



BRIEFING PAPER

SPECIALIST DOMESTIC VIOLENCE COURT

NUMBER 3

SURVIVORS' VIEWS 2005-6

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Briefing Paper 3: Survivors' Views 2005 – 6

Why feedback is important:

Feedback from victim/witnesses who have experience of the Specialist Domestic Violence Court (SDVC) is important to keep survivors' voices at the heart of our work. The aim of gathering feedback is to inform us of areas where we may be able to improve practice at the court and to get feedback on the changes we have made in practice; to know what we are doing well, so that we can do more of it, and where there is room for improvement. Underlying all of this is the fundamental aim to increase the safety of victim/witnesses.

How we got feedback and who we got it from:

Between August 2005 and March 2006, victim/witness support agencies and Standing Together have collected 27 forms and comments, in a feedback book in the Witness Service room, from different victim/witnesses who have used the SDVC. Standing Together also consulted survivors of domestic violence in two face-to-face consultations in November and December 2005.

Of these 27 forms/entries collected:

15 were forms

12 were comments/entries in the book at court

All but 1 were written on behalf of the victim/witness by a worker from their supporting agency – most were written third person, some were first person i.e. quoting the woman's own words.

Which agencies provided support:

- 15 were supported at court by the Witness Service
- 13 were supported by ADVANCE
- 4 were supported at court by Eaves
- 1 was supported at court by Victim Support

NB: We have not received feedback from every victim/witness during this period and therefore all agencies would have supported more people than these figures show. Some victims/witnesses were supported by the Witness Service as well as one of the other support agencies.

Types of Hearing for 15 feedback forms collected:

10 were at court for a trial

2 for breach of bail

1 for sentencing

1 for a pre-trial visit

1 for an unspecified hearing

Safety:

10 felt that their safety concerns were taken into consideration

1 person felt that they weren't (no comment on how they might be improved)

4 did not specify

Previous experience of court:

11 had never been to court as a witness in a domestic violence matter before, 2 had, and 2 did not specify.

Information about court:

10 said they did receive enough information about what would happen at court
1 said they didn't
4 did not specify

Information post-court:

11 said they had enough information about what would happen next after their court appearance
1 said they didn't
1 was not applicable (was filled in following an orientation visit)
2 did not specify

Support from advocate/support worker:

10 did have an advocate/support person in the courtroom/video link room with them
2 did not (it was a breach hearing)
1 only accepted support (from Eaves) after she'd given evidence
2 did not specify (but one victim/witness was supported throughout her case generally by ADVANCE and WCU)

Pre-trial/orientation visit:

2 did have an "orientation visit" to the court before their court date
8 didn't
1 had had one on for a previous court date
1 was offered but refused
3 did not specify

Qualitative feedback:

Comments recorded by support agency staff in the feedback book were unprompted, i.e. they did not respond to a specific question about the victim/witnesses experience at court but gave a general response. The feedback forms on the other hand asked about specific issues (as above) by using tick boxes with some room to elaborate. The following draws out issues from unprompted comments made in both the comment book and the forms:

Support

Orientation visits:

Victim/witnesses appreciated the opportunity to visit court before their appearance and have any questions that they had answered (6 comments on this):

"[She was] quite anxious, pleased for opportunity to look around building to have questions answered."

Another comment said that the victim/witness was very nervous but *"thankful of the chance to look around"* before the trial.

Support throughout the case and with collaboration of all agencies:

There was positive feedback in general on the support victim/witnesses got from their agencies or/ and the Witness Service on their pre-court visit/day of court appearance. Some comments included:

- ADVANCE's support was *"amazing and really helpful... [it] helped to keep her strong and protect her."*
- *"[She was] very pleased with court visit and opportunity to look around. Very grateful for support available from all organisations."*
- *"The support of ADVANCE was invaluable, as well as Steve Collins (CSU officer)"".*
- *"I would not have come to court without ADVANCE's support. I had thought about withdrawing."*

This latter comment echoes the sentiment behind other comments made, that support *throughout* the case, not just on the day of court, is essential to a survivor of domestic violence:

- *"I found ADVANCE helpful and supportive, they kept in contact throughout the case, as had the Witness Care Unit."*

This is also reflected in feedback from Eaves from a woman they approached at court (Eaves provided support to her after this as well):

- *"Although police did give her information regarding special measures, etc, she felt scared to come to court and would have liked earlier support re solicitors, counselling etc."*

This feedback makes apparent that the cooperation of and support from all agencies working together – the police Witness Care Unit and Community Safety Unit, the court, advocates, outreach workers, and the Witness Service – contributes to the victim/witness's willingness to pursue criminal proceedings.

▪ **The support worker's knowledge of the CJS – and just their presence pre/during/post trial:**

The ability of the support worker to explain court processes, to answer questions, to sit with the victim/witness, as well as appreciation of the worker's presence in the courtroom, came across strongly – 5 comments mentioned one of these factors.

- *"[She was] grateful for accompaniment into court whilst giving evidence, as well as secure waiting place before and after giving evidence."*
- *"ADVANCE have helped a lot today, have been so helpful and supportive... grateful that they sat in the room and explained processes... feel quite shaken, grateful that ADVANCE were there."*

One comment written by the Witness Service Coordinator demonstrates how crucial the support at court is, and presence of a support worker in the courtroom can be, to the trial going ahead:

- *"[She] was very upset and angry at the defence. [I] managed to calm her down and she finished giving evidence with me in court with her".*

▪ **Extra steps to ensure victim/witness safety:**

Extra steps that support agencies went to make the victim/witness safe and reassured, such as meeting the victim at the tube station and showing her in through the back entrance, and helping her get to court, were also noted. Feeling safe - being able to sit in a "secure" waiting place before and after giving evidence - was important. The Witness Service also noted that victim/witnesses were pleased with support provided after, as well as before, the trial.

