this period (approximately one third), it suggests that a repeat incident is more likely to be referred to court than an incident that it not a repeat.

In being referred to the SDVC, perpetrators are able to see the strong message that is conveyed within the court that domestic violence is taken seriously by the criminal justice system; perpetrators are faced with a court that is geared towards the crimes of domestic violence and contains Judiciary and court staff trained to deal with the issues relating to domestic violence in terms of safety for the victim and appropriate sanction for the perpetrator.

The court is also responsible for ordering perpetrators to attend the IDAP (Integrated Domestic Abuse Programme) designed specifically to tackle the behaviour of domestic abuse. In 2004-2005, 36% of offenders convicted were ordered to attend the IDAP.

⁴ This approach is known as a '**rolling**' method, in that it tracks individuals across time boundaries. It avoids the inaccuracies inherent in '**static**' methods, which track events falling within pre-specified time parameters

ADVANCE, The Advocacy Project. LBHF

Independent advocacy from 999 call to police plays a crucial role in victim safety. Advocates are able to impact on every step of the path through the criminal justice system.

A recent snapshot of incidents that occurred between April 2004 and December 2004 showed that 78 of these resulted in charge. Two thirds of these involved women who are clients of ADVANCE.

Of the 78 incidents, 31% (n=24) resulted in conviction at court (either WLMC or Blackfriars). 55% (n=43) resulted in discharge (NEO dismissal, withdrawal, discontinuance, dismissal). The remainder of the incidents (n=11) were still ongoing at the time the snapshot was taken. Seven of these involved clients of ADVANCE.

Of the incidents that resulted in a conviction, two thirds involved women survivors who are clients of ADVANCE. Of the incidents that resulted in discharge, 65% are clients of ADVANCE. This could indicate that ADVANCE support contributes to the likelihood of conviction.

Victim/witnesses supported at court – both boroughs

During the second year of the SDVC, there was an average of two women per SDVC court day being supported at the court.

The ratio of victim/witnesses supported from each borough is very similar to that of defendants and cases coming in to the court from each borough (approx 65:35 ratio), indicating that the number of victim/witnesses supported at court is representative of the cases within the court; victim/witnesses of neither borough appear to be receiving more support than the other.

Physically supporting victims and witnesses at court is a fraction of the support given to victim/witnesses in relation to their court appearance. For example, ADVANCE had an average of 10 contacts per victim/witness supported at court in relation to a court appearance. Victim/witnesses are only expected to come to court for trials although they may come to hearings for a variety of reasons.

Pre-court visits were offered to victim/witnesses in over half of cases where they were supported at court and just under a third of these were then arranged.

The majority of victim/witnesses were from white ethnic origin, closely followed by black or black British origin.

Table 3 outlines the number of victim/witnesses that were supported by the WLMC Witness Service, ADVANCE and Eaves Women's Aid at the SDVC during Year 2.

Table 3: Victim/Witnesses supported at court during Year 2	LBHF	RBKC	Totals
No. of victim/witnesses supported by Witness Service	30	21	51
No. of victim/witnesses supported by ADVANCE	40	n/a	40
No. of victim/witnesses supported by Eaves Women's Aid	n/a	19	19
Grand Totals	70	40	110

Future data developments

Standing Together has been engaged for the past year in a consultation with Professor Marianne Hester and Nicole Westmarland of the University of Bristol in order to assess what data is collected and how it both informs and meets the aims of the specialist court.

Standing Together will be considering her report of May 2005 in detail with partner agencies and implementing any recommendations over the coming year.

Standing Together will make detailed data available on the website: www.standingtogether.org.uk. We welcome comment and feedback.

References:

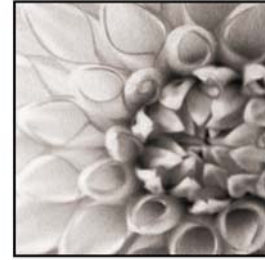
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Specialist Domestic Violence Court , West London Magistrates Court

Chapter 3



Key issues addressed and action taken during the year

The process of identifying progress, problems and gaps in procedures or practices that need to be changed is an ongoing one at the Specialist Domestic Violence Court (SDVC). The annual review process is one element in this, and allows us to gather and summarise partner agency views and measure what progress has been made during the year. At the Two Years On review held on November 23rd 2004, Standing Together and nine of the partner agencies involved with the SDVC identified how they had responded to changes proposed and issues raised over the previous 12 months. Most issues raised for action at the end of the first year of the court (summarised in the One Year On report) had been addressed through the Court Management Group which meets quarterly. Some issues are ongoing and are monitored or revisited at the meetings. On every matter, efforts are made to resolve problems and to engage the relevant agencies.

During the year a number of key issues have been discussed by the partner agencies and action taken on them both collectively and individually. Some remain as ongoing challenges.

The main issues we would like to draw your attention to here are:

1. Safety of victim/witnesses
2. Pre-court issues: charging and cautions
3. Case preparation and delays
4. Holding perpetrators accountable - bail and sentences
5. Information sharing
6. Training, partnership development and other support for partner agencies.

I. Safety of victim/witnesses

I.1 Special Measures

The courts can make Special Measures Directions (SMD) for vulnerable and intimidated prosecution or defence witnesses of any age in any type of proceedings, to give their evidence by live TV link. This power is in addition to the recently introduced power to make an SMD for screens and closed courts for S17 Vulnerable and Intimidated Witnesses. From 1st September, 2004 West London Magistrates Court (WLMC) became the only Magistrates Court in England and Wales granted the power to make SMD in domestic violence cases.

Consideration of use of the new powers available to WLMC is particularly relevant in the SDVC where the police and/or CPS have flagged up a possible withdrawal by the victim out of fear or a perception of intimidation. Giving evidence by live TV link in appropriate cases could be a valuable tool in enabling victims to see the prosecution process through. Standing Together and the court have now developed a specific protocol to clarify procedures to be used when applying for, granting

and implementing Special Measures such as video link for trials and screens in court. The role of the Witness Care Units (WCUs) and other agencies in the application has also been mapped out.

1.2 Safety audit

A safety audit of the court building and specialist court was conducted by Standing Together and the Domestic Violence Witness Support Group (DVWSG) members in March 2004. The purpose of the session was to identify areas of good agency practice and areas for practical improvement in relation to supporting victim/witnesses before, during and after coming to the SDVC. As a result of the audit the following changes were made:

- a local taxi firm has been approached and will provide a swift service to any requests from the Witness Service
- Security Guards to rotate so as to ensure that the smoking and baby room areas are constantly monitored
- new signage has been placed around the court to direct people to the Witness Service.

1.3 Court Resource Pack and SDVC information

Standing Together produced a comprehensive Court Resource Pack for the SDVC. The pack contains a range of information that the domestic violence support services can refer to when working with victim/witnesses who may use the court. It includes a section for advocates and Witness Support volunteers on how to do Safety Planning and assess immediate risk within the confines of the court building, in particular when they are meeting a domestic violence survivor for the first time.

The information leaflet about the SDVC is now sent out by the police with letters warning witnesses of court dates letters. Standing Together had the leaflet for victims and witnesses at court translated into seven languages: Farsi, Arabic, Polish, Somali, Turkish, Albanian and Portuguese, and in English onto audio tape.

1.4 The Eaves Women's Aid in K&C experienced funding constraints which have limited their cover of the court to fortnightly. However, Victim Support in K&C now share responsibility for providing support at court to victims.

2. Pre-court issues

2.1 Statutory charging

Nationally the responsibility for charging has now passed from the police to the CPS, with a prosecutor based at the police station. In Hammersmith & Fulham this started in December 2003. Out of hours, CPS Direct are responsible. Calls could be answered by a prosecutor anywhere in the country.

During the period April 2004-March 2005 we have recorded:

- a drop in the proportion of domestic violence incidents that have resulted in charge
- an increase in the proportion of charges that completed at the court resulting in a conviction
- an increase in the number of cautions (see Chapter 2)

We will now be examining with partners what, if any, is the relationship between these developments, and their impact upon the other measures of victim safety and perpetrator accountability that are key ones for the Standing Together partners.

At the time of the review in November 2004, there was no evidence to suggest that charging is being replaced by cautioning in domestic violence cases. Standing Together, ADVANCE and the police checked a random sample of CRIS reports where cautions had been used, and none had been used inappropriately.

ADVANCE was keen to look at a sample of CRIS reports to evaluate charging practices.

3. Case preparation issues

3.1 Case Progression Officers

- CPS now has a Case Progression Officers that will be responsible for chasing information needed for cases and ensuring deadlines are met. The creation of these new posts should mean that a difference will be seen in the quality of case preparation files

3.2 CPS's use of agents

i.e. not the regular prosecutors in the domestic violence court

- ADVANCE suggested a short briefing note should be inserted in the brief for CPS agents working on domestic violence cases, outlining what is available to them and the general information and rules about the SDVC
- It was also suggested that a copy of some useful awareness materials about the crime of domestic violence from the Magistrates National Training Pack '*An Ordinary Crime?*' should also go into the briefing file for CPS agents. This matter will be carried forward by the monthly multi-agency Operations Group meeting of Standing Together.

3.3 Previous convictions for domestic violence-related crimes

- It was acknowledged that it is not easy for police to get hold of such information. Although the Police National Computer shows previous convictions, it doesn't highlight whether any were of a domestic violence nature.
- We will investigate with the court whether a field could be added to the court's internal database of case completions that could flag up domestic violence cases, as this is the source where the police gather previous conviction details.

3.3 Delays in getting medical evidence.

- Getting timely medical evidence from Charing Cross Hospital for prosecutions has improved since the first year of the court. Standing Together Health Project amended the domestic violence assessment pro forma for hospital staff to document domestic violence injuries. Polaroid cameras have also been supplied to the hospital.
- Standing Together is hoping to meet with Forensic Medical Examiners (FMEs) to provide information on the SDVC and improve the availability when needed, and the quality, of FME evidence.

