

Effective Interventions in Domestic Violence: *What Can Magistrates Do?*

Report of a workshop held for London Magistrates

West London Magistrates Court
September 29, 2001

and

Crossovers Between the Civil and Criminal Justice Systems

**Report of the Standing Together Walkthrough
Exercise**

January 9, 2002

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Foreword

This report, *Effective Interventions in Domestic Violence: explorations in improving the justice system response*, draws together the findings from two exercises that Standing Together has undertaken to develop the civil and criminal justice response to domestic violence.

Part 1, *Effective Interventions in Domestic Violence: What Can Magistrates Do?* summarises the content and outcomes of a workshop held for London Magistrates on September 29, 2001. The aim of the workshop was to promote discussion between those closely involved with the system, in particular, Magistrates and those working closely with survivors of domestic violence. The workshop was a success with a large attendance by the Magistracy, positive feedback and an abundance of ideas generated.

After the workshop, Standing Together met with the West London Magistrates Court Justices Clerk, Helen Parry and the Justices Clerk at the Inner London and City Family Proceedings Court, Audrey Damazer, to discuss how to progress recommendations from the day. It was agreed that five areas would be focussed on, with crossovers and links between the civil and criminal justice systems identified as a key area. The result was the development of an exercise which was designed to examine how the two systems cross over, how they work together and how that might be improved. The report of the exercise is documented in Part 2 of this Report, *Crossovers Between the Civil and Criminal Justice Systems: a summary of the follow on exercise organised by Standing Together*.

Standing Together wishes to acknowledge the Home Office funding which made both events possible via the Crime Reduction Programme's grant to Standing Together for the 'Making the Law Work for Women' project.

We also wish to acknowledge the support of the West London Magistrates Court and the Inner London and City Family Proceedings Court in the planning and organisation of the workshops and also the financial assistance provided for the production of this report.

Lastly, Standing Together wishes to thank all of the people who have participated in the workshops for generously sharing their time, skills and ideas for improving the justice system's response to domestic violence.

We are delighted that funding under the Hammersmith and Fulham Local Public Service Agreement will enable this work to go forward in 2002/03, in particular via the development of a case management system at the West London Magistrates Court and a dedicated domestic violence list at the court, with links to the Inner London and City Family Proceedings Court.

Part I

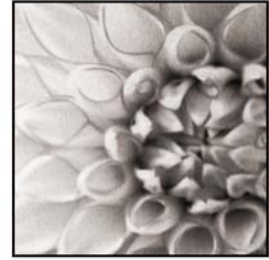
Effective Interventions in Domestic Violence: *What Can Magistrates do?*

Report of a workshop held for London Magistrates

West London Magistrates Court
September 29, 2001

Section One

Introduction



This report summarises the content and outcomes of the workshop for London Magistrates, *Effective Interventions in Domestic Violence: What can Magistrates Do?*, which took place on September 29, 2001.

The workshop was organised by Standing Together Against Domestic Violence, with the Clerks of West London Magistrates Court and Inner London and City Family Proceedings Court, who jointly hosted the day. We were fortunate to have as speakers not only members of the Standing Together partnership, but also experts from other parts of the country. Peta Sissons of Awareness in Practice, a founding member of Standing Together, facilitated the day.

Sixty participants attended the workshop including 38 Magistrates, two District Judges, the Clerks of both courts and five Legal Advisors and representatives from a range of agencies. See Appendix IA for a full list of participants. See Appendix IB for the programme of the day.

Objectives of the workshop

Standing Together and the Courts set the following objectives for the workshop:

1. To explore the dynamics, patterns and impact of domestic violence from the point of view of both perpetrators and victims, looking in particular at:
 - Why women don't leave violent men.
 - Why women return to violent situations.
 - The long-term effects of violence and enforced isolation on victims, relating this to how some women may present in court.
 - Perpetrators' use of threats and violence to prevent their partners using the courts or to force victims to withdraw charges.
2. To identify and address the particular nature of this crime; the issues and dilemmas it poses for Magistrates in handling domestic violence cases in the criminal and civil courts; the information Magistrates need; and some practical ideas for effective interventions with perpetrators.
3. To examine the advantages and disadvantages of specialist domestic violence courts and case management.
4. To explore the scope for making links between civil and criminal justice in dealing with this crime.
5. To provide information about Standing Together Against Domestic Violence, the co-ordinated criminal and civil justice initiative in West London, and the key role of the courts in this multi-agency partnership.

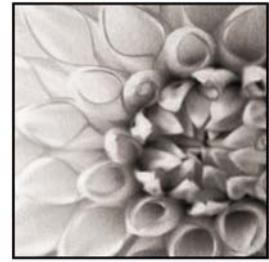
The workshop was funded through the Home Office Crime Reduction Programme's grant to Standing Together for the 'Making the Law Work for Women' project. The project's aims include

improving and developing links between the civil and criminal justice systems, and Standing Together saw the workshop as an important vehicle for taking this forward. We wanted to promote discussion between those most closely involved — Magistrates and those working directly with survivors of domestic violence themselves — about the ways in which the justice system’s response to domestic violence could be improved. The action planning session that concluded the workshop contains ideas that Standing Together and the Legal Advisors are taking forward.

Section Two

Introduction to Standing Together:

Martin Carter, West London Magistrates Court



Martin Carter is a Senior Legal Advisor at the West London Magistrates Court (WLMC). He also acts as a legal advisor at the Inner London and City Family Proceedings Court. Martin represents the Court on the Standing Together Steering Group.

Martin began by summarising key points from the Standing Together definition of domestic violence:

- Violence by one partner or ex-partner towards the other
- Acknowledgement that the vast majority of domestic violence is committed by men towards women
- Men can also be victims of domestic violence
- Domestic violence occurs in same sex relationships

Local and UK Statistics

Research carried out in Hammersmith and Fulham (1996) and since replicated elsewhere found that within a random sample of women:

- 1 in 3 women experience domestic violence from their partner or ex-partner
- 1 in 10 women experienced domestic violence in the previous year

Within the UK, every 3 days, a woman is murdered by a partner or former partner.

Agencies in Hammersmith and Fulham are taking domestic violence more seriously. And yet when agencies shared statistics with each other, it was found that despite the best efforts of individual agencies, the system is still failing to protect women and children. See Appendix 1C.

History of Standing Together Project

The Domestic Violence Forum in Hammersmith and Fulham began looking into a different way of doing things, co-ordinating all agencies in the criminal justice system, based on ideas from the USA, in particular Duluth Minnesota and San Diego California.

The results there have been dramatic. In San Diego the domestic violence murder rate dropped from an average of 30 per year to nine the year they introduced these changes and has continued to fall, now to an average of six per year.

Locally, Hammersmith and Fulham Council commissioned a detailed academic study to examine whether this kind of co-ordinated response could be implemented without changing the law. Entitled *Is Change Possible?*, the research was published in 1998 and found there were no legal barriers to change.

In November 1998, Standing Together's co-ordinated response began in Fulham. In 2001 it went borough wide.

Key partners in Standing Together

- ADVANCE (advocacy service)
- Crown Prosecution Service (CPS)
- Hammersmith and Fulham Community Law Centre
- Hammersmith and Fulham Police
- London Borough of Hammersmith and Fulham (LBH&F)
- London Probation Area (including the Violence Prevention Programme)
- West London Magistrates Court (observer status)

and women's support services:

- Domestic Violence Intervention Project (DVIP)
- Women's Aid

Protocols were developed and set out the detail of what each agency will do.

Aims of Standing Together

- To increase the safety of survivors of domestic violence and their children
- To hold abusers accountable for their actions
- To ensure that the onus for holding the abuser accountable lies with statutory and other agencies
- To send a clear message to abusers and the public that domestic violence:
 - is unacceptable behaviour
 - is a crime
 - will be taken seriously by all agencies

Summary of the key features of Standing Together:

- Police collect enhanced evidence including photos of the scene and/or injuries sustained. Standing Together has trained officers and has now begun another round of training of all officers on the detail of what is expected. A key feature of Standing Together is that the responsibility to respond is the state's not the victim's. (American statistics show that 75% of the time the woman will be unavailable to appear in court or actively recanting).
- Other evidence gathering includes medical evidence and tape recordings of 999 calls that can be admitted as part of the evidence within England and Wales on the basis they are connected with the facts in issue.
- Every victim who contacts the police is offered referral to ADVANCE, the specialist advocacy service. They offer one to one support as her case goes through the criminal justice system.

- CPS work closely with police, and are involved in police training with the aim of improving joint case building.

How are we doing?

- Good news: charges and convictions have increased as a proportion. See Appendix 1D.
- Bad news: the numbers of cases entering the criminal justice system remain very small in the context of the frequency of domestic violence.

Where are we going?

Standing Together has set up two new projects this year [2001], funded by the Home Office Crime Reduction Programme. Key components of the project are:

Health project (Nicole Jacobs)

- a. Staff at Charing Cross Walk-in Centre are screening patients for domestic violence and offer referrals to ADVANCE, who will inform and encourage women to press charges. The Accident and Emergency section will be starting to offer this service shortly.
- b. Standing Together is currently negotiating how to improve not only the quality of medical evidence but also the speed with which it can be obtained. One of the biggest delays in courts usually relates to waiting for medical evidence to be submitted.

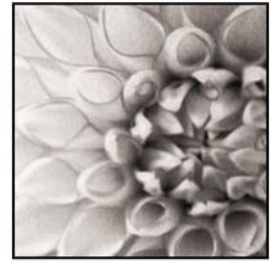
'Making the Law Work for Women' project (Debbie Seaborn and Nicole Hunter)

- a. To increase the number of advocates at ADVANCE; and to ensure that advocates are trained to advise women on civil remedies as well as criminal. In this connection, Standing Together is working with local solicitors on good practice guidelines for solicitors dealing with domestic violence; and has arranged a training session for advocates at Inner London and City Family Proceedings Court, which provides an excellent service for unrepresented applicants seeking Family Law Act orders.
- b. To improve women's safety by providing emergency alarms (mobile phones only able to call emergency numbers).
- c. To improve the quality of police evidence by providing more cameras.
- d. To offer training for those involved in the justice system — today is an example.
- e. To run consultation groups with survivors of domestic violence to ensure that their experiences inform the project. You will hear the results of our first consultation session from the ADVANCE speakers.
- f. And lastly, to look at ways of improving the response of the justice system as a whole (civil and criminal) to domestic violence. That is what today is all about.

Section Three

The Role of the Courts:

Martin Carter, West London Magistrates Court



West London Magistrates Court has observer status rather than full participation within Standing Together and has a representative (Martin Carter) on the Steering Group of Standing Together.

District Judges and Magistrates were concerned about judicial independence and the need to avoid doing anything which might be seen to compromise the right of the defendant in a criminal trial to have a fair trial. Each case has to be decided on its individual facts and circumstances. Hence the Court has not signed any protocols, with one exception relating to the sharing of statistics. However, the Court has made an oral statement expressing sympathy with the aims of the project.

The Court's role in Standing Together is to:

- Inform District Judges and Magistrates of the work of the project so that for instance in *appropriate* cases (not all cases will be appropriate) the court will make a community rehabilitation order (old probation order) or a community punishment and rehabilitation order (old combination order) with a condition to attend a Violence Prevention Programme, such as that run at Camberwell Green. Note that this is a specialist programme for perpetrators of domestic violence, and is not the same as anger management.
- Encourage Magistrates to consider requesting pre-sentence reports (PSRs) in all cases where the defendant pleads or is found guilty, so that an order as above can be considered.
- Encourage Magistrates to see cases of domestic violence as serious enough for a community penalty.
- Provide statistical information to the Standing Together project that is Data Protection Act compliant.
- Ensure that the sensitive witness facilities of the Court can be made available to vulnerable victims/witnesses.

