

LESSONS LEARNT 2006

A three year overview of the Specialist Domestic Violence Court, West London

Introduction

Every Thursday since October 2002 at West London Magistrates' Court, a number of staff from the Standing Together Against Domestic Violence partner agencies have gathered in Court 3 to carry out their specific roles within the Specialist Domestic Violence Court (SDVC). In this 2006 overview of more than three years of the court's operation, we are sharing with you some lessons learnt, measurable outcomes and good practice that has been systematically embedded.

In the past year the Home Office Task Force on SDVCs has brought together national experts in this field, including Standing Together (ST), to produce the 'SDVC Resource Manual' for partnerships wishing to set up new SDVCs. 25 existing and new SDVCs in England and Wales began monitoring to agreed criteria in April 2006. Further SDVCs have been identified to join them in September 2006. The Resource Manual and roll out also include components that cannot be delivered by SDVCs alone: for example, MARACS, IDVAs (Independent Domestic Violence Advisors/advocates), Children's Services and information sharing protocols.

The new SDVCs are promoted by the Home Office as part of a coordinated community response. This is the model developed in the UK in 1998 by Standing Together and in Duluth, USA before us.

By taking the first bold step to set up a Specialist Domestic Violence Court, we laid down a marker about the appropriate response to the awareness and reality of domestic violence. An SDVC adds value and demonstrates to victims and witnesses that the court takes its responsibilities regarding domestic violence, their safety and a fair trial seriously.

Jan Lesser, Head of Legal Services, West London Magistrates' Court

I feel vindicated, like I can finally get on with my life. There were lots of wonderful women who helped me, (as well as) the District Judge, CPS and police.

Why have an SDVC?

It is what we know about the nature and prosecution of domestic violence cases that directly informs the Standing Together partnership in West London in dedicating so much effort and expertise to developing and supporting a specialist court:

- This is no ordinary crime and the criminal justice system has traditionally failed to take account of its specific nature
- In providing a service to victims, the particular forms of risk and vulnerability need to be actively assessed at every stage
- These are difficult cases to prosecute and attrition and withdrawal rates have always been high
- The presence in the one court room of well-trained staff, specialised in relation to domestic violence cases, together with victim/witness support agencies, is a substantial commitment in resource terms, but can be shown to assist the justice process
- Many agencies hold parts of the information and part of the expertise that is essential to the safe and fair prosecution of a domestic violence case. The nature of the relationship between victim and defendant and defendants' access to victims require that information before the court is current, focused on risk and accurate. Within an SDVC, this information can be shared and expertise about domestic violence applied in a systematic, well regulated and timely way.

**STANDING
together**
against domestic violence

- Effective and operational partnerships are the only way to get the best results from the criminal justice process. Data from West London SDVC clearly demonstrates this.