- The inclusion of a medical record release form in the new police Book 124D form should ease the procedure for asking for medical evidence.
- In Standing Together's training with H&F Police, the CSU advises officers to use the FME as this evidence does not require victim permission.

3.4 Delays in listing of trials

- This year, Court 4 has been used on a Thursday for domestic violence trials in an attempt to reduce court delays. This has been welcomed however the dock is not secure and this has caused concern for the victims needing to give evidence in that court room and feeling intimidated by the defendant.
- Involvement of the Community Mental Health Nurse at WLMC was recommended and there is now active liaison with her on mental health issues within the SDVC.
- In Year 1, flagging of all cases was recommended. This has been largely achieved with fewer mis-listings.

4. Holding perpetrators accountable

Bail, sentences, Probation and Pre-Sentence Reports (PSRs)

This is of course a matter that is not only dealt with in the court, but also by the partner agencies in Operations meetings.

- In Year 2 there had been a large number of adjournments due to PSRs not being written. This was due to resource limitations and allocation difficulties. However this problem has been addressed by the local H&F Probation office, and has now greatly improved.
- In Year 1, there was concern at the high drop out from Probation's Integrated Domestic Abuse Programme (IDAP) prior to commencement and prior to completion. This is now improving.
- Two ASBO's were imposed – this is an innovative use of the new legislation, offering additional protection to victims and a probable national first.
- Repeat offenders: this year the Operations meetings in H&F have maintained a list of those victims at highest risk, qualifying them for Special Measures and for consideration of any possible additional protection. CSU officers also identify prolific offenders. With the introduction across the Metropolitan Police of report form Book 124D and systematic risk assessment in domestic violence incidents, the process of collecting relevant information will greatly assist in this process. For Standing Together partners, the issue of ongoing risk management will be addressed.

5. Information sharing

- Standing Together has amended its court forms and now clearly records whether the victim is being supported by Eaves or ADVANCE to assist the CSU. The court results are faxed through to each CSU and at H&F inputted onto the intelligence information database. Copies of Restraining Orders imposed are also forwarded to the CSU, and also to the victim through the relevant support agency. Copies are also held confidentially by Standing Together in case the order is breached and appears again in the SDVC.

- Standing Together has revised its case management system and how it records case results. It now has a case file system stored at the witness service. Any new cases in the SDVC are checked against the completed files, in order to easily flag up repeat SDVC offenders. This information is then passed to the CPS and police. It can assist with file review and also risk assessment.
- 'One Year On' noted that CPS need information on civil orders, via police, from the victim. An update is sought on this matter.
- Probation have commented that the quality of the case summaries from H&F CSU has improved. Most include details of previous call outs which is invaluable to the Probation Officer when writing a PSR and conducting their assessments.
- Police officers have said they would like feedback on what happens to victims referred to Eaves/Victim Support or ADVANCE. In Hammersmith & Fulham, ADVANCE pass this information via CSU in monthly Operations meetings, and in a general way during police training. It is not easy to let individual uniformed officers know. There is no equivalent meeting in Kensington & Chelsea.

6. Training and support for partner agencies

6.1 Witness Care Units

At the review we took the opportunity to discuss the need for closer liaison between the existing advocacy workers/projects from K&C and H&F and the new police Witness Care Units (WCUs), and clarification of boundaries, categories of which agency will do what, when and in relation to which victim/witnesses with regard to the SDVC.

Problems identified for action in relation to WCUs:

- duplication of roles and confusion/lack of clear information about who should do what, and the remits of the new WCUs on domestic violence or other crimes that might have a domestic violence context, but appear in other court rooms at WLMC
- lack of training on domestic violence awareness for WCU staff
- lack of resources, staff or general training for WCU staff
- lack of liaison between the K&C WCU and H&F WCU teams
- domestic violence victim/witnesses possibly falling through the safety net between the different agencies
- need for vulnerable victim/witnesses to be identified early enough in the process
- some of the issues about the new WCUs and domestic violence issues may also need to be dealt with at pan-London level through the London Criminal Justice Board, and e.g. through the London Boroughs Criminal Justice sub Group (called "No witness No Justice")
- need to consider and prepare for new Domestic Violence Crimes and Victims Act now.

Action taken

The WCU representative explained the types of crimes where the WCU would be expected to be the main point of contact with the victim/witness. We came to an agreement about the need for a number of action points that have now been implemented. These were:

- defining the boundaries and roles of each victim/witness support agency including WCU
- preparing a 'process map' laying out the ways domestic violence cases and Special Measures requests are to be handled by the WCU
- writing an amendment to the DVWSG/court protocol, rather than create a new protocol
- to address this within the context of national and local initiatives such as 'Narrowing the Justice Gap'
- organising training for both boroughs' WCU staff in domestic violence awareness and an information briefing from the advocates in K&C and H&F
- inviting WCU staff to attend the police (Street Duties) domestic violence training.

Since the review, all of these recommendations have been carried out. The specialist domestic violence training Standing Together ran was a valuable opportunity for the WCU and advocates to share a discussion about the dynamics of domestic violence and some very practical aspects of safety for domestic violence victim/witnesses. Given that WCUs are in place around the country, we suggest that the experience we have had in west London of building a partnership with them may be useful for people in other areas.

The H&F WCU has now been brought in to the court partnership and has joined the DVWSG.

6.2 Training

Training was recommended from the beginning for all District Judges and Magistrates. Six District Judges and all 38 Magistrates have now been trained by Standing Together, supported by ADVANCE. Feedback from trainees has been very good, and the effects are visible in the court room.

The new risk assessment and domestic violence incident (Book 124D) training for all Metropolitan Police officers includes how to use the report form and awareness of the dynamics of domestic violence. Standing Together has contributed to this for all new officers, and continues to coordinate the CPS, ADVANCE and police trainers who deliver this training to all new officers.

Metropolitan Police K&C have carried out Book 124D and domestic violence awareness training for the whole Borough, with input from Eaves Women's Aid and CPS.

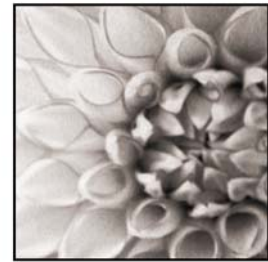
Training for CPS prosecutors who might be new to the work of the SDVC was recommended. The briefing of CPS agents was addressed through the Standing Together Operations meeting. The training of CPS agents has been less of an issue as they have been used less in 2005. Nationally, CPS is rolling out a domestic violence training programme for all prosecutors.

In Year 1 it was suggested that all Probation Officers writing PSR's should be trained in domestic violence awareness. This has still not been possible during the current cut backs in budgets at London Probation.

H&F CSU and Probation continued to have resource difficulties. However CSU have renewed their commitment to attend court every week, this helps the court to address issues of information and reduce delays. Probation has now ensured that a Duty Probation Officer sits in the SDVC every week, and has recently reaffirmed how important this is, both for the court and for Probation.

Chapter 4

Views and Observations



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Chapter 4

Section 1 Survivors' views of the court

Introduction

In all its work, Standing Together puts great value on the voices of survivors in informing the way we and partner agencies develop services and responses. In relation to the Specialist Domestic Violence Court (SDVC), we capture this information in three main ways:

- individual victim/witnesses who appear in the court and/or are supported by one of the advocacy or witness support agencies are asked to complete a feedback form at the end of the case to tell us what they think about the process and the support they received
- we organise group discussion with survivors who have used the West London Magistrates Court (WLMC) and other courts as part of our ongoing programme of survivor consultation
- all of the victim/witness support agencies working with survivors are asked to record any comments made to them by the survivors on the phone or by letter about the process of using the court.

The comments below represent the voices of approximately 18 women asked for their views from December 2003 to November 2004, and witness comments and suggestions made to ADVANCE Advocates in 2005 from a further nine women about their direct experience of the SDVC.

Support received from ADVANCE and the Witness Service was so helpful. It helped us to understand the process clearly.

You do make a difference. Someone on the end of a phone made all the difference.

It has got better for women 3 years ago, 2 years ago, 1 year ago, it gets a bit better all the time.

We went to watch at the court and I learnt there. You see the procedure, what was going on, it was good.

I was two and a half hours (on the stand). I don't know where the strength comes from; I don't know where it comes from. (Case heard at Crown Court).

Thank you for all your help – you have been great support.

I rang to thank you and to let you know that I'm working again. I have got a really good solicitor and now my son sees his father on a Sunday at a contact centre which means I don't have to have contact with him. I'm really happy and have a lot of faith in my solicitor putting forward my wishes in the family court.

I am very pleased to have received such understanding and support whilst going through this process. I feel that this has benefited myself and others whom have suffered domestic violence – if the occasion arose again I would not hesitate to press charges.

Again many thanks to all at Advance for your support and listening to me and your empathy. I wish you well and may you continue to carry on supporting others.

I want to thank everyone at Advance – they have been so calm and supportive to me and I couldn't have done it without them.

I didn't realise that all of this support existed and that it was happening to other people.

No matter how many times I ring and ask questions they are always able to talk to me. I know that if I haven't been in touch for a while it won't matter they will always help me.

With DV it is not your fault – but you need to hear it a lot.

I stood my ground. No I am not moving, why should I move, I know all my neighbours, I've got a nice street.

If I had known about your project I would have left him 25 years ago.

It was a brilliant experience, and I thought it would be awful but I was kept safe and I didn't have to see him.

I couldn't have done it without ADVANCE they kept me focused and able to go to court. It was such a positive experience.

The impact of me actually turning up was huge on the defendant. He did not expect me to be there.

I'm all new to the system so it's a bit difficult, but God it's taken such a long time. He pleaded guilty, can't they just do something?

If you have no voice. If you cannot speak, then who speaks for you? They did. I love them for that.

They believed me – what more can I say?

They heard my story without flinching. That was a huge release.

They did more than listen. They understood.

Witness comments and suggestions made in verbal and written feedback to ADVANCE Advocates in 2005 from nine women regarding their experience of the Specialist Domestic Violence Court.

Have you been to Court as a witness in a domestic violence matter before?

One woman recorded that she had been twice before.