Martin reminded participants that the Magistrates Association Sentencing Guidelines have been amended to make reference to 'vulnerable' victims, which would include those subject to domestic violence.

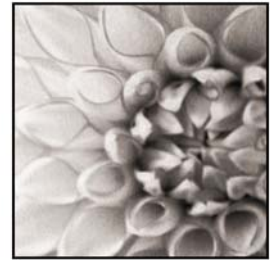
Conclusion

Today is a chance to hear about ideas for change, and to come up with ideas for change in London. Standing Together is being partly funded by the Home Office, specifically to look at ways of making effective links between the civil and criminal justice process. This workshop is a first step in this process and participants can regard Standing Together staff as a resource to take forward ideas from today.

Section Four

The dynamics of domestic violence:

Peta Sissons, Awareness In Practice



Peta has been involved with Standing Together from the beginning as a founding member of its Steering Group. Her involvement with work on combating domestic violence in Hammersmith and Fulham goes back further still. She currently works as a trainer with statutory and voluntary organisations on domestic violence issues.

Key points in her presentation were as follows:

Introduction

- The Triangle diagram (see Appendix 1C) in the handout shows how the criminal justice system fails to hold all except a minority of abusers accountable.
- It is important to acknowledge that those present today will include survivors of domestic violence. Many of us may be survivors ourselves or know someone affected. Survivors are not “other people”, in some way different from ourselves, and it is important to hold on to that fact.
- Most people’s idea of home is that it should be a place of refuge, somewhere to feel safe and to relax. If home is a place of danger then the whole of one’s experience of life will be very different.
- Most domestic violence takes place “in the privacy of the home” — in secret and it is in the interest of the perpetrator to keep it that way.
- It is increasingly recognised that domestic violence is not a private matter, but a legitimate concern for the community and for the justice system. But in “lifting the roof off the house” in order to intervene, we need to recognise what a dangerous and complicated process that is.

Defining the issue: what domestic violence is *not* about.

- It is *not* about unhappy relationships. Those exist but they are not illegal.
- It is *not* about the perpetrator’s misuse of drugs or alcohol;
- Nor about his experience of abuse in his childhood;
- Nor about his unemployment or other problems;
- And it is important to highlight the fact that no religion says domestic violence is acceptable, despite the mythology which exists about this.

What domestic violence *is* about

- The Power and Control Wheel developed by the Domestic Abuse Intervention Project in Duluth, Minnesota (the inspiration for Standing Together) sums up Standing Together’s understanding of domestic violence. See Appendix 1E.

- The controlling behaviours which form the spokes of the wheel are not in themselves physically violent. Rather they are held together by the violence.
- Our understanding of domestic violence is that it is the conscious exercise of power and control by the perpetrator over the victim.

Participants watched an extract from a television production of *'The Family'* based on the book by Roddy Doyle. The scene (mother and children at home eating supper, the father/husband arrives) is disturbing and clearly shows his controlling behaviour and its effects on the children and his partner.

However, although there was physical violence, participants agreed that it would not get in to the criminal courts. They thought that, if at all, the family situation may in the future come to the family court due to divorce and child contact.

Why doesn't she just leave him?

Participants divided into groups to discuss the dilemmas survivors of domestic violence face in thinking about leaving. Half the groups looked at the gains from leaving, half looked at the losses.

In the discussion which followed, it became clear that the losses from leaving are immediate and very concrete; while the gains are long term, intangible, and not guaranteed.

Peta pointed out that safety is not guaranteed by leaving:

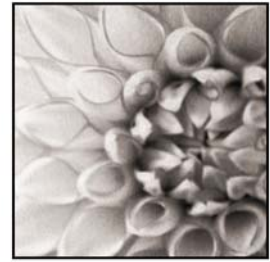
- US statistics show that 70% of domestic violence murders happen after the woman left her partner;
- Leaving is very dangerous for women.

She concluded this session with a quote from a survivor, which illustrates the degree of power and control that commonly exists in violent relationships: "I didn't leave because he didn't say I could."

Section Five

Women Survivors' Experiences:

ADVANCE representatives Emma Aynsley, Lola Lakoja, and Sophie Wadleigh



ADVANCE is a crucial part of Standing Together. They are a specialist service that offers individual advocacy and support to every domestic violence survivor who contacts police (and also specific health service settings) in Hammersmith and Fulham.

In speaking about survivors' experiences, ADVANCE staff drew not only upon their own knowledge based on their casework, but also on a consultation exercise undertaken by consultant Vicky Grosser on behalf of Standing Together. Consultations are being carried out this year [2001] in order to hear directly from survivors on aspects of the partnership's work. In July the consultation topic was experiences of using the courts, and ideas for improvements.

ADVANCE'S Service

- ADVANCE has four staff.
- They can take referrals 24 hours a day, every day.
- They receive referrals from Hammersmith and Fulham police who offer referral to every domestic violence victim who contacts them and from two health service sites in the borough.
- ADVANCE's specialist service is for women. For people who require specialist services (eg. men, people with mental health issues or immigration problems) they refer on to other appropriate sources of support.

What does ADVANCE do?

ADVANCE supports women by:

- Being available 24 hours a day to talk and take practical action
- Trying to de-mystify legal jargon
- Informing her about her rights and options
- Explaining the help available via the criminal and civil justice systems
- Providing referral to solicitors where appropriate
- Liaising with the police and solicitors on the progress of the case
- Arranging pre-trial visits to court
- Finding out and ensuring the woman is given all the information available
- Advocating on her behalf with service providers eg. the Housing Department
- Helping her to make her own choices

ADVANCE'S Philosophy

ADVANCE believes that domestic violence is a crime. Their starting point will therefore be to support the woman as the criminal case goes forward, whilst advising her on how she can make use of the civil courts to gain protection.

Crossovers Between Civil And Criminal Systems

ADVANCE is aware of a particular problem in making effective use of civil and criminal systems in parallel. Solicitors have advised that when the police are involved in a criminal case, and in particular once bail conditions are in place, legal aid will not be granted to apply for civil protection.

The process of applying for civil orders and injunctions is far quicker than a criminal prosecution, but ADVANCE's experience is that often injunctions are not effective.

Participants supported a change in the law to allow a restraining order to be attached to the sentence for any conviction for domestic violence eg. assault, threats to kill, criminal damage. At present such an order can only be attached where the man is convicted under the *Protection from Harassment Act (1997)*.

Why do women withdraw their statements?

ADVANCE can summarise reasons under two headings — time and fear.

Time:

- If she is still living with him, continuing with the case prolongs and increases the pressure from him and the additional fear this causes;
- If she has left, she wants to get on with her new life and the case is a reminder of the past she is trying to put behind her. Awaiting a court date is experienced as a delay in “getting on with her life”.

Fear:

- Of what he may do as the court date approaches;
- Of the pressure put on her by other family members;
- Of the stress she thinks the case is causing them;
- Of the damage she thinks it is doing to her children;
- Of what may be the result of going to court: women fear that their partner may be found not guilty, with the result that he will feel increasingly empowered to be violent since the system has not supported her in challenging him;
- And at the same time they fear that he may be found guilty and go to prison with negative effects on the children, on the family's finances, and so on. Many women do not want revenge; they just want the violence to stop.
- And they fear that their partner will not be sent to prison and that whatever sentence is imposed will not increase their safety (and may decrease it).

ADVANCE point out that the system is not supportive to the woman and offer the following, which they hope will be seen as constructive criticisms:

- The delays in getting to court and concluding the case, coupled with the fact that the violence and controlling behaviour has often gone on for so long, increase the tendency for women to minimise the violence that has occurred.
- The timing of the case can be very disruptive. The witness warning system can mean she is warned only one night before — and told it may be any of the next 24 days. This makes it very difficult for women to make arrangements for attending court (eg. childcare or time off from work). Women need more notification.

His Honour Judge Pontius, the liaison judge at Blackfriars Crown Court, said that at the Plea and Directions hearing when he fixes a trial date he orders that the witness must be notified of it within seven days of the Plea and Directions hearing, thus allowing 'proper notice'.

- Survivors' experience is that they do not get enough information; the whole process seems to be about the man. Women feel they are "only" seen as a witness to the events and feel marginalised.
- The woman has no form of legal representation, and is not given important information about the progress of the case. Women need to be given information about the preliminary hearings, even though they will not be required to attend.
- The man has a solicitor providing advice all the way through the process. Many women conclude that the court will believe his story rather than hers since he has a solicitor to put his case.
- The court setting is very intimidating for people who are new to it (ie. most victims).
- Long waiting time before being called to give evidence adds to the stress.
- Not all courts have separate waiting areas for victims and defendants.
- When she goes into court as a witness, it is the first time she has been there and she is under pressure immediately in giving her evidence and being questioned. The man on the other hand has been in court several times by then and has had some chance to become familiar with the environment and who is who.
- Women often do not know who the CPS prosecutor is, yet they start to ask her questions. Women do not know whose side the prosecutor is on, and may assume s/he is the perpetrator's lawyer.
- Need to have more routine use of screens to protect the witness — it can be terrifying and intimidating to see the perpetrator.

*Judge Pontius said he can order screens to be used **only** where there has been an application from the CPS based on a statement by the witness that she is in fear. But he wants police, ADVANCE and victims to know that wherever he does have such an application he can order the use of screens.*

Helen Parry said that screens are possible in the Magistrates' Court on the same basis but that the situation will improve once the relevant section in the Youth Justice and Criminal Evidence Act comes into force, giving the courts the power to make an order for the use of screens of its own motion.

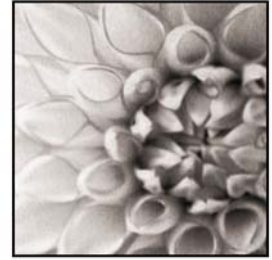
Judge Hamilton uses a system where the CPS files are marked with a sticker if they are a domestic violence case so that the need for additional support for the witness can be identified.

- Last minute plea bargaining or offers of undertakings are confusing and highly stressful. Women often do not realise they have any choice at all or feel pressurised into accepting what is offered without any understanding of the consequences. ADVANCE feel that plea bargaining does not take into account the women's perspective or needs.
- Time allocated for the hearing is often too short, resulting in an adjournment and more delay, which prolongs the ordeal.
- Often women are not informed of the outcome of the court case.
- Getting results quickly from the court about bail conditions has been problematic, yet it is essential so that the woman and her advisers can know whether/what protection is in place.
- Bail conditions are often not adhered to. It would be wrong for courts to assume that if they are in place she is protected.
- Restraining orders are often not adhered to.
- Compensation orders were found to be problematic — they prolong the contact that the survivor has with the perpetrator.
- ADVANCE and the survivors who took part in the consultation were enthusiastic about protection orders, which can make a long-term contribution to safety.
- The overall conclusion is that the justice system is asking a lot of women with little support for her, or benefit.

Section Six

Interventions with perpetrators:

Paul Teft, London Probation Area and Neil Blacklock,
Domestic Violence Intervention Project (DVIP)



Paul Teft — London Probation Area

Paul was involved in the development of Standing Together and has been a member of the Steering Group since it began. He runs London Probation Area's specialist domestic violence group work programme. Standing Together supports this programme as an effective sentencing option.

On average the perpetrator has been violent thirty times before getting into court. Yet 80% of perpetrators say the incident they are accused of is the only time it has happened, and that it was the result of a sudden temporary loss of control.

Paul outlined reasons men give for their violence:

- Drink
- Anger
- Drugs
- Volatile nature of the relationship

In fact, it is about control and the conscious decision to be violent, and the programme enables men to see their violence as using control not losing control. The misconception that drug and alcohol use or anger problems are direct causes of violence is challenged in role plays and re-enactments.