The SDVC in West London

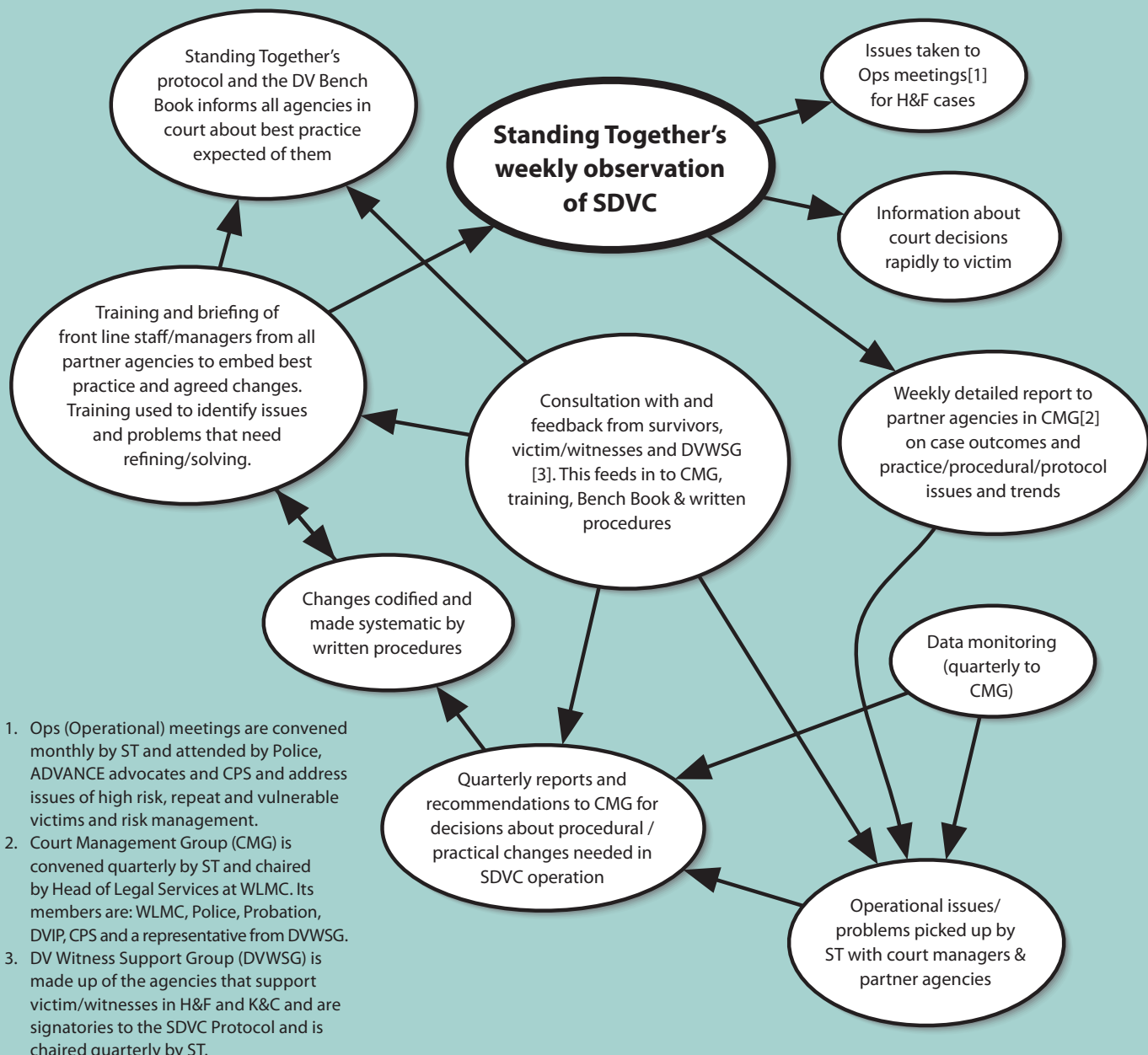
The SDVC at West London Magistrates' Court (WLMC) set out to test whether a range of approaches and practical measures to increase the safety of victim/witnesses, together with trained and specialist staff in the court room, would enable justice to be delivered safely, fairly and more effectively in cases involving intimate partner abuse. A great deal of work, by 14 different agencies, over several years has been put into moving on from a pilot into a sustained and successful established service at WLMC.

- The SDVC was launched in October 2002 and has operated continuously since then, hearing flagged domestic violence

cases from two boroughs, Hammersmith & Fulham (H&F) and Kensington & Chelsea (K&C)

- The court sits weekly in the same court room, for a full day. It deals with all matters, hearings and trials relating to criminal cases over which the magistrates' court has jurisdiction and involving intimate partner abuse. In the first instance, it deals with the full range of alleged offences within a domestic violence context. Certain cases are sent on to Blackfriars Crown Court.
- The operation of the court and the roles of the partner agencies within it, are guided by a detailed multi-agency protocol
- All key personnel and the judiciary have received specialist training in domestic abuse and many have taken part in a safety audit of the court process

How the coordinated response works at the SDVC at West London Magistrates' Court, supported by Standing Together Against Domestic Violence



- The judiciary in the SDVC can be either one District Judge or a bench of three Magistrates
- The partnership work in support of the court is coordinated by Standing Together Against Domestic Violence (ST) and overseen by the multi-agency Court Management Group, convened by ST.
- The court's operation is reviewed annually by the partner agencies and the results of quarterly monitoring and the review are published
- The working definition used to identify cases for the SDVC is:

"Domestic violence includes any form of physical, sexual or emotional abuse within or after an intimate relationship."