If yes, did you notice a change in the information provided to you or the court's handling of the case?

Yes. More contact was made informing me of what would happen. More options for giving evidence.

Before I was left sitting in a room and he came in with his friends and I had to leave.

Did you receive enough information about what would happen at the court?

Yes, but, misunderstood a few things and it wasn't until trial that I fully realised what was happening.

The police officer in Fulham, I had loads of contact with her and she was really good, and the one from ADVANCE.

Are there any suggestions or comments you would like to make that would improve your experience of coming to court? (Trial)

I had a lot of support. ADVANCE support was sufficient.

I felt it was very good, felt comfortable.

A mistake was made with the time I was asked to attend. Service could be improved.

If the case was heard in the morning would make sure whole trial could be heard instead of adjourning.

After the Court appearance

Do you have enough information about what happens next after the court appearance? (Trial)

Yes, but still need it explaining when gets closer to sentencing.

Trial - general comments

Re video link (special measures): much better than giving live evidence. I wouldn't have gone ahead otherwise. I wouldn't have felt I could give live evidence.

Support from ADVANCE has been great. I felt shocked that he has pleaded guilty and angry that he put me through all of this unnecessarily.

Nervous beforehand, never done it before and friends with both parties. (Re police interview) I felt rushed. They could have explained why they had to make reference to my mental state.

I feel women going through this are supported really well.

Would have liked to have known that the doctor was not going to be there in person; I was told he would be there.

Would have liked to speak to the prosecutor before the trial to know what questions were going to be asked and to give additional information.

If the other witnesses were going to be such a big part of the trial, I would have preferred for the trial be adjourned and for there to be a greater push for the witness to be there.

The city I live in was recorded on a witness statement form. Previous to that I had fled the area and he did not know where I lived.

The witness box is too close to the dock. I could see him out of the corner of my eye and it was disconcerting.

One woman interviewed was summonsed as a witness. She did not want to give evidence, but felt she did not have a choice. Afterwards, she stated the experience was awful because she could feel that he was looking at her. No Special Measures were asked for because it was not believed she would be giving evidence. She was very upset by the experience. Perpetrator was found not guilty.

I withdrew my statement because I couldn't face coming and had injunctions to protect me. But I received a call from ADVANCE and it helped me understand things clearer and support me to come to court.

From Standing Together's point of view, we are, as always, very grateful to the survivors who have shared their views and experience with us so that we can improve the services to all survivors.

Chapter 4

Section 2 Partner agencies' views of the court

Introduction

Throughout the past 18 months we have consulted partner agencies about their views on the progress in the SDVC, what they see as indicators of success, and the benefits to their own agency of engaging both in the SDVC and with Standing Together. Here are their views, followed by comments in Section 3 from the victim/witness support agencies.

Question 1: What are the benefits for your agency of participating in the Specialist Domestic Violence Court?

- *Having a court which is "prosecution friendly" i.e. readily grants Special Measures, witness summonses etc, makes our job easier, and we are more likely to be successful at what we do. (CPS)*
- *Increased awareness of DV victims' needs and requirements – helping us to address an important issue. (Witness Service)*
- *Information being returned to the officer in the case i.e. case disposal, conditions (bail); supporting reluctant witnesses in coming to court for successful prosecutions by using multi-agency resources (i.e. ADVANCE support). (Police H&F CSU)*
- *We are totally committed to sending a CSU officer to court every week but there have been staff shortages. The CSU are back to nine officers now so should be able to cover court better. We would like to address cover with Kensington and Chelsea CSU and possibly take up the suggestion to alternate. Bail conditions are adhered to. If ADVANCE aren't supporting the victim, the police can help by telling the victim the court results. (Police H&F CSU)*

- Clarifying the process within the court and our partner agencies. It also allows for a strong degree of monitoring both of the judiciary and the Police. (H&F Police CJU)
- I have been in post for 6 months and during that time I have found it very useful to have a specialist court which understands the difficulties faced by domestic violence victims and the problems police have in getting perpetrators through the door. (RBKC Police CSU)
- A contribution to improving confidence in Criminal Justice System by virtue of the messages sent out by the Bench. (WLMC)
- The fact that H&F Probation staff cover the SDVC at WLMC ensures that the importance of this issue in the borough remains high on the agenda. (London Probation)
- Improved receipt of bail conditions from SDVC as Standing Together fax them over every week – helps us because we have 1–2 day delay on court link being updated (H&F WCU).
- We get speedy and complete information on sentencing, which allows us to work with our partners to provide a speedy post sentencing follow up. Increase in IDAP orders remains steady. The percentage of sentences with orders to attend IDAP is increasing. (Domestic Violence Intervention Project (DVIP))
- Increased liaison about domestic violence victims and witnesses (Witness Service, WLMC)

Question 2: What are the benefits for your agency of partnership working with Standing Together?

West London Magistrates Court

Significant awareness in lay and professional judiciary of domestic violence issues as they impact on how a case is dealt with.

The Court is working well. We have more experience now. All Justices, District Judges bar two, front line staff and Legal Advisors have received training.

There is increased confidence in the systems; that CPS is flagging up issues, that police are channelling issues through the CPS. SDVC is seen as an exemplar to others, we have to live up to that.

Our biggest challenge is the Criminal Justice Act 2003 – that all bad behaviour and character of witnesses and defendants will be admissible in Court.

There has been a lot of training and learning, and many challenges.
(Head of Legal Operations, WLMC)

Crown Prosecution Service

It has been a pleasure working with Standing Together, I am always impressed by the sense of purpose and commitment when I attend your meetings.

There is more awareness of the dynamics of domestic violence in the Court and all the issues involved.

All staff in Court are now trained in domestic violence – magistrates, district judges, legal advisors and some admin staff. Training is working well: it encourages the relevant issues and the right questions to elicit correct information. The Bench is now willing to listen to background information.

Prosecuting without the victim is an achievement. Domestic violence has been prioritised.
(Senior Prosecutor, CPS)

Metropolitan Police

a. Hammersmith & Fulham Police

Those who suffer domestic violence need a bespoke service. Standing Together provides this. Dealing with perpetrators who commit domestic violence requires a robust approach which aims to help offenders see that this behaviour is totally unacceptable. The efforts of Standing Together support this approach.

Working with Standing Together gives me and my officers the best possible chance of giving victims of domestic violence the best possible service.

(Borough Commander, Hammersmith & Fulham)

You are our sternest critic and one of our strongest supporters in terms of providing training and encouragement. (H&F Police CJU)

Multi-agency training. ADVANCE intervention taking workload away. Greater awareness of domestic violence for officers. (H&F Police CSU)

Training day for WCU staff (run by Standing Together on domestic violence awareness and good practice). Opportunity to observe SDVC at work. Increased knowledge of domestic violence issues. (H&F Police Witness Care Unit)

b. Kensington & Chelsea Police

It is top of my list to see how the Specialist Court works. I think it is an excellent idea on the face of it, and I have had very positive feedback from officers who have attended the SDVC.

(Head of CSU).

Probation Service

The valuable work of Standing Together can best be seen within the Specialist Domestic Violence Court at West London, where it has provided a catalyst for change.

Increased embedding of victims' perspective into Probation practice results in better quality assessments, particularly of risk in domestic violence cases.

There are domestic violence trained probation officers in Court every week, which has been sustained despite staff cutbacks.

Team work is being sustained within the Court room and afterwards when Probation officers are preparing reports. Information from ADVANCE has been helpful as has information about police call outs to add to probation officers' views when writing PSR reports.

Standing Together's weekly Observation reports from Court have been excellent, they give a flavour of what is going on and pick up good and bad practice. It is as if you are there in the courtroom.

At the review it was reported that the Probation Service faced resource shortages last year, with the result that there were too many non-PSR reports, no trained officers to write reports and a lack of IDAP places. However this situation is now felt to be improving, at least in relation to the SDVC.

Domestic Violence Intervention Project

Drop-outs and suspensions from IDAP groups are at 20% which is remarkably low.

There are some missing offenders but the Data Officer at Standing Together is doing a great job of tracking them.

There are a number of orders for long periods of time (2 years). Partners and the new partners of perpetrators are getting support.

The number of orders made to IDAP is good – the message is getting through to the Court that this is an appropriate sentence..

General

Issues that need to be addressed?

It takes too long for defendants/perpetrators to get from Court onto the IDAP programme. The delay is due to lack of case management and IDAP paperwork.

There is a shortage of Probation case managers who are needed for follow-up after completion of the programme. (DVIP)

When victims withdraw statements and CPS continue to prosecute, the victims see CPS as antagonistic. Witness summons doesn't always work – she may turn up but doesn't always cooperate. Need to try to find other ways to proceed after withdrawal.

(Senior Prosecutor CPS)

One achievement is that it is the only Magistrates Court in England and Wales to obtain Special Measures for adults. However, there is a concern that they aren't being used – there have only been two cases - one done and one in pipeline - since they were introduced in September. Other concerns are statutory charging and Witness Care Units. There should be opportunities for identifying vulnerable victims at early stages.

(Head of Legal Operations, WLMC)

Update since the review in November 2004

Partner agencies have more recently observed the following achievements:

- *Conviction rates have risen. There have also been a number of convictions where we have successfully proceeded without the victim as a witness in Court (CPS)*
- *Increase in IDAP orders from Kensington & Chelsea (DVIP)*
- *More use of restraining orders and ASBOs (H&F Police CSU)*
- *Reduction in Community Orders given as sentence without an IDAP programme. (London Probation)*
- *An increase in the number of successful convictions (H&F Police CJU).*

Chapter 4

Section 3 The views of the Domestic Violence Witness Support Group

Introduction

There are several different organisations in the two boroughs covered by the SDVC that work with survivors of domestic violence who may call the police and use the court system. Standing Together coordinates and supports their work in relation to the court in a number of ways, and has consulted them regularly and in detail on their views of the workings of the SDVC and its impact upon survivors. These are their views in their own words, as expressed at the review in November 2004. A number of the points made have since been successfully addressed.