Key facts about the programme:

- 1) It is not an alternative to prison — not a soft option.
- 2) Prison does not contain these men. The whole atmosphere is misogynistic and they continue to exercise control over their partner from there.
- 3) The course consists of 26 weekly group work sessions lasting two and a half hours. There is no waiting list. Staff want the men to start attending *immediately* after court appearance, because of the danger they represent to their victim at that point.

What is the programme like?

Every session begins with a "Check In". Everyone attending is asked:

- Your name, your partner/ex partner's name
- Name and ages of children
- Why do you want to change?
- Any violent or abusive behaviour since last session?

- What have you used from the programme this week?
- Describe your most serious act of violence, including injuries caused, weapons used.
- Anything to raise from the last session.
- How are you feeling today?

And at the end of the session there is a “Check Out” where they are asked:

- Something positive you’ve learned from the session.
- Something you’re going to put into practice this week from the course.
- Something you’re looking forward to doing when you get home.

The content of the sessions is based on research that has identified seven stages in the build up to the act of violence.

Each man has to role play an episode of violence he has committed and the seven stages are pointed out and discussed in the group.

Effectiveness of the Programme

Since October 1997, 102 men have completed the programme, of whom five have re-offended. Four of the re-offences occurred against a subsequent partner and one against the ex partner.

Paul emphasised that although these statistics are good, it is important to hear directly from women about their experiences during and after their partner is taking part in the programme. Partners and ex-partners are offered support and their experience informs the development of the programme.

40% of men do not complete the programme. Of this 40%, 20% do not start at all and 20% are breached for irregular attendance. Paul acknowledged that enforcement action against these men needs to improve.

Paul invited workshop participants to attend his Centre to watch the group on a live video link and then discuss their reactions with him and his colleagues.

Neil Blacklock — Domestic Violence Intervention Project (DVIP)

Neil gave an overview of DVIP’s services. They run groups for perpetrators of domestic violence, who may be referred by the courts or be voluntary attendees and a women’s support service which is available to any survivor of domestic violence in Hammersmith and Fulham or Westminster and which particularly keeps in contact with partners of men attending groups.

The Safe Contact Project began in May 2000. The project was in response to growing evidence of post separation violence, the Hester-Radford research on violence during child contact and DVIP’s own experience of men’s attitudes towards seeing their children post separation.

It is a partnership project involving DVIP, the ex-Middlesex region of CAFCASS, and the Coram child contact service. DVIP offer risk assessment on men referred by the family courts to help their consideration of contact issues. In appropriate cases contact if granted can be supervised by the Coram child contact service.

The Lord Chancellor’s Department has produced good practice guidelines on contact in cases where there is domestic violence, and the Safe Contact Project aims to fully comply with these.

Safe Contact Project Protocols

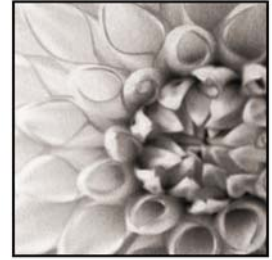
Neil asked Magistrates to be aware of and act in accordance with the project's protocols, which are as follows:

- Where there is an allegation of domestic violence, the court needs to make a finding of fact about it.
- If there is the possibility of men attending a perpetrator programme, it should be one that meets the guidelines set by the national association, Respect.
- If considering a report on a man's attitudes, behaviour and risk, only accept reports from DVIP. DVIP's risk assessment reports aim to provide the courts with the most definitive information possible regarding the applicant's history of behaviour and attitudes, and analysis of risk and how that risk may be affected by particular interventions. Traditionally, reports from mental health professionals are asked for in these cases, which can be variable in quality and do not focus on risk and risk management options.
- Do not accept arrangements reached by solicitors outside the court where they contradict the recommendation of the welfare report.
- Findings of fact on domestic violence should be shared with the criminal justice system.

Section Seven

Links between civil and criminal:

District Judge Marilyn Mornington



The following is an extract DJ Mornington's presentation. For a copy of the full text please contact Standing Together.

Many people feel very uncomfortable about the whole issue [domestic violence]. If we accept the statistics we have to face the uncomfortable fact that a large section of society lives in a state of terror in the place that should be their refuge, the home, with all the damage that entails. This can feel like a challenge to our whole belief about the nature of the family.

I was a family barrister for sixteen years and like all professionals that I have worked with in the field of domestic violence I had many of those misconceptions to my shame and to the disadvantage of the families I represented. I have now been involved in and studying research on domestic violence for the last seven years.

In which areas of your work do you need to be aware of the impact of domestic violence?

I. Residence and contact cases

Until recently many considered that our Family Courts did not deal effectively with the issues involved in child contact and residence where domestic violence was raised and that the problem was largely swept under the carpet and our courts failed to protect mothers and their children from ongoing abuse perpetrated through contact.

A sea change began about two years ago led from decisions of the High Court and, in particular from Mr. Justice Nicholas Wall. Due to mounting disquiet the Family Law Advisory Board put out a consultation paper on contact between children and violent parents which resulted in a much acclaimed report with recommendations for change to the Lord Chancellor. This has been followed by a further consultation paper investigating the issues of enforcement of contact and the inadequacies of our present system in dealing with this problem.

Reference is made to the need, at an early stage, for the courts to refer families to other professionals who can more effectively enquire into and heal the rifts than can the adversarial court process. Further, in many cases a more in-depth examination of the issues than has hitherto been the case may lead the court to conclude that contact is not in the child's interests and nowhere more so than in cases of domestic violence.

On 19th June 2000, the President of the Family Division Dame Elizabeth Butler-Sloss, together with Lord Justice Thorpe and Lord Justice Waller gave judgement in four such cases (Re L (contact domestic violence) [2001] 4 ALLER 609). In this revolutionary decision the court, for the first time ever in English law, instructed leading psychiatrists to advise them on the effects of domestic violence on children and in which circumstances contact would continue to be in the child's best interests and with what protective mechanisms in place. The court stressed the need for investigation of allegations; findings of fact; the effects of the violence on the children and their carer; the past and present conduct of both parties; the motivation of the parent seeking contact; the ability of the

offending parent to recognise the wrong he has done and be aware of the need to change; that there was no presumption against contact simply because domestic violence was alleged or proved.

This has been followed up by a series of recommendations for judges dealing with issues of domestic violence in family cases from the President in the Journal “Family Law” and from the Family Law Advisory Board which has set out guidelines for best practice now contained in the new Family Law Bench book. It is now all our duty as judges in hearing these cases to have carefully studied Re L and the guidelines and to apply them.

2. Juvenile crime

Many offenders will come from homes rent asunder by domestic violence and have been damaged by it. They suffer from low self-esteem — negative images of themselves. They may be hostile to the society that failed to protect them, acting out violence on others as learnt behaviour or having felt so powerless as a victim or observer of domestic violence get some of the power back by inflicting violence on others.

3. Children who don't go to school

These are the children who are kept awake all night hearing or listening in fear of fighting. Their mothers are so damaged emotionally and physically that they are unable to get them to school. The children are often staying at home to protect mother or due to fear of mother being dead when they return. Many children suffer constant changes of school due to being re-housed.

Even at school the children are likely to be lethargic, and may act out their anger at what is happening at home against teachers and other children leading to their exclusion and the assault charges that will come before you.

4. Mothers who are offenders

The connection between female offenders and domestic violence has been recognised by the Probation Service and in my area a number of the officers who were instrumental in setting up the Home Office pathfinder Programme for Male perpetrators have set up the Freedom Programme for Women. The women come from referrals from Social Services, as part of their Probation programme or from a multitude of other agencies. We have a set up a programme in Styal Women Prison, which I understand is the only program on domestic violence throughout the Prison service aimed at women. They have been overwhelmed by the response from the prisoners.

5. Non-molestation and occupation orders

Domestic Violence awareness training is essential in the proper carrying out of this judicial function both as to the necessity for and the type of orders which the court should make, the seriousness of any breach set in the context of their effects on the well being of the victim and her children and the necessity of making the court and the court process a safe place for the victim and thereby enabling her to access the system.

HHJ Hamilton suggests that there be a system of marking the files of cases in the criminal field in which domestic violence is alleged (and I would extend this to the family and civil jurisdictions) so that proper witness protection is in place and the judges dealing with a busy and often overcrowded list can be aware that particular considerations apply.

6. Convicting and sentencing the offenders and granting them bail

At every conference or meeting I attend there are complaints from the other governmental and non-governmental bodies led by the Police that, even taking into account the restrictions on sentencing occasioned by the sentencing guidelines, the Judiciary and in particular the magistrates, are failing to take into account the seriousness of domestic violence and to minimise it.

I don't sit in the criminal jurisdiction and therefore cannot personally comment on this but at a conference of my group in Liverpool on 15th September HHJ Iain Hamilton stated:

“Bail applications in cases involving domestic violence can give rise to difficult considerations. Frequently, a defendant charged with serious offences arising from domestic circumstances will not have previous convictions and will be presented as a man of good character, in work and of standing within the community. The circumstances of the allegations made are likely to be minimised. Suggestions are made that the complainant has exaggerated or lied because the relationship between them has gone sour. Emotional appeals are made by reference to the fact of the defendant being separated from his children if bail is refused or onerous or unnecessary conditions applied.”

“Such submissions can be difficult to resist especially if the defendant is of good character. However, research tells us that generally before any complaint is made to the police the victim has endured any past incidents of domestic violence. If there is a past history whether it has led to a complaint or not that information should be brought to the court's attention so that the alleged offence can be seen in its proper context and a properly informed decision made on whether to grant or withhold bail.”

What holds good for bail equally applies to eventual sentence.

7. Judicial involvement

Members of the judiciary are actively encouraged by the government to involve themselves in the work of local domestic violence fora. A judicial member is always most welcome and can report back to colleagues on the services developing within their community and help to mould those services so that they meet the needs of the court system.

I will now tell you a little of the Northern Circuit Domestic Violence Group. When the first decisions from Wall J and other members of the High Court Family Bench began to be reported it became apparent that the courts, in residence and contact cases, would, as part of the decision making process, need to refer families for assessment and treatment to outside experts. In one of the first cases I thereafter dealt with of appalling domestic violence...together with a dedicated CAFCASS officer [we] had extreme difficulty finding the right person to assess the alleged perpetrator and the damage caused to the children. Therefore, with the support of the LCD and Wall J, I set up the group with its primary aims of building a resource directory for use by judges, lawyers and court officers and to improve the response of the court system locally by an interagency approach. We grew very quickly and now have 80 members including judges, lawyers, the prison service, police officers from six forces, NSPCC, Barnardos, Childline, National Children's Homes, Relate, the Probation Service and CAFCASS.

We have members from all over the UK and Eire because there is no similar group in their regions. We are soon hoping to form a joint group with the Chester and Wales Circuit and will then cover the West of the country from Carlisle to Port Talbot. Members send me all recent reports, statistics, initiatives etc. on domestic violence that come their way which are then sent out monthly to all

members who in turn redistribute throughout their organisation setting up a web of ongoing education and knowledge.

It would be correct to say that we see no important difference in the necessary approach to change in the civil and criminal jurisdictions and our member work together on all projects regardless of their backgrounds.

It would be our dream for similar groups to be set up on each circuit connected to each other and to the centre. Due to the experience we have gained in the last four years we would be delighted to offer whatever help we could on setting up such groups. However, there are many important groups of different kinds throughout the country and in particular in London and a place for each of us on one of them.

8. Conclusion

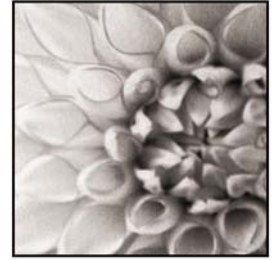
We have a massive task ahead of us. There can be no going back and it is a privilege to have the chance to take part in the process and to effect change. If every one of us could only make it better for one family imagine how much human misery that would alleviate — but we can each do so much more.