Conversely, the last consultation with survivors (Speaking Up, 2005 – 6) showed that one victim/witness felt intimidated by police personnel who had phoned her following her request for screens when giving evidence; this had made her question whether she could go through with it. Although she did give evidence in the end, without the screens, it shows how crucial treatment by personnel from other agencies, as well as by support agencies, is to the victim/witness:

- *"I've been round the court and everything and they asked me if I wanted screens, then I had that police officer ring me. Apparently you have to write a statement to get the screens and he was saying that he*

did not know if we could get it done in time. He made me feel like I was overreacting and I don't even want to return his call now. So I will go there and do without the screen."

Support includes all agencies keeping the victim/witness informed:

There were two cases where the victim/witness appeared to lack information from the police prior to the trial. One feedback form records that she was "shocked" at finding out she needed to be a witness, she had thought that "the police would be enough". The form goes on more positively however to say that:

- "[She] was told she could leave straight after evidence given and this was great relief to her".

The other case where the victim/witness gave negative feedback was in March this year. This woman did not have advocacy or outreach support, and it is evident that the victim/witness felt uninformed throughout the CJS process and was shocked, and angry, at being witnesses summonsed the night before. In answer to whether she had enough information about coming to court she states:

- "I had no information whatsoever, so any information at all would be an improvement".

The ordeal of being in court:

One factor which jumped out in both one of these feedback forms and from the majority of the survivors in the consultation was the victim/witness's discomfort in being able to see the defendant and in being seen by the defendant – not just in the actual courtroom but over the live video link as well:

"[The] defendant should not be able to see witness even over video link. She felt a sense of him watching and waiting, like he does with the harassment."

The survivors who took part in the consultation last year put the psychological effects of the defendant's presence in the courtroom as one of the reasons for fearing giving evidence:

- "I had to go there and give evidence, but I was so frightened – more so of seeing him and being in the same room as him than I was of the judge or prosecution or being cross-examined."

- "I'm scared that I am not going to tell everything because he is there looking at me."

- "That would have been brilliant, if you could go to court and give evidence without having to face him. That's the only thing that frightened me, the only thing stopped me going to court before, not being cross-examined, it was just having to sit there in the same room as him. He was not looking at me but he would make noises. I knew that he was there to intimidate me. He was talking about a death in my family really loud and I was amazed he was allowed to do this. I got really upset and was going to walk out because I was so frightened."

Even with special measures in place, court can still be a difficult ordeal for victim/witnesses. One victim/witness who gave evidence by video link, who was supported by both ADVANCE and the Witness Service, still found the experience very difficult and when asked how the experience could be improved, wrote:

- "Just to be reminded how long and horrible it would be. It was worse that I imagined."

In contrast, another victim/witness who gave evidence, who only accepted support from Eaves after giving testimony, said:

- "[She] was glad she appeared as witness although stressful she is willing to appear again if necessary".

Room for improvement:

Whilst there was much positive feedback about the court and agencies within the criminal justice system, there were some negative comments and disappointments with the system. In one case, a breach of

bail hearing, the victim felt that CPS had *put forward the same case as the defence*” and that the *“defence commented “thanks” after CPS put case*”.

On the practicalities/procedures of the court/CJS, the following comments were made:

- *“Victim welcoming of support, however angry at CJS.”*
- *“Grateful for support, annoyed by giving evidence from court 5.”*
- *“There was too much time between charge and trial”* (dated 09/12/2005).
- *“[Victim/witness] had a handwritten copy of her statement whereas everyone else had typewritten copy”.*

Feedback from just two of the forms/comments show that the victim/witness felt that justice had not been served. In one case the victim/witness was *“angry at the CJS”* and in another she felt that the custodial sentence given would not achieve anything; a rehabilitation order would be better.

Was it worth it?

When an abuser is successfully prosecuted, as one survivor put it, “there is justice”:

“I know it’s not for long but it is worth it because I had never done it before [testified in court] because deep down I must have hoped it would work out... [but] I had to let him know. I had to do it for my kids. When I came out of court I was ecstatic, I was jumping up and down, kissing the barrister, kissed everyone!”

No matter how severe the abuse in the past has been, survivors who experience the court process where their perpetrator is found guilty feel a huge sense of relief. They feel a pride in themselves and a trust in the criminal justice system not previously felt before.

- from *Speaking Up: Survivors experience of policing as part of a coordinated response to domestic violence, 2006*

Improvements to feedback collection:

We have now improved our system for getting feedback through:

1. Redesigning the feedback form so that it asks specific questions and asks about what we are doing well and what we could improve
2. Putting together a feedback pack containing a letter from Standing Together, the improved feedback form, and an SAE that support workers give to a victim/witness after her court appearance. Recognising that many victim/witnesses are too upset to fill in a feedback form after their court appearance, they can now take it away, fill in and return when it suits them.
3. Contacting women who give us permission on the feedback form to take part in a confidential, one-to-one follow up phone consultation with them.

Report by Amy Sutton, Project Officer, June 2006.