WITNESS SERVICE at West London Magistrates Court

Service provided by Victim Support, Hammersmith & Fulham

1. What differences has the court made and to whom?

We clearly think the service has made a great difference not only to survivors domestic violence but also sent a bigger message through its partners to the community that domestic violence will not be tolerated. It has enhanced the working alliances between partner agencies, and increased knowledge, awareness, and the effects of domestic violence on victims.

The major changes are that perpetrators know they will be taken to court and that survivors will be treated empathetically, and given comprehensive support right through the CJS, thanks to the training that magistrates receive through ADVANCE and Standing Together.

EAVES WOMEN'S AID

Kensington & Chelsea

1. What differences has the court made and to whom?

In terms of our client group – it has not made any real difference. This is basically because of how long it takes for cases to be heard and the outcomes – which principally seem to be that perpetrators are given Community Rehabilitation Orders (CROs) as opposed to custody, even if they have had previous appearances.

Also, if they have breached injunctions, this does not seem to be taken into consideration by the courts and women see it as the abuser being 'let off' with slap on the wrist.

2. Lessons learnt from results

The courts need to take a more serious view on the sentencing being given out to violent men – especially if they have already appeared on previous domestic violence charges, consideration for custodial sentences should be an option. It also seems to be a soft option to give them 12/24 month attendance at DVIP and why does the court not look into other options – i.e. tagging, more restraining orders being issued.

The CPS is taking a more pro-active view now that they have responsibility for pressing charges – i.e. even if withdrawal statements made they go forward with such cases.

3. Where is change needed now and what are those changes?

At a CPS conference, we heard that the Home Office was putting more money into funding more support for victims via the CPS for Victim Care Units - this does not appear to have been implemented as yet, and needs to be a priority if women are to feel supported and able to see the court process through.

ADVANCE Advocacy Service

Hammersmith & Fulham

I. What differences has the court made and to whom?

The court has made a big difference to survivors of domestic violence because generally there is more consistency and a better quality of response in the Thursday court. Having the specialist court day as a specific day of the week makes it easier for a victim/witness to keep track of her case.

Having an advocate to support them from the point of police contact up to and beyond a trial has been welcomed.

This is offering a holistic approach to women in regard to their experience of the criminal justice system, due to inclusion of all the partnership agencies.

It has also made a difference we believe to defendants who see on a continual basis that the court are making more consistent decisions on how to deal with perpetrators of domestic violence.

More stringent bail conditions, with specific exclusions to areas (a change from e.g. not to go within 200m of a certain place/address).

Also the SDVC is now much more confident and systematic in sending out the message that domestic violence is no longer tolerated, and what the ethos of the SDVC is (this has become more apparent as more and more training has been given to the magistrates and court staff).

The court has made a difference to the workers of the partnership agencies who now have a much more involved role in the court process, i.e. being able to feed in clients' wishes, and having specific information as to her safety and how changes in bail status/conditions could affect this.

The safety audit which Peta carried out was very helpful, and pulled together all those working in the court. It allowed each person to be aware of the other workers/volunteers' understanding of safety at the court and systematic approaches in asking questions to survivors who attend the court.

The use of Special Measures is a very positive step forward, and now we are about to have the use of video link in trials. Knowing this is a real option will hopefully encourage more women to proceed to trial. To ensure this, all the agencies (Witness Service, ADVANCE, Courts, CPS) need to work together to ensure Special Measures are not only in place, but also carried out on the day of the hearing.

2. Lessons learnt from results

There are clear gaps in everyone's understanding about the powers of the court/rules they have to adhere to i.e. regarding time scales for breaches of bail/restraining orders. And how many adjournments are allowed in regard to PSR before the court has to go ahead and sentence a defendant without the full reports being completed. When a case goes to Blackfriars Crown Court for appeal, these cases are difficult to track as that court is not a SDVC, a workable system needs to be found to resolve these gaps.

If the CPS use Agents for cases (as they have done in the past) it is fundamental that these lawyers have received domestic violence awareness training, as they are often used for trials.

3. Where is change needed now and what are those changes?

Delays in Pre-Sentence Reports (PSR's) are becoming more and more common, and on at least one occasion this has resulted in a defendant being sentenced without a PSR. (As stated above everyone needs to be aware of time deadlines for how many adjournments are allowed and how long a defendant can be kept on bail, this information is fundamental so that clients are informed correctly).

There are still differences between when a Judge sits and when a Bench sits. We accept that this will always be the case but hopefully with more training the Magistrates will gain a greater confidence to challenge inappropriate comments and mitigation by the defence (this is starting to happen).

Sanctions for those who breach bail and who do not attend hearings never seem harsh enough and thus there is no deterrent. For example, one defendant didn't attend court for a hearing in February, he appeared at court in September and was given a 2 week curfew! We accept that this may be the only sanction available, but an explanation of the powers of the court would be helpful, so that again, as above, women can be correctly informed and updated about what the court can do in such situations.

When hearings do take place in other courts on other days it is more difficult for the Advocates to provide a service and track the cases.



Baroness Scotland speaks, Clive Soley MP chairs at Standing Together's '6 Years On' event at Portcullis House, November 2004

Chapter 4

Section 4 Standing Together's observations

of the Specialist Domestic Violence Court

December 2003 – November 2004

Introduction

Every week the court is observed and recorded in detail by a member of Standing Together staff. These confidential reports are provided weekly to the partner agencies who need to be able to act upon individual cases as well as to be aware of trends and any emerging problems or issues to be addressed. These are then summarised and presented to partner agencies at the Annual Court Review.

During the past year, there has been a great deal of good practice observed in the Specialist Domestic Violence Court (SDVC). In general, it has been observed that:

- in court District Judges (DJs), Magistrates and Legal Advisers explicitly refer to the principles included in the SDVC protocol
- there is concrete attention paid to safety, proactive information gathering and sharing, and speedy provision of information to the victim/witness
- there is adherence to the Domestic Violence Witness Support Group (DVWSG) protocol in relation to safety before, during and after court
- when problems have been observed and fed back to the Court Management Group, they have been addressed quickly and taken seriously
- only trained Magistrates are able to chair the bench in the SDVC
- Domestic Violence Benchbook has been circulated to all Magistrates.

These points have also been reinforced by many external visitors to the court (see Section 5 later in this chapter).

There is much good practice in the SDVC that is now embedded and routine. It is therefore perhaps more noticeable when the observers record practice that varies from the standard that has been established. In this section we record some illustrations from the last 12 months of both how the protocol works in practice in the court, and issues the partner agencies have identified that could be appropriately addressed.

I. Bail decisions

The court data and observation reports show that granting unconditional bail in domestic violence cases is now rare. In the few cases where this has been granted, the safety of the victims was still considered by the Bench.

In a case where the defence requested that the no contact condition should be removed, the Bench declined, explaining their reasons and stating that because evidence shows that domestic violence is

of a continuing nature, a no contact condition is required to protect the victim and to ensure that there are no further incidents before the case is finally dealt with.

The provision of information to the prosecutor from the witness support agencies and the police remain invaluable in helping to set sensible, safe and fair bail conditions.

There have been some incidents where the police have not swiftly processed breach of bail or where officers have misunderstood the 24-hour timing rule. However these are significantly fewer than had been observed in the first year of the court.

There have been a few instances observed where bail was agreed by the court:

- when the defendant had a history of re-offending whilst on bail, and was granted bail against emphatic opposition by CPS. He did re-offend by assaulting the same partner again before he was remanded.
- when there were severe injuries or a specific physical state of the victim i.e. pregnancy
- when the speed with which the case is dealt in court has not allowed time for the prosecutor and the victim/witness support agency to speak to the victim about the bail application.

Sometimes the Bench has not asked for verification from the police (or it was not proactively offered) or from the support agencies. The Bench sometimes asks the defendant/defence rather than the CPS or Police, about setting safe exclusion areas in relation to the victim. The presence of a police officer in the court can assist the court in verifying bail information without delay.

The agencies at court (support agencies, and not just the police/CPS) are not always given the time they need to investigate.

2. Witness support

CPS continues to work in a positive and receptive way with witness support agencies. However, there have been a number of CPS agents used in domestic violence trials heard in other court rooms and these agents have not always appeared fully/correctly briefed on the SDVC and the role of domestic violence Support Workers in court.

Standing Together's work with the witness support agencies (ADVANCE, Eaves and Witness Service) continues to be productive e.g. meetings, court resource pack, leaflets translations and safety audit.

Systematic information sharing between Support Workers from K&C, about each other's clients coming to the SDVC would assist in assisting their clients' cases in court.

K&C support agencies are not always able to cover afternoon trials.

On days when there has been a very full list accompanied by a number of victim/witnesses attending court it is difficult to achieve the best quality victim/witness care when the list is being dealt with very swiftly.

There have been some difficulties for the other support agencies in using the services of the newly introduced police Witness Care Unit (WCU), e.g. difficulties in arranging interpreters and pre-court visit arrangements.

3. Delays and incorrectly listed cases

More cases are arriving at court with the dates to avoid included in the file. This reduces the number of hearings required in setting a trial date.

Delays in listing for trials remain. With the use of Court 4 delays do seem to be improving. Although this is welcomed it does create other issues and challenges, for the victim/witness support agencies and Standing Together who cannot cover both court rooms at the same time.

Occasional incorrect listings into the SDVC continue, e.g. sibling violence, however in some cases these are identified before the court commences and are moved to other courtrooms. In other cases it is either considered faster by the bench to hear it rather than to move it to another courtroom or it might not be acknowledged at all.

Delays in medical evidence and primary disclosure remain a consistent source of delay for cases in the SDVC.

Around mid-year, there were significant delays in bringing defendants who are in custody into the court. The delays increased when the contract holder changed. In one case a police officer attended court to oppose bail. The case was not heard till 3pm and the police officer had to leave court. He was unable to be present when the case was heard. The court has taken this up.

When defendants appear in court for breaching a Restraining Order the file sometimes does not contain details of the original offence. This means an additional and unnecessary adjournment is needed to obtain this information.