The court system is not in this alone. The solution lies in every individual and agency responding and cooperating and constantly developing responses as our knowledge increases. Family violence has been around for a long, long time. Our efforts to put an end to it are embryonic. Yet, they are already making a difference. The courts do play an important part on moulding community values. Ultimately, the solution lies in shaping a society, which chooses to be non-violent, just and free of oppression. It is appropriate that the justice system and the judiciary take a leadership role in promoting those kinds of social values. Implementation of good practice in our courts in family violence cases will cause social change far beyond the courtroom — as the motto of the Metropolitan Police's International Project Adhikar states "Enough is Enough".

Section Eight

Lessons from Leeds: the Experience of the Leeds Domestic Violence Court

Roddy Minogue, Chair of the Domestic Violence Cluster Court Working Group, Leeds



Roddy is a Senior Probation Officer and the Chair of the Domestic Violence Cluster Court Working Group in Leeds. He gave a brief overview of national and local statistics on domestic violence.

Facts

- One woman in four experiences domestic violence at some time during her life.
- Every week two women are killed by their current or former partners.
- Domestic violence is an issue that permeates cultures, religions, social classes and age groups.
- It is very rarely a one-off, isolated incident.
- On average, a woman is assaulted thirty five times before seeking help (Jaffe 1982).
- A woman may approach up to ten different agencies before she gets the help that she needs (Home Office).
- A woman is most at risk of life threatening or fatal violence when she attempts to leave or has recently left the violent partner (Strauss et al 1988).
- 20% of all murder victims are women killed by a current or former partner (Home Office).
- In 90% of incidents of domestic violence, children are in the same room or the next room (Hughes 1992).
- 70% of men who 'batter' women also 'batter' their children, making the presence of spouse abuse the single most identifiable risk factor for predicting child abuse (Bowker, Arbittel and McFerron).

Issues

- One third of all violent crime in West Yorkshire is "domestic".
- 45% of murders in the last five years were committed by current and ex-partners.
- Reported cases represent only the tip of the iceberg.
- Domestic violence has substantial health and social costs.

He gave a brief history of partnership initiatives in Leeds to tackle domestic violence, and then outlined the process of setting up the Domestic Violence Cluster Court:

- It came out of the work of the Leeds Inter-Agency Project on Domestic Violence (LIAP).

- They held an inter-agency seminar for Magistrates in 1997.
- From which a working group was formed to look at the idea of a domestic violence court.
- The group produced multi-agency risk assessment and victim forms.
- They carried out a feasibility study.
- A one-year pilot project was launched after the feasibility study was conducted.
- It includes in-court support for victims from HALT (specialist women's advocacy service).
- Probation talk to the victim as part of producing pre-sentence reports.

Project Partners

The Domestic Violence Cluster Court Project Partners include:

- Magistrates
- Clerks
- Probation
- CPS
- LIAP
- HALT
- Law Society
- Police
- STOP (Start Treating People Positively — providers of perpetrator programmes)
- Huddersfield University (evaluation)

Project Aims

The aims of the project are:

- To increase the effectiveness of court systems in providing protection and support to women and appropriate sanctions to perpetrators.
- To increase the coordination of professional bodies involved in processing perpetrators.

Project Objectives

- Develop and coordinate a Domestic Violence Court in Leeds.
- Identify ways to monitor cases and outcomes.
- Rationalise training for involved professionals.
- Promote the scheme with government and other potential funders.
- Operate based on principles which address women's safety and hold perpetrators accountable.

Outline

The Court sits once a week, on a Monday afternoon. It does not hear all domestic violence cases from the Leeds area as there are fifteen Criminal Courts running each day. Additionally, there can be well over 100 domestic violence cases in the court listings each week. Magistrates are drawn from the rota to sit in the court. Magistrates who sit in the Domestic Violence Court are not specifically trained in domestic violence. There have been some information and briefing sessions but it is a matter of regret that domestic violence awareness training has not been made available to Magistrates in Leeds. This is an interesting point, as domestic violence awareness training has been made available to Magistrates in other areas of West Yorkshire.

HALT

HALT (Help, Advice and the Law Team) is a specialist women's advocacy service that is an integral part of the project. HALT's role spans both criminal and civil justice systems.

Criminal Justice

- Provide information on the court
- Track cases through the system
- Attend court with survivors
- Explain terminology
- Advise on women's rights
- Update the CPS
- Arrange security and/or witness room
- Act as advocate/liase with other agencies

Civil Justice

- Inform on rights of protection ie. injunctions
- Discuss options
- Work with and refer to solicitors
- Accompany to solicitors appointments and to court
- Explain terminology
- Liaise with other agencies
- Explain role of CAFCASS
- Advise on issues around contact with children

Roddy spoke about the advantages of inter-agency working, but also drew attention to the need to involve new people in order to avoid "collaborative inertia". It has taken time to achieve some simple but vital things, for example, the routine provision of the court list to HALT.

He drew attention to the need for all partners to work actively at partnership, and to be alert to the danger of any one profession dominating.

Leeds' achievements

Roddy summed up achievements as follows:

- The Cluster Court has been operating for two years now.
- It is a genuine inter-agency approach.
- It includes a specialist service for women.
- It has increased understanding amongst all professionals involved of the nature of domestic violence.
- There has been a (limited) evaluation.
- A seminar was held on 30 July, 2001 at which the findings were presented to an audience from all over the country.
- It has raised the profile of domestic violence and the courts both locally and nationally.

Current developments

Roddy drew attention to the following current developments:

- Police have just begun allocating a police Domestic Violence Coordinator to attend the court.
- Links are being made and information exchanged about bail conditions/civil court decisions.
- Bail variations are no longer heard immediately. There is now a one week notice of applications, which are heard in the cluster court, with information available about any civil matters.
- West Yorkshire Courts are discussing a "public protection pause" ie. a one week adjournment to allow agencies to collate and share information.
- Improvements are being made to the system of informing victims of results.
- The victim's voice is heard by those writing pre-sentence reports/running perpetrator programmes.
- When someone is attending a perpetrator programme and police are called out to his address, a system is now in place to notify the Probation Service immediately.

Practical considerations

Roddy drew attention to the following practical considerations, which have a vital impact in practice on the functioning of the court:

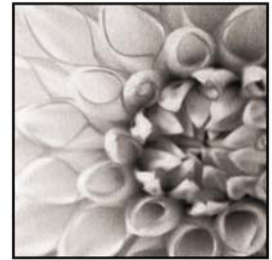
- Setting up systems for identifying cases so that they can be allocated correctly to the court is complicated but vital. It needs to involve Police, CPS, and Court Clerks.
- The role of the Court 'listings' section is pivotal.

- Information route to CPS/Defence — how do partners get the most up to date information to other partners eg. the most recent police call outs.
- There needs to be ongoing training for all agencies involved.
- A protocol governing the role and actions of each agency is necessary.

Section Nine

Action planning session:

Debbie Seaborn, development worker for the 'Making the Law Work for Women' project, Standing Together



Introduced by Debbie Seaborn, the final session of the day was the opportunity for participants to reflect on what they had learned and discuss what changes they would like to see as a result.

Introduction Summary

Getting domestic violence cases through the courts safely, quickly and efficiently

1. Standing Together believes that the Leeds Domestic Violence Cluster Court described today by Roddy Minogue has great potential. We know that we do not have enough cases coming through yet from our own borough to justify setting up something similar in West London — it would need to take cases from a wider area. Key advantages we see:
 - a. Magistrates and staff (court, CPS, probation) can develop their expertise.
 - b. It would make it much easier for voluntary organisations to offer support to victims, including people who are not already in touch with an advocate. ADVANCE could be in the court each week. It might also be possible to offer information about the Violence Prevention Programme to alleged perpetrators, so that people would know that whatever the outcome that day for them in court, there is the chance of change.
2. A court in Canberra, Australia has produced a practice direction on the case management of domestic violence cases. Some key features:
 - a. It specifies expectations about timescales — for the prosecution and for the defence.
 - b. It gives incentives for an early guilty plea.
 - c. Result: from a situation where 76% of family violence cases went to a full hearing, they now find that 70% are guilty pleas at the first opportunity, with enormous savings in court time as well as reduced stress for the victim.

Decision-making

1. Neil Blacklock has spoken today about DVIP's service to the Inner London and City Family Proceedings Court, which adds enormously to the information the court has in reaching a decision. What other ways are there of improving the information Magistrates have at this crucial point — whether in the civil or the criminal court?
2. The workshop pack contains the evaluation of specialist violence prevention programmes like the one London Probation Area runs at Camberwell, which Paul Teft has spoken about today. The Home Office evaluators found that this type of programme was more successful than other forms of Court disposal in preventing repeat violence. Where repeat

violence did occur, more successful in reducing the frequency; and successful in reducing the coercive and controlling behaviour often associated with domestic violence.

Building better links between civil and criminal courts

In practice what would this (building better links between civil and criminal courts) mean?

Suggestions Standing Together has heard from judges:

- When making a finding of fact on domestic violence, one family court judge routinely sends for the criminal case file if there is one.
- Giving Polaroid cameras to family solicitors, to take photos of women with visible injuries. The photos would not form part of any criminal case unless and until the woman wanted them to. If and when that time comes, there would be good evidence of a history of violence.
- What about family courts taking photos of women applying for protection orders?

Reflections and Recommended Changes

Magistrates divided into six groups for this session, three groups of West London/Inner London Family Panel Magistrates; three of Magistrates from elsewhere (although these divisions were not rigid). Standing Together members and speakers joined groups as well.

The summary that follows lists the points made under each heading. It does not attribute particular points to individuals or groups, since in practice some of the same points came out of more than one group; and in the plenary session, which concluded the day, they gained the support of all participants.

Questions for discussion

The questions we asked all the groups to discuss, with reference to their topic, were:

1. What are the three or four specific changes we would like to see put in place in the short and/or longer term in relation to this topic? Please be as precise as possible.
2. What do we need, and from whom, to help us make these changes possible?

The three topics were:

Topic 1

Getting domestic violence cases through the courts safely for the survivors/victims, quickly and efficiently in terms of using relevant expertise. This could include ideas about case clustering, case management, safety in and around the courtrooms, and in the pre- and post-court processes.

Topic 2

Decision making in relation to perpetrators/offenders in domestic violence cases. This could cover sentencing, bail conditions (and safety of survivors), pre-sentence reports, and how to ensure the maximum relevant information is before the court before decisions are made. This could also include inter-agency co-operation and procedures for information sharing.

Topic 3

Building better links between the civil/family court proceedings and the criminal courts in relation to domestic violence cases. We are asking you to think laterally and creatively about how this could work.

Summary of Points raised by the small group

1. Victim safety — identifying domestic violence cases

There is a need to identify domestic violence cases so that they are recognised as such at every stage of the court process. This would enable courts to implement procedures to keep victim and supporters and defendant and supporters apart throughout the case.

However, since there is no specific offence of “domestic violence” cases will be categorised as criminal damage, Actual Bodily Harm etc, yet in order to offer the necessary protection and support to victims and their children courts need to identify them as domestic violence. At West London Magistrates Court this is achieved by a system of attaching coloured stickers to the files.

Alongside this goes the need for training about domestic violence and its effects — agreed to be essential for all involved in the courts.

2. Taking the onus off the victim

Participants agreed on the need for evidence to be collected and presented to support the victim’s statement, and where necessary, to enable the case to proceed independently of the victim. The justice system should aim to take the onus off the victim, since participants recognised that the woman’s choice is severely constrained by a violent relationship, and that many can’t take the first step without support.

3. Support for victims

Victims attending court need information about what will happen, and also what other possibilities there are for taking action in the justice system — for example, how many victims attending criminal courts as a witness know that they can apply to the Family Court for a non-molestation order? (if necessary, without a solicitor — court staff at Inner London and City Family Proceedings Court are trained to assist unrepresented applicants).

All groups agreed that support in court for women is essential. Participants had been impressed with the work of ADVANCE and felt that a dedicated advocacy service and victim contact worker would enhance the service in every court. Whether or not this is achieved, there was agreement that more and regular information needs to be given to victims to a given time scale, including on bail appeals to crown court.

4. Domestic violence courts?

It is clear that a designated court or list (ie. hearing all domestic violence cases at the same time and in the same court) would make this specialised support to victims easier to achieve.

However, differing views were expressed on the desirability of domestic violence courts. One group felt that if civil and criminal cases could be heard in one court (as happens in some jurisdictions in the United States) this would aid liaison and promote victim safety.

Another group looked at the possibility of “clustering” all domestic violence cases to one session, possibly once a week (as happens in Leeds Magistrates Courts) but thought that on balance, this had more disadvantages than advantages.

5. Decision making, Bail decisions and Sentencing

Bail: there was agreement that information should be available at bail hearings about any previous violence and about civil court proceedings past and current (see next point 6 below).

Prosecutors should emphasise the fact that an allegation (whatever the offence charged) has a domestic violence aspect.

Domestic violence should be recognised in sentencing guidelines as an aggravating feature.

Sentencing: Full Criminal Records Office details of previous convictions should be available, especially where the victim has previously experienced violence. Up to date information about convictions should be available.

Pre-sentence reports (PSRs): PSRs should be requested in all cases. It is vital that the Probation Officer gets the papers containing the advance disclosure of the prosecution case and the medical report including body diagram if available and photos.

Victim impact statements should be requested in all cases.

6. Exchange of information between civil and criminal courts

There was agreement on the need for improved communication between civil and criminal systems, and in particular that when considering bail and sentencing CPS should inform Magistrates of domestic violence issues and of relevant civil injunctions and orders in force.

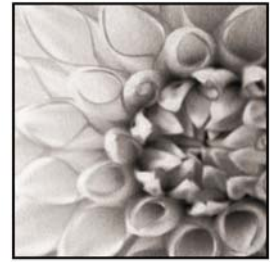
Specific ways in which this could/should happen:

- There should be an obligation on CPS/Police to investigate civil proceedings (ie. to check if there are any civil proceedings and what stage they are at) and include this in information for the court hearing criminal proceedings.
- CPS should ascertain if there have been previous complaints of breach of injunction, which should be taken into account for bail decisions. (There was a request for training for Magistrates on bail issues).
- The civil courts should be able to demand previous convictions.
- There should be liaison to ensure civil protection is considered when criminal cases are disposed of.

It was agreed that a practical way of making progress could be via the production of a domestic violence section for the Magistrates Bench Book — including both civil and criminal aspects in it would promote “crossover” thinking.

Section Ten

What has happened since the workshop?



Standing Together and the Justices' Clerks of West London Magistrates Court and the Inner London and City Family Proceedings Court met after the workshop to consider how to take forward the suggestions that came out of the action planning session.

We decided to focus initially on the following areas:

- Information for victims at Court
- Case clustering
- Crossovers and links between civil and criminal justice systems at all stages of a case.
- The exchange of information between civil and criminal courts in hearing cases.
- A bench book insert on domestic violence.

Progress as at February 2002 on identified areas

Information for victims at Court

We are aiming to produce information about what is available at both courts, to be made available alongside the Women's Aid Federation leaflet *Domestic violence: your legal rights*.

There will shortly be a Witness Service at West London Magistrates Court, which will offer support to domestic violence victims alongside all other witnesses. The Court will work with ADVANCE to ensure that the two services are co-ordinated so as to enhance the information and support available.

Case clustering

Opinions differed at the workshop on the desirability of "clustering" domestic violence cases to a regular session (as is done in Leeds). It is clear that given the pressures on court time, currently there may not be enough cases coming to West London Magistrates' Court to justify a specific domestic violence session, unless this could be run as a pilot outside the requirements for case volumes which usually apply.

Standing Together can see clear advantages both in terms of the support that could be offered to individual women, and in terms of the further development of inter-agency links and cooperation. We are delighted that the Government has approved a pilot project we have put forward as part of the Hammersmith and Fulham Local Public Service Agreement, which aims to address the concerns raised about delays and adjournments. The project aims to:

- Speed up domestic violence cases via active case management.

- Improve liaison between the West London Magistrates Court and the Inner London and City Family Proceedings Court.
- Improve the exchange of information between agencies.
- Set up and run a dedicated domestic violence session at the West London Magistrates Court.

We are also working with the Domestic Violence Co-ordinator for the Royal Borough of Kensington and Chelsea (RBK&C) to develop greater consistency between RBK&C and Hammersmith and Fulham in the support offered to individual victims of domestic violence whose cases go to West London Magistrates Court.

Crossovers and links between civil and criminal justice systems at all stages of a case

Standing Together has carried out a walkthrough exercise looking at fictionalised case studies in order to draw out the points at which the two systems could or should communicate with each other. The Case Study included information from real situations that women experienced. Representatives of all key agencies in the criminal and civil justice systems attended the session.

See Part 2 of this document for the full report of the exercise.

The exchange of information between civil and criminal courts in hearing cases.

Inner London and City Family Proceedings Court and West London Magistrates Court are developing a pilot project to examine how in practice this can best be done.

A bench book insert on domestic violence

We are discussing the format and content of an insert, to be common to both civil and criminal Magistrates and so to promote “crossover” thinking.

Conclusion

We hope that this report is useful to colleagues in other areas who are promoting change and new ways of working in the justice systems’ approach to domestic violence. We know that we can learn from initiatives others are taking and encourage you to keep in touch.

Appendix I A

List of workshop participants, September 29, 2001

Last Name	First Name	Title/Role	Location
Abelson	David	JP	S. Westminster
Andrewes	Veronica	JP	Wimbledon
Ansdell	Celia	JP	West London
Aynsley	Emma	Advocate	ADVANCE
Bache	Andrew	JP	West London
Barnett	Lucinda	JP	Croydon
Benmax	Peter	JP	West London
Blacklock	Neil		DVIP
Bossy	Jeanine		Surrey DV Project
Brodrick	Mary	JP	FPC
Brodie	Veronica	JP	Thames
Calder	Avril	JP	FPC
Carter	Julia	JP	FPC
Carter	Martin	Senior Legal Advisor	West London
Coleman	Jeremy	District Judge	West London
Cooper	Dawne	JP	East Central
Crowther	CAB	JP	Ealing
Cullis	Harriet	JP	Wimbledon
Damazar	Audrey	Justices Clerk	FPC
Down	Marion	JP	Sutton
Dyer	Rebecca	Research Department	Home Office
Everard	Mairi	JP	FPC
Foster	Beryl	Coordinator	Standing Together
Garland Collins	Francis	Deputy Justice's Clerk	South Central
Geraghty	Sylvia	Legal Adviser	West London
Gorter	Val	JP	West London
Greaves	Dorothy	JP	Stratford
Green	Linda	JP	Ealing
Harris	Jacque	JP	FPC
Horwell	Amy		DVIP
Infield	Roda	JP	West London
Jacobs	Nicole	Development Worker	Standing Together
Jaques	Marcia	JP	West London
Lakoja	Lola	Advocate	ADVANCE

Last Name	First Name	Title/Role	Location
Maddison	Jill	London Borough of Croydon	
Minogue	Roddy	West Yorks Probation Service	
Misselke	Eric	JP	Enfield
Mornington	Marilyn	District Judge	Northern Circuit
Okubajo	Funmi		CPS
Palmer	Jane	JP	Uxbridge
Parkin	Roy	JP	Bexley
Parry	Helen	Justices Clerk	West London
Phillips	Justin	District Judge	West London
Pontius		Judge	Blackfriars CC
Pook	Isobel	JP	Bexley
Reed	Graham	JP	Sutton
Riddle	Susan	JP	Barnet
Rowley	Anne	JP	South Eastern
Sandhu	Param	JP	Ealing
Seaborn	Debbie	Development Worker	Standing Together
Sissons	Peta	Trainer/Facilitator	Awareness In Practice
Teft	Paul		London Area Probation
Thomas	Caroline	JP	Ealing
Thomson	Greg	JP	West London
Thornhill	Jeanette	JP	Haringey
Wadleigh	Sophie	Advocate	ADVANCE
Walderman Brown	Nicholas	JP	Thames
Watkins	Vicky	JP	Croydon
Wilson	Margaret	JP	FPC
Yates	Gordon	JP	South Eastern

Appendix I B

Programme for the workshop

Saturday 29th September, 9.30 am – 4 pm
West London Magistrates Court

Outline Programme for the Workshop

9.00 – 9.30 Registration and coffee

Welcome and Introduction to the multi-agency Standing Together Against Domestic Violence project

Martin Carter, Senior Legal Adviser, West London Magistrates Court

The Dynamics of Domestic Violence

What do we know about domestic violence, and its impact?

Why some women may stay with abusive partners; the nature of this crime and its effect on the use of the criminal justice system.

Peta Sissons, Awareness in Practice

Women Survivors' experience of using the courts, and what they have said they need from the process; how the Advocacy Service works with and supports women using the criminal and civil justice process.

ADVANCE Advocacy Project

Interventions with Perpetrators of Domestic Violence

This session will include some information about violence prevention group programmes currently running in London and their approach to the nature of abusive behaviour; and an initiative relating to work with perpetrators in the context of Child Contact Orders.

Paul Teft, Camberwell Probation Centre, and Neil Blacklock, Domestic Violence Intervention Project.

12.45 pm Lunch (45 mins)

1.30 Building the Links between Civil and Criminal Courts

District Judge Marilyn Mornington will speak about the work taking place in the Northern Circuit which focuses on effective responses to domestic violence.

Lessons from Leeds: the Experience of the Leeds Domestic Violence Court

Roddy Minogue, Chair of the Court Working Group, will draw on the achievements and lessons learned from this multi-agency initiative, and suggest some ways forward.

Next steps: Action Planning for London

In this session we hope to explore with you practical and realistic ideas for change, such as building links between the civil and criminal processes in relation to domestic violence cases, how to address concerns about safety for women using the court system, how information can be made available to assist Magistrates in assessing the risks posed by domestic violence offenders, and case management methods.

4.00 Farewell and Close of Workshop

Chair for the Workshop:

Helen Parry, Clerk to the Justices, West London Magistrates Court

Facilitator:

Peta Sissons, Awareness in Practice, and Standing Together

There will be coffee breaks mid morning and mid afternoon.

The Workshop will be interactive, encouraging dialogue and action planning for practical changes, and time for questions and contributions from participants.