4. Case file preparation

Probation representatives have stated that case summaries from H&F Police are very helpful and well detailed, containing information on previous police call outs. This assists the PSR author in their assessment and reduces the need for timely liaison with the police.

During the year, there have been delays caused in the SDVC due to difficulties in the police Criminal Justice Unit (CJU) in typing statements and interviews in time.

There have been cases in the SDVC where the children have witnessed the assault and often their names and childcare arrangements are not included in the file. This is invaluable information for the CPS and the court in setting bail conditions.

Information about previous convictions supplied is not always up to date and it is rare for previous convictions to be flagged as to whether they were domestic violence in nature and/or against the same partner.

In cases where there is a repeat convicted domestic violence offender (convicted within the SDVC) both the police and CPS are usually missing this information in their case files. On a number of occasions both the Probation Service and Standing Together have been able to provide additional information to aid case file preparation and file review.

In one case the CPS had not received the trial bundle in time and the trial date had to be vacated.

Black and white copies of the photographs have been produced at court, rather than the original colour photos. These were of bad quality and are not helpful to the court. There has been a marked improvement in this area during the year.

5. Sentencing

Recommendations in the PSR are usually followed by DJ's and the Bench.

The granting of 2 ASBOs for domestic violence cases attracted much interest this year. This served to offer additional protection to victims.

In one case of ABH the court were invited to grant a Bind Over. The Bench asked for details of the injuries caused and stated that they were concerned at the use of a Bind Over in such cases. As the victim was at court the Bench decided it would hear the trial. The victim originally did not want to give evidence however with support from ADVANCE and the CPS she did give her evidence. When refusing to grant the Bind Over the bench stated:

"We have a Specialist Domestic Violence Court here at West London and this sends out a clear message that violence by men against women is unacceptable. Binding you over for this offence undermines that message. We must look at the function of this court and the message that we send out and so we refuse to bind you over."

All parties demonstrated flexibility in making the necessary arrangements for the trial to go part heard.

There have been a few occasions when the DJs or Magistrates were not aware that Expedited Pre-Sentence Reports (ESRs) are not being used in domestic violence cases, but in such cases the Probation Officer present in court was able to provide information about this.

Use of IDAP as a sentence has increased (see Chapter 2).

Some domestic violence offenders are not having their IDAP assessments being conducted at PSR stage. This is especially the case when they are dealt with outside of the Pre-Sentence Assessment for the SDVC. The case has to be adjourned again so that this can take occur, which adds further delays.

The H&F Probation Office tends to carry out an assessment of suitability for attending IDAP as a matter of course when a PSR is requested. As this does not apply equally to the K&C Probation Office, a specific request by the Bench in appropriate cases is helpful.

Some visitors of the court have enquired whether a bail condition could be imposed when there is an adjournment for a PSR to be prepared, and whether this can be made a specific bail condition. This approach is used in other areas and helps to reduce delays caused when individuals do not attend their appointments with Probation for PSRs. Part of the freedom and flexibility granted the court under the Public Service Agreement is that it can be made a condition of bail that an offender must attend an IDAP assessment within 3 weeks.

During the year there was concern expressed about the large number of cases in which the PSR was not presented to court due to resource shortages. The number of cases in which PSRs were not available to the Bench increased in the last quarter of the year. There have been six cases where non-PSRs were presented because the report had not been allocated within Probation due to staff shortages. In one particular case there were three non-reports presented (H&F case) and in another case 2 non reports were presented. (Probation had successfully reversed this situation by May 2005).

6. Other Issues

Occasionally the Witness Service does not receive the results of domestic violence cases that are heard in other courts at the West London Magistrates Court, on days other than a Thursday.

More cases were being listed into Court 4 for trial, where CPS agents, not the regular prosecutors, had been instructed. Some CPS agents come to court without knowledge of the SDVC and the role of the Advocates. The briefing of agents is being addressed so that they are aware of the SDVC and the role of Standing Together and the DV support agencies.

Police cover at court can be limited due to staff shortages at H&F CSU. This can cause problems, particularly for the CPS prosecutor. It has been suggested in the CPS 'Evaluation of Specialist Domestic Violence Courts/Fast Track Systems' (Cook, D. et al 2004) that the two divisions (H&F and K&C) share the court cover.

A number of observers to the SDVC expressed concern that there were three defendants were in the courtroom at the same time. This has since been reduced to two.

It is difficult for Advocates and Standing Together staff to record results/monitoring information when microphones are not routinely used in court.

The disruption caused by the door slamming is another practical issue that will be addressed.

There is not yet an agreed criteria in the partnership of high risk factors which should be brought to the attention of the court.

High risk factors in relation to domestic violence assaults are not always identified when the facts are presented to court, such as the victim being repeatedly strangled or pregnant.

Special Measures – a consistent approach as to how these will be handled is required and needs to be incorporated into the SDVC protocol. Work is in progress to do this.

For safety purposes, the Bench has been asked not to address the domestic violence Support Workers directly in court. ADVANCE and Eaves endeavour where safe and possible to engage with victims and witnesses who have cases within the SDVC.

References

Cook, D., Burton, M., Robinson, A. and Valley, C. (2004) *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems*. CPS/DCA/Criminal Justice System Race Unit: London.

Chapter 4

Section 5 Visitors' observations of the court

December 2003 - November 2004

Introduction

Since the Specialist Domestic Violence Court (SDVC) started in October 2002, there has been great interest in its workings and progress from a very wide range of organisations and individuals in the UK and abroad. Recognising that many people want to understand how the court works in practice rather than on paper, and in enough detail for it to be useful in their own areas, Standing Together has been committed from the beginning to sharing practical and statistical information with others

and facilitating observation of the court by visitors. Visitors are booked in a few weeks in advance, and welcomed and briefed by Standing Together. They are able to sit in the body of the court, and can stay the whole day if they wish. They also receive a detailed information pack.

Every visitor is asked to complete a detailed observation form during their visit, and many also contact us after the visit to make their comments and record their impressions of the court. These observations are a valuable part of our evaluation of the progress and effectiveness of the court. They tell us whether the messages the court is giving to the public about the seriousness of this crime of domestic violence are clear and consistent, and help us to identify, confirm and reinforce some of the key differences between a specialist domestic violence court and other Magistrates Courts. They also allow us to feedback to court staff, judiciary, advocates and prosecutors both positive comments and areas where change is needed. This supplements the detailed weekly observations carried out by Standing Together staff. An important consequence of this information 'loop' is that action can be taken by partner agencies to address any specific problems or practice issues raised.

During the 19 month period October 2003 to April 2005, there have been 143 'formal' visitors to the Specialist Domestic Violence Court, from a wide range of statutory and voluntary organisations, national, regional and local.

We have reproduced all of the visitors' comments for the 12 month period December 2003 to November 2004 here with only minor editing so that you can read their own words and see the themes that emerge. Standing Together does not aim to influence the feedback from the visitors, and reproducing them here does not mean that we necessarily agree with the comments made.

They are broken down into:

1. Issues that some visitors suggested may need to be addressed
2. Good practice observed

I. Issues that some visitors suggested need to be addressed

I.1 General

- *Defence were allowed to be repetitive, persistent with same arguments.
The District Judge on the day at times appeared over efficient and brisk! This is in no way is a criticism of the DJ's decision or level of awareness of domestic violence, but there seemed to be a quickness and almost "scariness" about the DJ! For me it felt a minimisation of the issues.*
- *One defendant who was given bail and a 24-hour Community Rehabilitation Order – I feel quite sure that this will not stop this person assaulting his wife and any other woman again. He seemed pleased to have got off this lightly.*
- *The Court Clerk wasn't speaking into his microphone which made it very difficult to hear him (and for the interpreter on one case). He also spoke too fast for her most of the time.*
- *Breach of Restraining Order – by threatening phone calls and waiting outside house for victim – Bench accepted defence submission to deal with in Magistrates Court – issued sentence of time served so perpetrator walked free!*
- *No information requested from defence/prosecuting counsel when reviewing a defendant's unconditional bail.*

- *Victim's voices absent from court process – despite excellent support systems the defendants wishes and priority take centre stage, no mention of victim's wishes*
- *Role/involvement of police officer on date concerned. The police officer was only present during the morning session and did not appear to perform an actual role. During the afternoon trial more witness summons served. OIC (Officer In Case) was present but not in court room when questions being asked. CPS rep had to leave court to locate OIC. If police from CSU had been present would have been able to do this. This again became apparent when issues re disclosure arose. If the police officer had been present they may have been able to obtain the necessary info, e.g. CAD and CRIS reports.*

1.2 Victim/witness/defendants

- *I wasn't happy with two defendants being in court at the same time. I felt it was encouraging a sort of acceptance that this behaviour was ok.*
- *As they [the defendants] went to the box they were catching the eye of women in the public gallery (not good). Could one wait outside the court room?*
- *Two defendants in court at the same time – not recommended.*
- *Too many distractions. Allow other defendants into court?*
- *That other defendants are present whilst a defendant is already in the dock receiving sentence in front of DJ.*
- *Too many spectators in the court room - i.e. other defendants awaiting hearing.*
- *The practice of queuing defendants within the court room in full view of the public gallery may intimidate victims who are present at court.*
- *It would be beneficial for witnesses to be provided with a screen as the defendant is able to stare right at witnesses*
- *Two to three defendants in the court room simultaneously; in a case two of them exchanged solidarity "knuckle to knuckle greeting" despite being of different ethnic origins*
- *Securicor Guards, both male and female, laughing with the defendant*
- *(Defendant) had five supporters (in the public gallery) who appeared to "egging" him on*

1.3 Disturbances

- *Too many disturbances within the court*
- *The constant slamming of the door to the court - disruptive/unnecessary*
- *Noise in court: squeaky chairs, banging doors - all a distraction*
- *People walking in and out of court when a case is being heard - very distracting and can be noisy*
- *Constant comings and goings of various persons throughout the proceedings*
- *One defendant was initially allowed to bring his paper into court and kept rustling it noisily - this was bad-mannered, discourteous to the Magistrates, etc. and very frustrating*

- *Slamming of doors - extremely distracting, unable to concentrate, can only imagine how this affects vulnerable and intimidated witnesses*
- *Counsel and defendants reading newspapers in court - disrespectful to process*

1.4 Delays

- *Delay from Magistrates Court to Crown Court - can the process be speeded up?*
- *Paperwork needed for cases has not been handed in in time and therefore cases were delayed or adjourned*
- *Three cases had to be adjourned because of mistakes in the paperwork (police statement, CPS file, delay in expert's evidence) - these led to a delay in justice with the complainant anxiously awaiting the outcome*
- *A couple of cases were dismissed because of no victim contact - if CPS had gained sufficient evidence in addition to victim statement it could still have gone ahead*
- *Reports - several were missing and had not been completed. Probation Service seemed to be letting the side down and delaying completion of cases*
- *I was understandably annoyed at the delay of Probation to deliver their report since defendant had already come back to court 3 times.... Does the JP (Justice of the Peace) not have the power to fine an agency that delays the court's work with the pathetic excuse that they are short staffed?*
- *The solicitors seemed a little disorganised and on a number of occasions they did not have the correct information to proceed with the trial*
- *There seemed to be general confusion between solicitors and the court. There also appeared to be a lack of communication and a lot of the cases, actually most of them, were adjourned or could not be dealt with as a result of reports, paperwork, evidence not being at the disposal of the court. The DJ looked frustrated by this at times so was !!*
- *One case fell apart when CJU/police had failed to contact victim for possible withdrawal statement, so case adjourned again and undermined CPS efficacy in dealing with case*
- *Trial dates - set too far in advance... drags process out for victims. Too many adjournments.*

2. Good practice

2.1 General

- *Full review and consideration given to all charges and time allowed for this when justified. Only justified adjournments granted.*
- *The whole principle is excellent - special DV (domestic violence) court is the way forward*
- *I think the whole concept is brilliant. Training of police, Magistrates, Crown Prosecution Service (CPS) is essential and it is excellent to see everyone working together.*
- *I definitely think it is the way forward and I would like to see the Crown Court be able to fast track cases if possible*

- *The court was run very efficiently; ...the District Judge (DJ) stood for no nonsense; suggested standing down for 5 minutes for phone calls to be made, etc. in order to proceed. From my observations it all went at a cracking pace.*
- *Risk of safety was generally considered therefore bail was denied in some cases*
- *Very impressed with the Standing Together approach and support from advocates from Advance. Excellent idea to have a court specialising in domestic violence - must need a lot of cases to warrant this set up.*
- *Risk of safety was always discussed*
- *The DJ seemed to feel that Pre-Sentence Reports were extremely helpful in setting the proper penalty*
- *DJ commended CPS in their efforts to produce medical evidence in a short space of time.*
- *When notified by a victim of their intention to withdraw, CPS asked for more time to review the case to determine if they would still go ahead – if sufficient evidence without victim’s statements they will still proceed*
- *In all cases the conditions of bail were looked into in detail. There seemed to be no bail without conditions. In nearly every case “not to contact” giving a measure of security to the victim.*
- *CPS - always seemed to ask for conditions and that seemed good practice. They were always in a position to evidence any request.*
- *When sentencing the DJ spent some time explaining the full implication and the implication of any breach*
- *I was most impressed by the commitment and professionalism of your organisation*
- *The DJ was very competent at picking up on issues and matters of concern*
- *Absolutely brilliant service and resource for victims... Really enjoyed the day – everyone was inclusive – very kind and helpful. Wonderful project!*
- *It was a very interesting and enlightening morning - what a difference it makes to have court personnel who have some domestic violence awareness training!*
- *Being an observer at the special DV court was interesting and enlightening. It confirmed my belief that all court personnel do need DV awareness training - in this court the benefits of training were clearly visible.*
- *Hurrah! Common sense prevailed from bench stressing how serious the court take the offences.*
- *In each case they were concerned that the defendant should not contact the witnesses etc. They also asked about previous convictions.*
- *The ability to set a trial date in the near future must be helpful in ensuring that trials go ahead*
- *Excellent examples of holistic approach to crimes e.g. punishment but has support programmes offered and in each case the victims (females) were given compensation. Fines were commensurate with realistic ability to pay for them, often requested over a long period. Each defendant was told how serious their crimes were and not dismissed at any point. Cases were dealt with efficiently and thoroughly.*

- *The DJ took into consideration the factors such as the victim's home address and how close it was the defendant's home. Restraining Orders were placed accordingly.... Restraining Order put on defendant – contact only through solicitors for child access.*
- *Bench explained in great detail the ways in which defendant may contact victim and spelled out consequences. Bench considered Restraining Order/ASBO to address women and safety when sentenced perpetrator to CRO.*
- *Breach of Restraining Order and bail conditions accompanying arrest for breach - Bench explained in detail defendant's conditions on not contacting victim and curfew*
- *Bench pointing out that case should have been charged as ABH due to seriousness of attack, expressed frustration at not being able to sentence perpetrator for longer.*

2.2 Approach of District Judges and Magistrates to defendants and victim/witnesses

- *Magistrates took pains to explain carefully to defendant what was happening/going to happen*
- *Took care to listen to both sides*
- *Both the Magistrate and the District Judge took time to explain to the defendants what was happening. The District Judge appeared to have a fair but more firm approach.*
- *The DJ's attitude and approach was with fairness and with respect.*
- *Respectful and sensitive to the way victims/witnesses were questioned by the defence*
- *Respectful [to the defendant] and explained instructions, bail conditions well, etc.*
- *Magistrates treated victim with sensitivity and respect*
- *Magistrate appeared firm and fair. Worked in consultation with relevant agencies.*
- *Victim/witness – treated fairly/understanding sympathetic – patience was always shown. Supportive to victim.*
- *The defendant – treated fairly – domestic violence taken seriously. Defendants were given opportunity to go on domestic violence intervention project – however, defendants seen to be beyond changing were imprisoned.*
- *Defence were told to get to the point on more than one occasion*
- *The DJ always spoke clearly [to the defendant]. Was firm but fair. Always clarified bail conditions and court appearance expectation – made sure defendant was aware of outcome if they didn't comply. One defendant was told robustly that a serious boundary had been crossed – a subsequent domestic violence risk assessment/pre sentence report was ordered.*
- *Both DJ and CPS ensured that defendant was residing away from the victim and/or any children involved. All defendants were reminded of bail conditions and the expected outcome of any non-compliance.*
- *Approach of DJ/Magistrates to defendant: Very polite and courteous. Firm and fair. Left the defendant in no doubt as to how seriously the court viewed these offences.*
- *Approach to defendant - firm, clear, courteous. No nonsense approach. Made clear that defendants had choices. Emphasised seriousness when appropriate.*

- *Although no witnesses or victims were present the Judge showed awareness and concern for their safety*
- *The Judge's approach to defendant was reasonable and firm - at the same time polite in conveying reasons for the judgements*
- *DJ's/Magistrates' approach to the victim: Showed understanding of victim's situation and feelings*
- *DJ's/Magistrates' approach to the defendant: Underlined the seriousness of domestic violence as a crime and gave sound practical advice aimed at minimising the possibility of further incidents*
- *All the DJ's comments and decisions reflected her concern for the woman's safety... In every case she explained very carefully and clearly to the defendant what the order entailed and what the consequences would be if order was breached.*
- *DJ's/Magistrate's approach and attitude to defendant: In each case the approach was efficient in decision, clear in explaining the severity of their behaviour but fair in punishment. There was always an attempt to help them change their behaviour by offering various support mechanisms relevant to their crimes.*
- *The approach and attitude towards the defendant was very fair. She had a positive approach towards solving any difficulties or issues that the defendant was facing.*
- *DJ's/Magistrates' attitude and approach to defendant: polite but firm. She held the perpetrator accountable at all times.*
- *The DJ was courteous, polite and fair towards the witness in the main case I observed in the court... She simplified the court language to help the witness (who was also the victim).*
- *The Magistrate was polite, helpful and even quite friendly towards the defendants, although they remained firm.*
- *Approach and attitude to defendant was polite - almost friendly*
- *During the hearings the DJ was very fair listening to both sides, especially the defendant's solicitor, and always explaining to the defendant the reasons for her decisions. Overall very thorough.*
- *Heard one bail application - DJ very thorough in her questions of defence, considered all info and when made decision to refuse bail explained clearly why. A very strong message given to defendant about the seriousness of breaching bail..*
- *One request for PSR observed. DJ made it quite clear he wanted a report that covered all options as he had not ruled out custodial. Again another strong message to defendant that DV taken seriously by this Court.*

2.3 Advocates (these are the independent advocates supporting victim/witnesses)

- *I thought the use of advocates was very useful. To have someone in court who knew the witnesses' circumstances I felt was invaluable.*
- *Advocates in court - excellent*
- *Presence of advocates was essential*

- *I was impressed with the support given to witnesses in advance of the court hearings, which must be helpful in bringing cases to justice*
- *I was very impressed by the support mechanisms in place at court for victims of domestic violence crime*

2.4 Liaison between parties in court

- *All relevant bodies in court creating excellent swift transmission of information - especially via bail forms*
- *Full outline given by CPS with added info supplied by support workers*
- *Efficient liaison between police and CPS providing up to date information re victims and witnesses*

2.5 Staff

- *Trained CPS lawyer – excellent*
- *Committed staff*
- *Very impressed with the commitment of all staff at Standing Together*
- *Court Clerk is very informed about domestic violence issues*
- *Bench read all PSRs in advance. Appropriate bail conditions of “no contact” with victim.*

A list of the visitors’ agencies is given in **Appendix 3**

Appendices

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Appendix I

Process map of the Specialist Domestic Violence Court at West London Magistrates Court



As agreed in the protocol, intimate partner violence cases from Hammersmith & Fulham and Kensington and Chelsea boroughs, appearing in West London Magistrates Court (WLMC), are listed in Court 3, every Thursday. Court 3 has a secure dock and has TV link facilities. (See The court process below for domestic violence cases that appear on non-SDVC days).