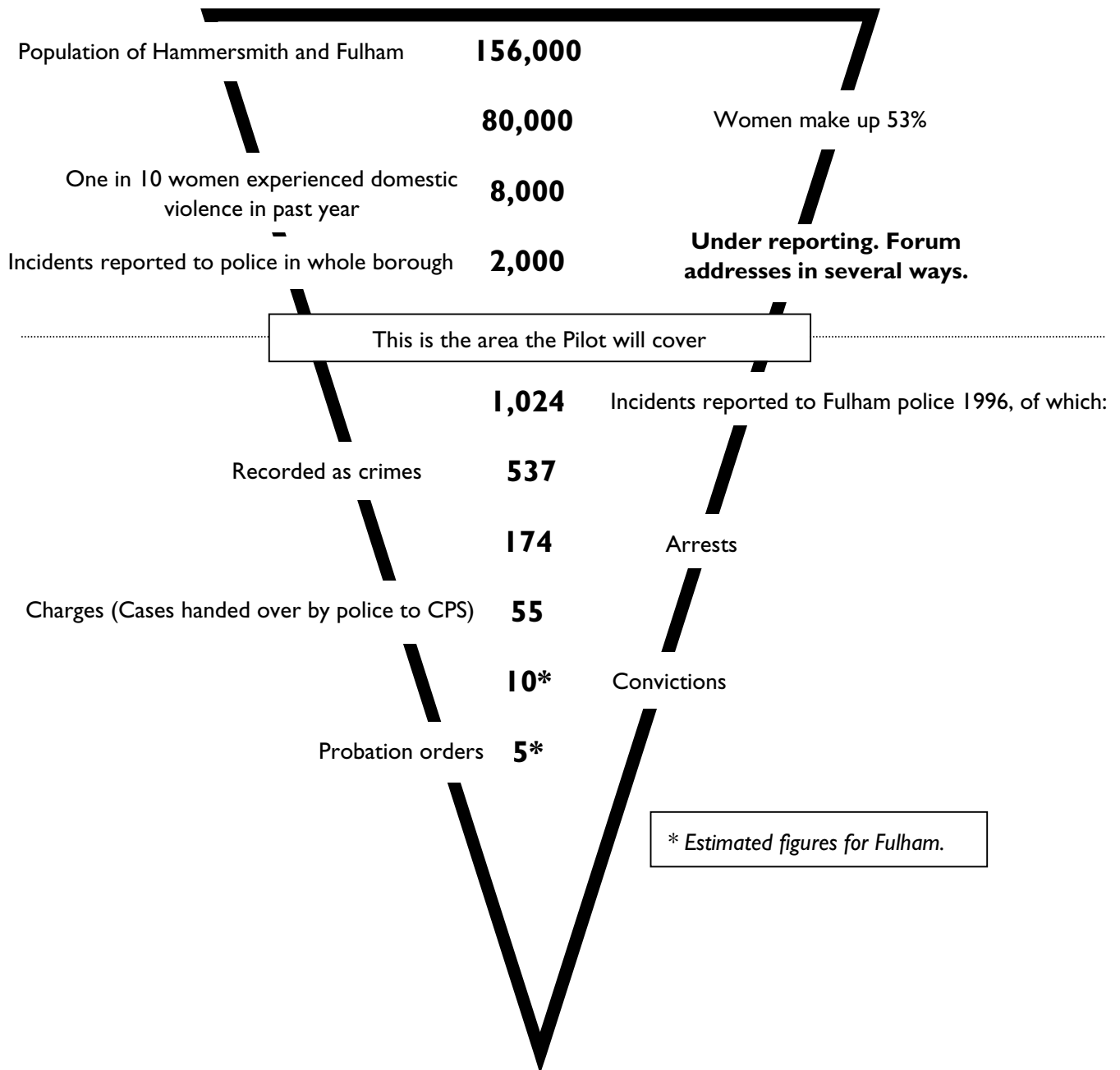
Objectives for the Workshop:

1. To explore the dynamics, patterns and impact of domestic violence, from the point of view of both perpetrators and victims, looking in particular at:
 - why some women don't leave abusive men and/or return to violent situations;
 - the long term effects of violence and enforced isolation on victims, relating this to how women may present in Court.
 - perpetrators' use of threats and violence to prevent their partners using the courts or to force them to withdraw charges.
2. To identify and address the particular nature of this crime, the issues and dilemmas it poses for magistrates in handling domestic violence cases in the criminal and civil courts, the information magistrates need, and some practical ideas for effective interventions with perpetrators.
3. To explore the advantages and disadvantages of specialist domestic violence courts and case management.
4. To explore the scope for making links between civil and criminal justice in dealing with this crime.
5. To provide information about Standing Together against Domestic Violence, the co-ordinated criminal justice initiative in West London, and the key role of the courts in this multi-agency partnership.

Appendix IC

Are we holding the perpetrators accountable?

This diagram, produced in 1996, formed the baseline for the Standing Together project.



We will be aiming to increase substantially the percentage of incidents that are classified as crimes, arrested, and that run the full course through to prosecution, court case and — if found guilty and suitable for non-custodial sentence — probation orders with attendance at an approved violence prevention programme.

Appendix 1D

Statistics for Years One and Two

	1996	1999 (Year 1)	2000 (Year 2)
Incidents reported to Fulham Police	1,024	1,351	1,457
Recorded as crimes	537 (52%)	830 (61%)	793 (54.5%)
Charges (as percentage of crimes)	55 (10%)	149 (18%)	199 (25%)
Charges finalised to court	—	41	50
Convictions (as percentage of finalised crimes)	10 (18%)	15 (36.5%)	27 (54%)

In our first two years we:

- increased charges by 158%
- increased the conviction rate to 54%
- encouraged 30% more victims to report incidents

Appendix I E

The Power and Control Wheel



Domestic Abuse Intervention Project
 202 East Superior Street
 Duluth, Minnesota
 USA 55802

Tel: (218) 722 2781
 Fax: (218) 722 0779

Appendix I F

Summary of feedback sheets

Attendance

Seventy participants were booked (including speakers and Standing Together staff), of whom 48 were magistrates or judges.

Sixty people attended on the day:

- 38 Magistrates
- 2 District Judges
- 5 Legal Advisors
- 1 CPS Representative
- 1 Home Office representative
- 1 representative from Surrey Domestic Violence Project
- Plus speakers, Standing Together staff and Trustees.

Evaluation forms

We asked participants to spend five minutes at the end of the workshop filling in an evaluation form. Forty forms were returned, and are analysed below:

1. Overall usefulness of workshop

QUESTION	YES, VERY	YES, FAIRLY	NO
Have you found today useful?	36	1	0

2. Quality of workshop

We asked participants to rate the quality of the workshop on a scale of 1 (poor) – 5 (excellent).

QUESTION	1 [poor]	2	3	4	5 [excellent]
Quality of speakers/presentation	0	0	0	16	24
Written materials provided	0	0	0	9	29
Practical arrangements	0	0	0	15	25

Participants were asked to comment. The comments are listed below:

- Love the groups round table — pity it was too tight
- Excellent topic and presentation
- The delegation group should have been labelled and not mixed with the rest
- Well worth coming out on a Saturday
- Learnt a great deal
- Information too much in the time allocated. Insufficient time for questions and would have like to hear from representatives of Police and CPS.
- Very informative. Provided ideas to take back to my court.
- First class
- Very good course and workshop
- Too hot and not enough time for discussion
- Excellent and stimulating day
- A really interesting and stimulating group of speakers. Good variety of activity
- Pity about air conditioning! Very stimulating, highlighted issues and some possible progress
- Too much paperwork and repetitive
- Room far too crowded and all chairs should have faced forward
- If we had the packs earlier, it would have helped
- Rather a lot to take in one day. More time for group discussion welcome.
- Excellent day, altogether a great deal of information.
- Useful day. Perhaps more interaction/workshops for discussion would have been helpful

3. What do you plan to change as a result of something you have heard today?

Responses received:

- Remember the issue: discussion with colleagues
- Bring to the attention of colleagues and court professionals, ie. awareness
- Endeavour to have connections regarding orders/convictions made known between civil and criminal courts
- Setting up more formal lists for exchange of information between civil/criminal courts
- Inform my branch of workshop
- 1) Plan to ask for much more information about civil cases, to be more effective in the criminal case. 2) Plan to seek further training in order to be a more sensitive advocate
- This will certainly change my approach to domestic violence cases

- Broadcast the dangers families are in from domestic violence
- Take account of information when considering cases
- Approach to bail applications and sentencing in domestic violence cases
- Take information back and share with bench to highlight this subject
- Feedback to my own court. Recommend introduction of info transfer family to criminal etc.
- The way I will advise magistrates on bail and sentencing
- More inquisitive in bail applications in domestic violence cases. Less eager to facilitate contact and encourage “agreed” ideas in family law
- To be vigilant about recognising and using appropriate questions where there are issues of domestic violence not initially flagged up by charge
- Demanding information from CPS about previous history, injunctions etc.
- Be more aware of women’s experiences
- Watch any domestic violence aspect of cases and treat as aggravating factor on convictions
- Flag up domestic violence cases as special
- Explore further “agreed ideas” in family court. Also issues of bringing parties together — is it safe?
- Envisage including my colleagues in what I’ve read and hopefully looking at domestic violence in a different light
- Will visit the Camberwell Project. Will push harder for screens for victims and not listen to defence agreements (unless valid of course!)
- Will be even more pro-active
- Speech to local probation and have taken pack to discuss what is being done in my local area plus promote visits to Camberwell Projects.
- Arrange meetings with local CPS, CSU and Probation with a view to raising awareness
- Think more about delay — bail decisions
- Asking prosecutors for full details of previous convictions so the court knows if the perpetrator has attacked and been convicted of attacking the victim before
- My own court practice — being aware of issues re: victims. Push for domestic violence as an aggravating factor. Will go and see video of Paul’s course.
- Press for Advice Worker
- Be more thoughtful about case management, bail etc.
- Looking out for matters in which domestic violence is an issue and seeing that victim is treated sensitively
- My attitude to victim’s/witness’s problems
- Awareness

- Increase contact between existing projects in South East London and similar schemes elsewhere
- Write an article for our South East bench and newsletter. Consider a training session locally with video link.

4. Would you be interested in attending any further training sessions on domestic violence and related issues? If so what topics in particular?

Many participants wanted more training. They requested the following topics, which we have subsequently grouped under common headings:

Children

- Effect on children, society's response
- Effects of domestic violence on children

Perpetrators

- Work with men or women who abuse
- Success of perpetrator/victim groups
- Further information on reforming offenders

Legislation and Policy

- Civil/Family Law Proceedings
- Yes, any changes in law
- Consideration of possible changes. Roles of domestic violence in relation to other violent crimes.
- Particular concern is ensuring that practice and procedure is not a barrier to justice
- Impact and sentencing possibility of specialist court

Information

- More information on available support
- Practical training for all/specialist benches
- Any topics on videos

Coordination/crossovers

- Local inter-agency cooperation, development
- Linking and co-ordinating better the criminal and civil process
- Yes, interrelationship/crossover between family panel and magistrates courts
- Partnership projects and best way to take forward

Other

- Yes, further developments
- Yes, I'm sure there're more issues that could be discussed on the same topic
- Seeing how practical issues are addressed
- Will be attending sessions in Croydon

5. Would you be interested to contribute to or be kept informed about developments on issues discussed today?

- Yes: 26
- No: 12

Standing Together will ensure that those magistrates interested are kept in touch.

6. Other comments received

- A very well organised and useful day
- One of the most professional conferences I have ever been to
- Very stimulating event
- Thoroughly fascinating — well done — a brilliant day
- Very thorough, knowledgeable. Very well organised.
- Could a copy of the green pack go to all District Judges and each court house?
- It was excellent hearing such a mix of delegates from the London area
- More similar days please!
- The training of magistrates and a national protocol on how victims should be treated in court should be a priority. Legislation to allow civil matters re domestic violence to be presented in the criminal court when sentencing should be a priority.
- Food excellent. Speakers all clear and spoke up well.
- An excellent day
- Would like to be able to have further training to deal with cases
- Enjoyable and informative. Thank you.
- Gained very much from this day
- Quite simply, one of the most informative and hard working session I have ever attended. A complaint! I feel punch drunk. Could not more members of the Bench be able to participate in a similar forum? More of us need to be informed. Much of the information was quite shocking.

Part 2

Crossovers Between the Civil and Criminal Justice Systems

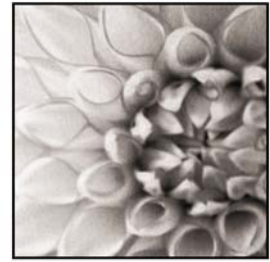
**Report of the Standing Together Walkthrough
Exercise**

January 9, 2002

Section One

Welcome

Anthony Wills, Chief Superintendent, Hammersmith Police
and Chair of Standing Together



Chief Superintendent Anthony Wills, Chair of Standing Together, welcomed everyone, and in particular those people who are not members of the Standing Together Steering Group but agreed to join us to share their expertise and experience. See attendance list at Appendix 2A.