Types of hearings heard

- Bail applications
- Pleas and mode of trial
- Pre-Trial Reviews (PTR)
- Committals (either for sentencing or trial at, for example Blackfriars Crown Court or Old Bailey)
- Sentencing
- Summary Trials – listed in the afternoon in the SDVC.

Note: In cases where there are concerns over the defendant's mental health the case may be remitted to appear at Horseferry Road Magistrates Court.

Cases are identified by a green 'DV' label being placed on the cover of the police, CPS and court files. This identification of domestic violence is done by any of the following: Arresting Officer, Officer In the Case, Custody Sergeant, CJU administration, CPS, Listing Officer or Legal Advisor.

The court process

- Cases identified as domestic violence are listed in to the Specialist Domestic Violence Court (SDVC) on the next available Thursday. Overnight domestic violence cases and Breach of Bail cases could be heard on other days. These will be remanded to the next Thursday to bring them into the SDVC cycle – unless they are indictable only offences and will be sent straight to Crown Court or are breach of bail conditions cases in which case they must be dealt with within 24 hours of arrest.

Personnel

- Domestic violence CPS Prosecutors are rotated to the SDVC
- A Bench and Legal Advisor trained in domestic violence by Standing Together is assigned to the SDVC - District Judges, Magistrates, Legal Advisors are trained in the SDVC protocol and Domestic Violence Awareness

Who attends the SDVC each week?

- A H&F CSU Officer attends to provide assistance to the Prosecutor and to the court
- Outreach Workers from Eaves Women's Aid or Victim Support Service (VSS) make contact with and support women attending court from Kensington and Chelsea
- Advocates from ADVANCE support and make contact with women attending court from Hammersmith and Fulham
- Standing Together's representative monitors adherence to the court protocol, records results (including bail conditions) and notes good and poor practice issues
- Witness/Victim Support
- ADVANCE, Eaves and Victim Support Service make contact with and support women at court
- On non-SDVC days where a woman is already being supported by ADVANCE, the Advocate may attend court to offer support
- Where women attend court on days other than a SDVC day the Witness Service at WLMC will offer support and encourage a referral to the relevant support agency
- Outreach Workers and Advocates can inform the Prosecutor or the CSU Police Officer of any concerns in relation to bail conditions, update on family/civil court proceedings and supply other information that may be useful to the case
- A Domestic Violence Witness Support protocol governs how the different support agencies work together and support agencies meet quarterly (DVWSG meeting) to discuss issues
- The numbers of individuals contacted/supported at court by the support agencies are monitored by Standing Together on a monthly basis and this information is fed back to operational partners of the court through the Court Management Group which meets quarterly.

Court results and information dispatch

A key factor to the SDVC is the prompt notification of court results and changes to bail conditions to victim/witnesses.

On SDVC days

- Where the victim/witness is being supported by Eaves, VSS or ADVANCE, the worker will contact the victim via telephone whilst at court to notify them of the result and bail conditions
- The pink bail form is passed by the Legal Advisor to the Standing Together representative and the bail conditions are recorded on to the Standing Together case form relating to that defendant
- The completed forms are then passed to the Witness Service who will fax them through to the relevant CSU area
- Copies of the faxed forms are also taken by the Standing Together representative

- After faxing the forms, they are filed in a secure cabinet within the Witness Service Office (in WLMC)

On non-SDVC Days

- The pink bail form is passed by the Legal Advisor to the Witness Service
- The Witness Service adds information to any existing file or make up a new file
- Bail information and result of the hearing is then faxed to the relevant CSU and the Standing Together office
- If the victim/witness is known to be in contact with a support agency Standing Together will ring the agency to notify them of the result

Sentencing

- District Judges are able to reserve cases for sentencing that they may have presided over the trial
- Expedited Sentence Reports (ESRs) are not permitted to be used in the SDVC
- A “full” Pre-Sentence Report (PSR) is to be requested to include an assessment for the domestic violence programme IDAP (Integrated Domestic Abuse Programme)
- If a PSR is ordered for a defendant who lives in the Askew Road Probation Office catchment area [Hammersmith & Fulham Borough], the report will be prioritised and will be written by a Probation Officer trained in domestic violence - this may not necessarily be the case in other probation areas
- When writing the PSR, Askew Road Probation Officers would contact ADVANCE to establish if they are supporting the partner to assist the assessment
- The numbers of perpetrators sentenced to attend a Community Rehabilitation Order/Community Sentence with a condition to attend IDAP are collected on a monthly basis and this information is fed back to the court’s operational partners
- When a Restraining Order is imposed the court give a copy to the Standing Together representative, (on non-SDVC days it is given to the Witness Service), so that this can be forwarded via the support agencies or via the relevant CSU to the victim

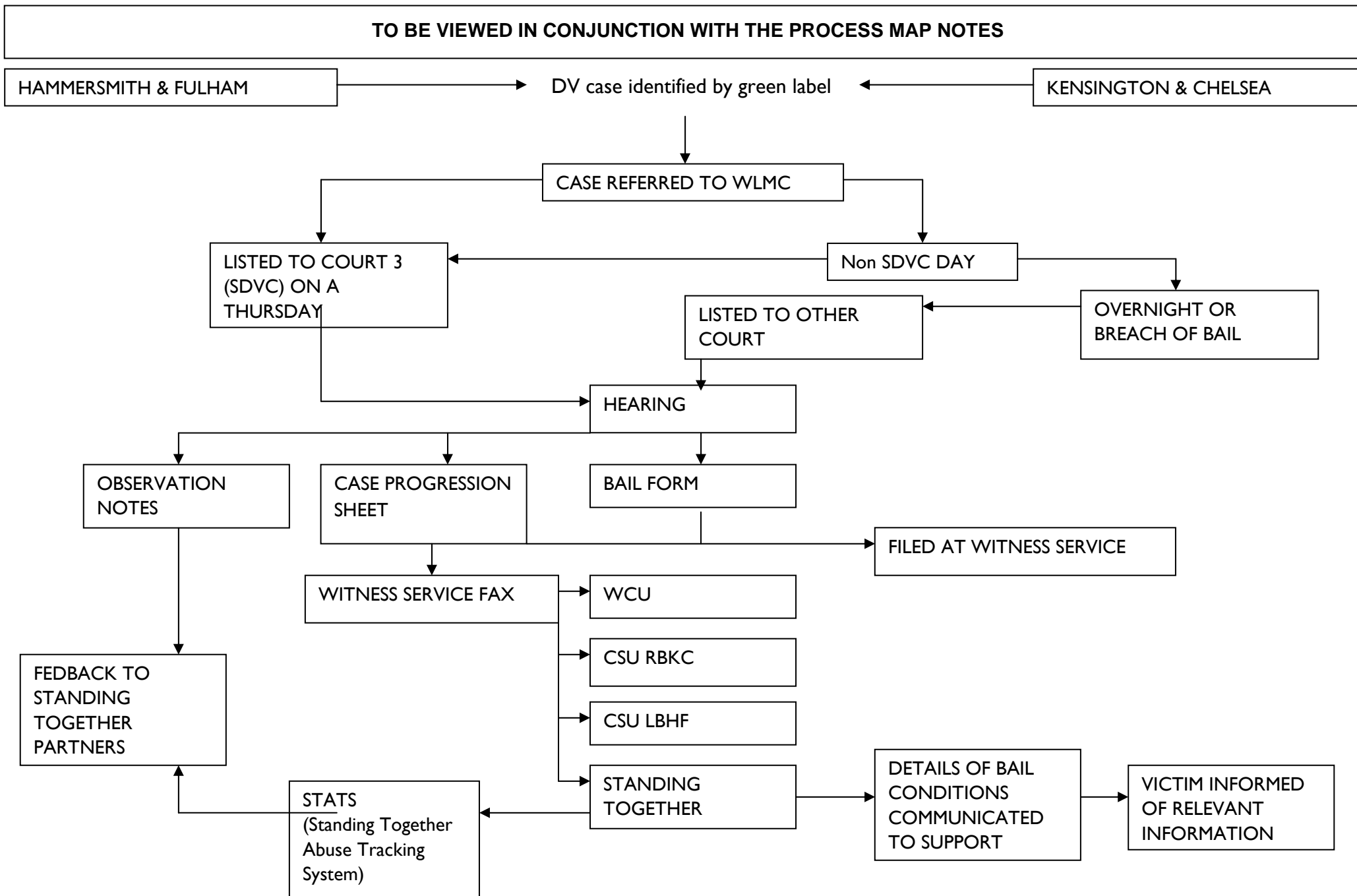
Supporting structures

- CAD room alerts linked to victim and offender details as part of the “Special Scheme” are agreed at the monthly Operations meeting facilitated by Standing Together and attended by representatives from Hammersmith and Fulham Police CSU, ADVANCE and the CPS domestic violence Prosecutor
- The SDVC is managed via a quarterly Court Management Group and has representatives from the court’s operational partners (Police – both H&F and K&C, CPS and West London Magistrates Court) and the Domestic Violence Witness Support Group (DVWSG)
- The DVWSG also meets quarterly and is attended by representatives of the victim/witness support agencies – ADVANCE, Eaves Women’s Aid, The Witness Service and Victim Support Service, K&C

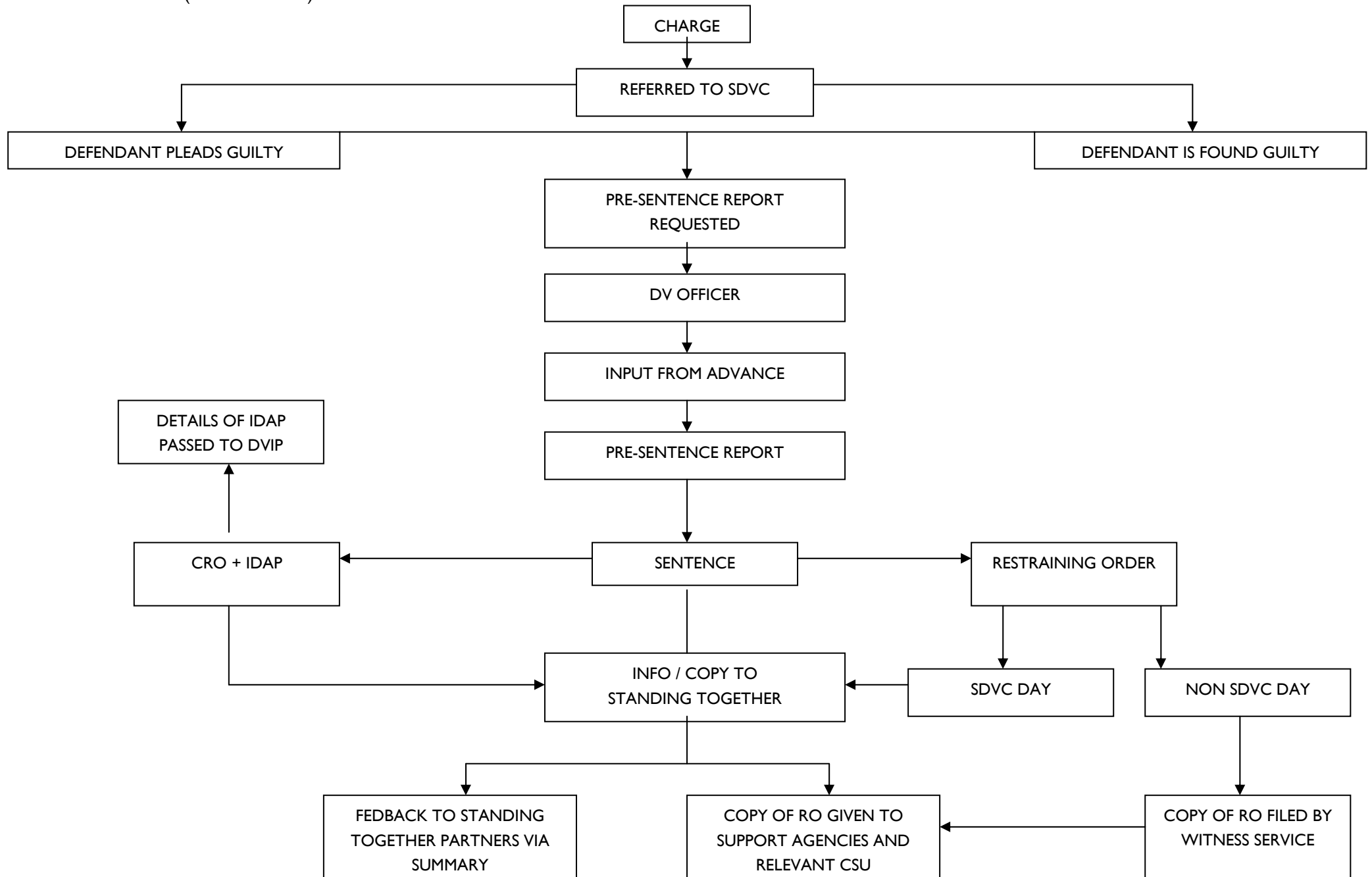
- These meetings are convened and serviced by Standing Together
- Data sharing
- Domestic violence incidents are inputted on to STATS by Standing Together's Data Development & Tracking Officer
- The court result forms completed by Standing Together are used to update STATS
- On a monthly basis the WLMC Performance Team forward details of every domestic violence case heard at WLMC to Standing Together
- This information is then entered on to the Standing Together database and analysed for reports to the Court Management Group, Standing Together's Steering Committee and Operations meetings. This information is also forwarded to project funders.
- Case information from WLMC is also used to track cases committed to Blackfriars Crown Court and cases remitted to other Magistrates Courts, e.g. Horseferry Road & Marylebone.

Evaluation

- Weekly and quarterly summaries of observations at the SDVC are written by Standing Together and distributed to the SDVC operational partners
- The SDVC is reviewed annually; One Year On report is available on Standing Together's website – www.standingtogether.org.uk.
- Verbal and written feedback from victim/witnesses who have used the SDVC is encouraged and gathered (where possible) via the DVWSG. Comments are recorded on the SDVC victim/witnesses feedback form or gathered by Standing Together's Project Administrator. These comments are regularly analysed and are included in reviews of the SDVC.
- Survivor consultations are regularly organised and conducted by Standing Together to ensure that the survivor is placed at the centre of the change process so to generate effective procedural and institutional change
- A safety audit of the SDVC has been conducted by members of the DVWSG.



COURT PROCESS (SENTENCING) – INFORMATION TRAIL



Appendix 2

Partner Agencies and their representatives in the Court Management Group

- Neil Blacklock Manager - Domestic Violence Intervention Project
- Martin Carter Senior Legal Adviser - West London Magistrates Court
- DI Jeremy Coleman Community Safety Unit - K&C Metropolitan Police
- Charlotte Collard Coordinator - Witness Service, West London Magistrates Court
- DS Steve Collins Community Safety Unit - H&F Metropolitan Police Service
- Arlene De Silva Senior Crown Prosecutor - CPS Hammersmith & Kensington
- Tiffany Hall Manager - H&F Witness Care Unit
- Sharon Harambee Snr Probation Officer - London Probation Area, Askew Road
- DI Colin Jones Community Safety Unit - H&F Metropolitan Police Service
- Jan Lesser Head of Legal Services (Bench Legal Manager) - West London Magistrates Court
- Sylvana Perdoni Borough Manager - H&F Victim Support Scheme
- Chief Insp.
Bob Rowlands Criminal Justice Unit - H&F Metropolitan Police Service
- Standing Together against Domestic Violence
- Wendy Willams Sector Director - Crown Prosecution Service Combined Unit

We also acknowledge the valuable contribution made by the following people who represented partner agencies on the Court Management Group during the past 18 months, and have now moved on:

- Heather Miller London Probation
- Charlie Wren H&F Police CSU

Appendix 3

Visitors to the court, December 2003 to November 2004

Baroness Ashton	Northumbria Police, Berwick
Brent Community Safety Team	Outreach Service of East Surrey Domestic Violence Forum
Bristol University - Professor Marianne Hester and Nicola Westmarland	Parsons Green Walk In Centre
Central Hertfordshire Magistrates	Reigate Police
CPS EDU-DV Project Board	Richmond Magistrates
CPS London Diversity Manager	Richmond Magistrates Court
Community Safety Unit, Kensington and Chelsea Police	Richmond Witness Support
Community Safety Unit, Royal Borough of Kensington and Chelsea Town Hall	Southwark Council
Criminal Justice Unit, Gildewell	Surrey Women's Aid
Criminal Justice Unit, Hammersmith & Fulham Police	SW London Courts
Croydon Magistrates Domestic Violence Panel	Thames Magistrates, East London
Domestic Violence Intervention Project	The Home Office
Eaves Housing for Women	Turnaround Domestic Violence Charity
Eaves Women's Aid Solicitor	Uxbridge Magistrates
Harrow Council for Racial Equality	Victim Support, Ealing
Hertfordshire Police	Victim Support, Kensington and Chelsea
Hong Kong Social Services	Victim Support, London
Judge John Barker	Victim Support, Merton
Magistrates Association	Walsall Community Safety Bureau
Magistrates Magazine	Wandsworth County Court
Middlesborough Police	Wimbledon Magistrates
Mothers Union, London	Witness Service, Wimbledon Magistrates Court
	Witness Support, Kingston
	Women's Support Network, Middlesborough
	Women's Trust, Westminster

Appendix 4

Agenda for Review, November 2004



Two Years On

**Review of the second year's operation of the Specialist Domestic Violence Court
at West London Magistrates Court
November 23 2004 10.00 – 13.00**

PROGRAMME FOR THE REVIEW

- 9.45 Coffee and registration
Welcome – Chair: Jan Lesser; Facilitator: Peta Sissons
Overview and progress since last Review – Beryl Foster
- 10.20 Annual statistics report – Tanya Borsi
Questions and comments
- 10.40 Annual summary of observations – Adebola Jay-Alechenu
- 10.50 Views of partner agencies:
 - Police - Hammersmith and Fulham
 - Kensington and Chelsea
 - Crown Prosecution Service
 - Domestic Violence Witness Support Group
 - West London Magistrates Court
 - Probation Service Hammersmith and Fulham
 - Integrated Domestic Abuse Programme (Domestic Violence Intervention Project)
 - What survivors have said about the court
- 11.15 Coffee
- 11.25 Discussion and agree priorities for action planning
- 11.45 Group discussion
- 12.30 Report back
Decisions about next steps
Agreement re confidentiality and report of Review
- 13.00 Close

Appendix 5

Glossary

Glossary of abbreviations used in this report

ABH	Actual Bodily Harm
ASBO	Anti-Social Behaviour Order
CJU	Criminal Justice Unit of the Metropolitan Police
CPS	Crown Prosecution Service
CRO	Community Rehabilitation Order
CSU	Community Safety Unit of the Metropolitan Police
DJ	District Judge
DVIP	Domestic Violence Intervention Project
DVWSG	Domestic Violence Witness Support Group (convened by Standing Together and made up of all the H&F and K&C voluntary sector agencies who support victim/witness at the SDVC)
ESR	Expedited Pre-Sentence Report
FME	Forensic Medical Examiner
GBH	Grievous Bodily Harm
H&F	Hammersmith and Fulham (or LBHF)
IDAP	Integrated Domestic Abuse Programme (run for Probation)
JP	Justice of the Peace
K&C	Kensington and Chelsea (or RBKC)
NEO	No Evidence Offered
PSR	Pre-Sentence Report
SDVC	Specialist Domestic Violence Court
STATS	Standing Together Abuse Tracking System
WCU	Witness Care Unit (based within the police CJU)
WLMC	West London Magistrates Court

Standing Together publications

A list of all Standing Together publications can be found on the website:

www.standingtogether.org.uk