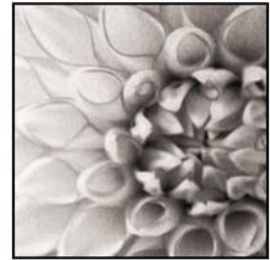
He was delighted that Peta Sissons from Awareness in Practice, who is a founding member of the Steering Group, had agreed to facilitate the session.

The aims of the session are set out in full at Appendix 2B, but in brief were to examine the links/crossovers between the civil and criminal justice systems and the scope for changes/improvements.

Section Two

Context

Debbie Seaborn, development worker, 'Making the Law Work for Women' project, Standing Together



Debbie Seaborn, development worker for the 'Making the Law Work for Women' project introduced the session. Standing Together received funding this year from the Home Office Crime Reduction Programme to do development work on a project we have called 'Making the Law Work for Women'. A major aim of the project is to examine and develop links and crossovers between the civil and criminal justice systems as they deal with domestic violence. Today's exercise was developed in order to take this work forward.

The project comes out of the work Standing Together has been doing in Hammersmith and Fulham for some years now, focussed on improving the *criminal* justice system response to domestic violence. So the criminal justice system partners here today meet regularly like this and are used to examining their own, and each other's, practice. Thank you to those who are not members of the Steering Group but have come today to share your experience and knowledge.

Standing Together has agreed some key operating principles, which should inform our thinking today:

- Improving safety for the domestic violence survivor and her children — with the starting point that it is the state's responsibility to intervene, and at every stage to take the onus off the victim for holding the perpetrator accountable and ensuring that prosecutions occur. So by improving evidence collecting we hope to lessen the need to rely on her statement alone for example.
- Holding perpetrators accountable for their violence.
- Giving a clear message that domestic violence is a crime that will not be tolerated.

This year our project has done work both on the criminal and the civil sides of the legal system as it works with domestic violence. Today is about examining how the two systems cross over, how they work together; and in particular how that might be improved.

The idea for today came from the workshop Standing Together organised for magistrates in September [See Part One of this document]. Magistrates from all over London attended, and were convinced of the need to establish closer links between the civil and criminal systems, and to improve the flow of information between them.

After the workshop, Debbie and Peta met with the clerks to the local civil and criminal courts — West London Magistrates Court and Inner London and City Family Proceedings Court — to discuss how best to take forward the ideas from the workshop. Today's exercise is the result, and today we are looking at the process of taking cases through the justice system, whether civil or criminal or both.

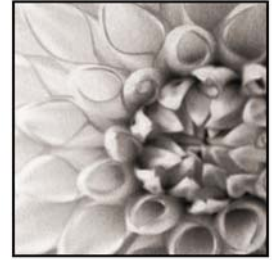
We know that the Government is interested in the potential for improved linking between civil and criminal justice systems in the longer term, and we know that locally we have the interest and support to make practical change a real possibility.

And last but most importantly, we have talked to survivors themselves about their experiences of using the legal system, and we have the possibility of checking back with them the ideas we may come up with today — to make sure that what we may think of will genuinely improve safety and make the law work better for women.

Section Three

Introduction to the Exercise

Peta Sissons, Awareness in Practice



Peta reminded participants that today's exercise is about drawing together links between the civil and criminal processes. In order to assist in seeing potential links (and gaps) we have developed a Case Study to 'walk through'. The Case Study is a blend of actual events and facts from several women's experiences. It is not intended to be a review of any case, but to be an aid to triggering ideas. It is not intended to put any particular agency under the spotlight in relation to what they did in these cases — rather to identify what all our agencies could have done/could do better. Everyone here is an expert on his or her own part of the process — so speak up if you spot anything.

Participants were asked to consider the following questions when reading the Case Study and to use the Case Study as a starting point but to keep a focus on the links between civil/family and criminal processes.

Question One:

Are we protecting the woman and increasing her safety?

Question Two:

Are we holding the perpetrator accountable?

If yes, where and how? If no, where and how?

- Good practice by each agency.
- Gaps — by your agency and others.

Question Three:

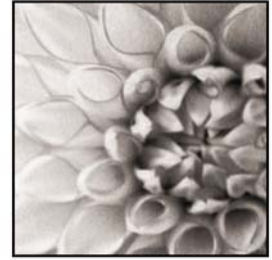
What could be done to plug the gaps and increase civil/criminal links?

- In this case
- In general in Hammersmith and Fulham
- Nationally

Section Four

Outcomes of discussions

Good Practice and Gaps



The discussion started with considering Case Study 1. See Appendix 2C.

What we noticed that was good practice:

Protection and safety issues

- Neighbours' involvement
- Police arrived and were positive
- Police charged offender
- First bail conditions gave her some protection
- ADVANCE were involved
- The woman could give a statement

Accountability of perpetrator

- Police followed through
- He was found
- He was charged

Gaps — Practice that needs to change or be reviewed:

The following list contains specific points raised in considering the Case Study.

Information

- Previous incidents — did she know what help is available? Do abusers know domestic violence is taken seriously?
- Woman and her representatives not informed of change in bail conditions/bail application by other parts of the system.
- CPS unaware of child contact issues and concerns (which may or may not have gone to the Family Court) when perpetrator applies for a variation in bail conditions.
- Information sharing about issues involving the children for example their collection from school.
- Agencies involved in the criminal justice process do not understand enough about what happens in the civil justice process and vice versa.
- Because of a Police concern about data sharing, they are unable to provide automatic referral to ADVANCE.

- Police did not provide information about progress of the investigation.
- History of previous orders or breaches of orders need to be available to those setting bail conditions eg. police and courts.

Protection and safety

- No protection for the woman between incident and charge.
- After charge the length of time until case is finalised in court adds to the risk for women.
- Lack of systematic safety planning to identify all possible points of danger eg. school, hospital.
- Initial bail conditions should have been tighter.
- CPS did not oppose the variation of bail conditions.
- Ability of several agencies to assess/provide services quickly.

Risk assessment

- Lack of initial and/or later systematic documented risk assessment by Police, ADVANCE and CPS.

Accountability of offender

- Police did not use the full range of possible offences by charging common assault — it appears *Protection from Harassment Act* could have been used and would have offered better protection.

Crossovers between civil and criminal justice systems

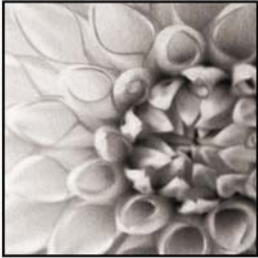
- Access to and eligibility for Legal Aid at various stages of the criminal case.
- Incorrect information given by solicitor re legal aid entitlement to advice and subsequent representation where police are involved but no bail conditions are yet in place.
- Entitlement once bail conditions are in place — what are the circumstances where this is possible?
- Criminal/civil courts — no systematic process for investigating or enquiring about what is going on in each other's court orders in relation to a particular case.
- Information gathered by police could aid the civil process but there is currently no systematic method for this to happen.

Coordination between agencies

- Coordination with Social Services
 - Length of time for case information from police to reach Social Services
 - Concerns expressed about worries a woman may have if case information is shared with Social Services.

Section Five

Suggestions for change



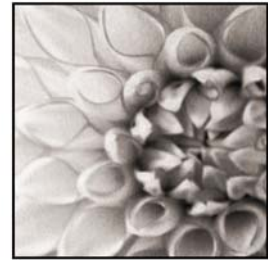
This session broadened out the discussion from the Case Study to look at gaps in the whole process of providing protection/holding perpetrators accountable through the civil and criminal legal processes, and identifying possible solutions to those gaps. Peta asked the participants to focus on courts.

Summary of Issues and Gaps	Actions/Changes you want
<p>1. Duration of cases/scheduling enough time. For example, the Magistrate observed that in his experience a large number of cases have had four to six adjournments.</p>	<p>It should be an objective of the court to reduce time between incident and the final hearing in the court.</p> <p>To reduce the number of adjournments by allowing enough time for the hearing.</p>
<p>2. Information gathering and sharing.</p>	<p>For the first hearing:</p> <ul style="list-style-type: none"> • File to be flagged as a domestic violence matter so as to enable CPS to take more time to review the file before the hearing • Fullest possible information from the arresting officer and others to be available on the CPS file <p>Subsequently, CPS to collect fullest possible information from other agencies about safety issues. (For ADVANCE this may raise difficult issues for their role as the woman’s advocate.)</p> <p>At every stage of the case information should be gathered and recorded about the impact and current safety position of the survivor.</p> <p>Consideration to be given to the Victim Impact Statement being taken by ADVANCE.</p>
<p>3. Bail and bail variations:</p> <p>a. when heard without adequate notice;</p> <p>b. when conditions do not adequately</p>	<p>Defendant should have to give notice to the court in order to apply for bail variation. Opinion varied as to the length of time. WLMC will consider this and report back.</p> <p>In considering bail conditions and variations</p>

Summary of Issues and Gaps	Actions/Changes you want
<p>protect the woman;</p> <p>c. when no information about the outcome is provided to the Police, CPS or the woman.</p>	<p>the severity of the offence, danger of breach and any history of previous breaches should be taken into account.</p> <p>Conditions should be sent to the Police and to the woman and/or her representative.</p>
<p>4. Systematic risk assessment to be conducted by ADVANCE, the Police, Social Services and CPS</p>	<p>We recognise further work is needed on:</p> <ul style="list-style-type: none"> • the content and process of risk assessment • methods by which agencies should communicate with each other
<p>5. Breaches of civil orders, bail conditions and probation orders</p>	<p>More rigorous use of powers by the Courts is needed including sending offenders to prison in appropriate cases.</p> <p>We note the need for further work to identify how existing powers can be better used to protect women when the perpetrator breaches any order.</p>
<p>6. No long term protection for women during or after criminal case concludes</p>	<p>Police need to consider using the <i>Protection from Harassment</i> legislation wherever possible because it can provide a long term restraining order.</p> <p>Women should be encouraged to apply for civil orders while the criminal case is proceeding and after it concludes.</p> <p>Legislative change needed. Suggestions include:</p> <ul style="list-style-type: none"> • new offence of domestic assault or other legislation which provides protection across both systems; <p>Restraining order being attached to other offences ie. not just harassment.</p>
<p>7. Coordination Family/Criminal Courts</p>	<p>Ideas generated from the Magistrates workshop on September 29, 2001 were supported. See Appendix 2D.</p>

Section Six

Crossovers between civil and criminal justice systems



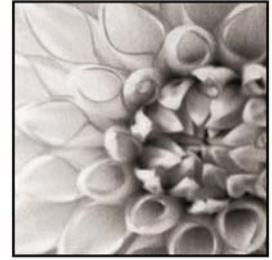
From the Case Study discussion, the following table lists, chronologically, the key points in a case and the areas where crossovers occurred or could be developed.

Criminal	Area of Crossover	Civil (including non legal institutions)
1. Incident occurs. Police refer victim to ADVANCE.	Safety planning by ADVANCE including an assessment of the risk currently posed to her and her children. This information may need to be communicated to other agencies — in this case, school.	Woman could be advised to apply for a non-molestation order ex-parte immediately, in advance of bail conditions being set. We understand legal aid would be available.
2. Police get statement	Statement should include any information regarding civil orders eg. breaches, child contact arrangements, injunctions.	Could a copy of the statement go to her solicitor?
3. Arrest		Could solicitor be advised?
4. Charged	If there have been any breaches of NMO, charge this at the same time.	
5. Bail conditions set Is it legitimate for bail conditions to exclude perpetrator from eg. child's school? Contact issues are in the civil jurisdiction.	Risk assessment by Police (custody sergeant) needs to include civil information in deciding appropriate bail conditions; <i>and ideally would include info from ADVANCE. What issues arise?</i>	Info needed re civil orders in the past/breaches in the past; and any current orders. Once bail conditions are set: is she now excluded from legal aid? Can she still apply for an NMO?
6. Bail varied by Court to enable child contact	Risk assessment should include children/child contact CPS or Court should be told about any child contact issues or concerns, or pending family court issues.	Info could come from ADVANCE etc. but only if notice of the application for variation of the bail conditions is given.
7. Statement withdrawn		Solicitor could have advised

Criminal	Area of Crossover	Civil (including non legal institutions)
OR		her re remedies to get children back. <i>But: what is the legal aid position? If she has an NMO with no more hearings needed — legal aid has expired. Can she now re-qualify?</i>
8. Case to court	Magistrates need info re civil orders in the past/breaches/current orders/breaches: <i>at what stage in hearing the case?</i>	
9. Not guilty		If the woman was denied legal aid when the incident occurred, can she now get legal aid? Can she now apply for an NMO? What is the effect of a not guilty verdict?
10. Guilty a) Pre-Sentence report	Does Probation consult ADVANCE? Should pre-sentence report include info re civil orders?	
11. Sentence a) Most sentences offer no long term protection b) Fined/community penalty c) Restraining order rarely includes children d) Prison	Could criminal court papers be available to the civil court?	Can she now apply for an NMO? What is the legal aid position? Woman then has to get a solicitor and start a family court case. As his release date approaches can she apply for an NMO?

Section Seven

Ideas generated



Throughout the session participants were asked to write down ideas for change that occurred to them in the course of the discussion. These are listed below grouped under headings used earlier in the report. The Standing Together Steering Committee will consider these.

Information

- Monitor and develop the extremely good relations we are building with Magistrates.
- Liaise with other agencies where she has received support to build the file against him. Disclosure of incidents in the past may not have been made as not deemed necessary until further understanding and awareness of her relationship as controlling and abusive is made known to her.
- Schools to be included in information sharing re domestic violence and children.
- Information sharing — must be broadened and robust.
- Link up with Mayor of London's Forum.

Protection and Safety

- Consider lobbying by Solicitors Family Law Association, the Law Society Family Panel and the Legal Services Commission re difficulties thrown up around legal aid where police impose bail conditions.
- That protection from violence (injunctions) etc. should not cost money and should be free for all survivors.
- That cases should be heard within one month to stop survivors being harassed while waiting and reduce the percentage of withdrawals.
- To be able to receive court results regarding bail application and/or sentencing on *the day they are granted*, as women need to know straight away to be able to respond to protect themselves adequately.
- Parental responsibility status and contact arrangements to be specified in safety plan for survivor.
- Good Practice Guidelines for Family Law solicitors.
 - a) safety planning (ie. children, contact, collection of belongings etc.) to form part of first interview with woman and appropriate follow-up action (eg. children to school).
 - b) Solicitor to inform (who? ADVANCE, police, CPS) eg. legal position on children ie. married, not married, is there a P.R. order or agreement and if any civil proceedings underway and, if so, stage reached.

Legislative Change

- Legislative change — assaults to have restraining order cover post conviction similar to Harassment Act orders.
- New law of Domestic Violence making domestic violence a separate offence (the one way to ensure that the crime has top focus).

Coordination between agencies

- Guidelines for all agencies as to procedure of other agencies so that all are aware of each.
- Form 78s to go directly to community health, health visitors/school nurse service.

Accountability of perpetrators

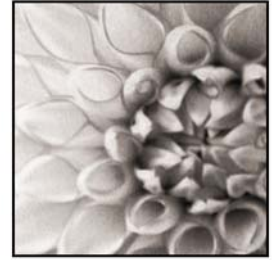
- Greater consistency in the court process. A system whereby the same judge/district judge presides over the case from beginning to subsequent trial *and* sentencing.
- CPS guidelines — new guidelines must be used. Special CPS domestic violence prosecutors.

Crossovers between civil and criminal

- Better police practice including understanding of civil law; swifter investigation; better response at the scene.
- Combined courts.
- Advocates use specific expert solicitors.
- Very radical, but could there be a 'hybrid court' for domestic violence which would be given both the powers of the criminal courts and the civil courts, so that the same tribunal could deal with all issues. Needs legislative change? Enough cases to justify the funding.

Section Eight

Next steps



Those present were asked what action they would take in the next few months to carry forward points made today. The Standing Together Steering Group will review progress regularly.

Standing Together will write up notes of today and circulate for comments by those present. Harriet Cullis, Bindar Dosanjh, Andrew Bache, Martin Carter and Pauline Gooderson offered to meet with the 'Making the Law Work for Women' project staff to discuss next steps in taking forward the work.

Police:

- New initiative about to commence on information sharing between Social Services and police will now include domestic violence.
- As chair of Standing Together, maintain meetings and links with agencies present not currently on the Steering Group.

Crown Prosecution Service:

Talk to colleagues:

- About getting as much information about safety and risk into the file as possible.
- About giving more careful consideration to applications to vary bail conditions in domestic violence cases.
- Ask that an extra bundle (prosecution case papers) be prepared at the outset to improve information to the probation officer if the case needs a pre-sentence report.

Social Services:

- Reviewing practice of social workers in relation to the assessment of children and ensure that workers ask about arrangements for child contact in domestic violence cases.

Magistrates Association:

- Training Committee is producing a Tool kit to be used in training Magistrates on the issue of domestic violence.
- Information from today will be passed on to the Magistrates Association.

West London Magistrates Court representatives:

- Will discuss all points from today with colleagues.
- Review the notice period required before a bail variation is heard.

ADVANCE:

- Review safety planning done with survivors.
- Look at the issue of safety in relation to schools.

Witness Service based at Blackfriars Crown Court:

- Will pass on to the court manager points made about communication of bail conditions to survivors and their representatives.
- The Witness Service needs to know in advance when a case is a domestic violence matter. Representative will investigate what can be done.

Solicitor:

- Better communication with police officers to collect information when applying for civil orders.
- Will seek and provide information relevant to bail conditions.
- Take information from today and discuss with the Solicitors' Family Law Association.
- Liaise more with ADVANCE on the detail of cases.
- Keep involved in Standing Together's development of solicitors good practice guidelines.

DVIP:

- Will consider how to simplify risk assessment processes.

Hammersmith and Fulham Community Law Centre:

- Will contribute to good practice guidelines for solicitors.
- To be involved in any discussion with the Legal Services Commission re Legal Aid.

Appendix 2A

Attendance List

Name	Organisation
Andrew Bache	Magistrate, West London Magistrates Court
Neil Blacklock	DVIP, men's programme
Sunshine Brown	DVIP
Martin Carter	West London Magistrates Court
Harriet Cullis	Magistrate, Magistrates Association
Bindar Dosanjh	White Ryland solicitors
Beryl Foster	Standing Together
Mark Hewitt	CSU Police, Hammersmith
Nicole Jacobs	Standing Together
Sonia Keddo	Standing Together
Khalida Khan	Social Services Department
Lola Lakoja	ADVANCE
Christine Magill (Observer)	Southbank University
Bear Monitque	ADVANCE
Funmi Okubajo	Crown Prosecution Service
Debbie Seaborn	Standing Together
Peta Sissons	Awareness In Practice — facilitator
Sophie Wadleigh	ADVANCE
Chief Superintendent Anthony Wills	Chair of Standing Together, Hammersmith Police
Lynne Wilson	Blackfriars Crown Court, Witness Support Service

Appendix 2B

Walkthrough Exercise Aims

Peta Sissons / Debbie Seaborn

Civil/Criminal Court/Justice processes: Finding out what the links/gaps are now — the “Walkthrough Audit”

Aims

1. To find out (audit) the gaps between civil/criminal processes for domestic violence now in relation to:
 - safety of women and accountability of offenders
 - information sharing and practical links between the Family/civil and criminal courts and with other key agencies
2. To find out what could be done, when, by which agencies to plug the gaps.
3. To identify what changes can be made now locally/London-wide, and what needs national/legislative change.
4. To agree an action plan and time table for implementing change.
5. We want to investigate/explore what we don't all know now, and what could be improved in relation to:
 - safety and protection for women using the courts
 - information flows that can assist safety/protection
 - sentencing/protection options
 - holding the offender accountable throughout the justice system

Appendix 2C

Walkthrough Exercise Case Study

January 9, 2002

Issues:

- bail conditions can be varied so that danger increases without victim being informed

Gap between criminal and civil:

- victim advised legal aid not available whilst police are building the criminal case
- civil protection order cannot be considered whilst bail conditions are in force

Zeta* lives with her two children who are aged 5 and 10. Ray* is the father of the children and although not married, Zeta and Ray lived together prior to separation.

One evening neighbours called police to a disturbance at Zeta's house. Zeta said that her ex-partner Ray* had punched her in the head and face several times. She had reddening to one side of her face. By the time police had arrived Ray had absconded from the scene.

Zeta provided a statement to the police and they said that they would locate him and charge him with common assault.

During this period Zeta was not protected. ADVANCE arranged for her to see a solicitor. The solicitor advised her that they couldn't get Legal Aid to apply for a non-molestation order because the police investigation was continuing. Zeta did not feel confident to apply by herself, even with the support available from staff at Inner London Family Proceedings Court — she feared that Ray would employ a solicitor to contest the granting of an order.

Meanwhile Zeta was still being harassed with threatening telephone calls and her car tyres were slashed. He still was not apprehended by the police as they were still building the case.

The police charged Ray with common assault and he was bailed with bail conditions attached not to go to W12. It appeared to Zeta and ADVANCE that she was now better protected. However, two weeks later, unbeknownst to her or ADVANCE, Ray applied for the bail conditions to be varied as his doctor was in W12. The variation was granted and the condition was varied that he should not come within 500 metres of Zeta.

On Friday afternoon Ray went to the children's school in W12 and collected the children — he had often done so when he was living with Zeta, so neither the children nor the school staff saw any reason to be concerned.

When the children did not come home Zeta rang the school and was horrified at what had happened. She rang a solicitor and was told she would have to wait two days for an appointment. In the meantime Ray contacted her and said that he would return the children to her if she would withdraw her statement about the assault. She agreed to withdraw.

* Fictional name

Appendix 2D

Ideas generated from 'Effective Interventions in Domestic Violence' workshop

January 9, 2002

Making the Links between Civil and Criminal Processes: Walk Through Exercise

Today's exercise follows on from the workshop Standing Together organised for magistrates on September 29, 2001. Participants at the workshop were keen to improve the links between the civil and criminal processes.

Below is an extract from the notes of the plenary at which ideas from the action planning session were agreed.

Exchange of information between civil and criminal courts

There was agreement on the need for improved communication between Civil and Criminal systems, and in particular that on bail and sentencing CPS should inform magistrates of domestic issues and of relevant civil injunctions and orders in force.

Specific ways in which this could / should happen:

- There should be an obligation on CPS/ Police to investigate civil proceedings (ie. to check if there are any civil proceedings and what stage they are at), and include this in information for the court hearing criminal proceedings.
- CPS should ascertain if there have been previous complaints of breach of injunction, which should be taken into account for bail decisions. (There was a request for training for magistrates on bail issues).
- The civil courts should be able to demand previous convictions.
- There should be liaison to ensure civil protection is considered when criminal cases are disposed of.

It was agreed that a practical way of making progress could be via the production of a domestic violence section for the magistrates' Bench Book — including both Civil and Criminal aspects in it would promote "crossover" thinking.

Other suggestions Standing Together has heard from judges:

- When making a finding of fact on domestic violence, one family court judge routinely sends for the criminal case file if there is one.
- Giving Polaroid cameras to family solicitors, to take photos of women with visible injuries. The photos would not form part of any criminal case unless and until the woman wanted them to — but if and when that time comes, there would be good evidence of a history of violence.
- What about family courts taking photos of women applying for protection orders?