How the coordinated response works

Coordination is the activity that enables the court and its partner agencies to move away from a system based upon a few dedicated individuals following good practice at court, to one which can deliver consistent services and justice, with safety as a central concern. In the West London SDVC, this coordination is done by Standing Together (ST). In addition to the roles shown in the diagram, this includes running the annual Court Review to evaluate the SDVC, publishing the results, enabling visitors to observe the SDVC in action and sharing our experience nationally.

The whole process is underpinned by:

- Coordination of all processes by Standing Together
- Negotiated ST protocols and written procedures for specific issues such as Special Measures Directions
- Information sharing protocols and effective and rapid communication between the various agencies attending or supporting the court and victims
- Feedback from front line staff about observed good practice, as well as issues needing attention
- Detailed focus on victim/witness safety in all its practical forms
- Respect between the partner agencies
- ST training for all key personnel and Judiciary

The diagram covers cases and partner agencies from both H&F and K&C boroughs except the Ops meetings.

CPS have committed resources and prioritised domestic violence cases nationally and created a specialist response. In fact, out of all the specialisms currently important to CPS nationally, domestic violence and in particular the SDVC in WLMC, is the only one where CPS get feedback about what these specialisms mean to all involved on the ground in and around the court. It is highly valued for that. The quality of both delivery and feedback is high.

Arwel Jones District Crown Prosecutor — West London

Aims of the SDVC at West London Magistrates' Court

1. To increase the effectiveness of each partner agency's specific role in dealing with domestic violence related matters in the SDVC
2. To bring offenders to justice
3. To consider the needs and safety of victims and witnesses
4. To enable a coordinated response both from agencies involved in supporting victims and witnesses at the SDVC and from agencies dealing with individuals accused of domestic violence related matters
5. To share the experience and good practice of the SDVC Partnership with other agencies and projects locally and nationally.

Reviewing and evaluating progress

Once a year all the partner agencies come together in one room for the Annual Review of the SDVC, to reflect on lessons learnt, analyse achievements and identify issues needing more attention and challenges that we face over the next year. Apart from high quality data monitoring, tracking and analysis, Standing Together has established a process of triangulating qualitative data — including partner agencies' views and survivor consultation — quantitative data and detailed court observation, to provide a full picture for partner agencies of outcomes and issues. This is a dynamic process, allowing partner agencies to hear each others' views and in turn it strengthens the partnership. Because we have not had funding for an independent evaluation of the SDVC, we have subjected our methods of evaluation and measuring change to scrutiny by respected academics and received confirmation that this is a valid and valuable process, providing rich data.

Partner agencies' views

It is clear from partner agencies' comments at the 2006 Review just how much has been achieved over three years and incorporated by each agency into systematic attention to the detail of best practice. It is also clear that partnership is an active and

live concept that sustains the SDVC and individual agencies in achieving their own targets, not a paper exercise. Some examples of their comments are included here.

This third year it all came together — we are comfortable in our skins and committed to going forward.

Jan Lesser, Head of Legal Services, West London Magistrates' Court

Survivors' views

In all of Standing Together's work, we have an active commitment to consulting survivors in detail about their safety concerns and their views of partner agencies' services and publishing the results. Two of these published reports focus specifically upon survivors' views of the court and we also gather feedback from victim/witnesses at court every week. Whilst we know that we cannot take away the trauma many feel in engaging with the criminal justice process, we have learnt from survivors that there are many practical ways in which the experience of going to court and their concerns about safety can be and have been, addressed by the SDVC and changes made. Sometimes the smallest detail — like the way the chairs are positioned in the courtroom, or the entrance used — can make a substantial difference to the fears the victim/witness feels. We have listened carefully to what they and those who work directly with them tell us and have taken their ideas to the Court Management Group for implementation wherever possible.

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

Key Outputs: Overview of three years of data monitoring of the SDVC at West London Magistrates' Court

Standing Together pioneered domestic violence data sharing and analysis in Hammersmith & Fulham. We have verified, cleaned and checked all data and tracked the cases in every data set, including the SDVC, to a very high standard.

Over the past 3 years (April 03 – March 06) there has been:

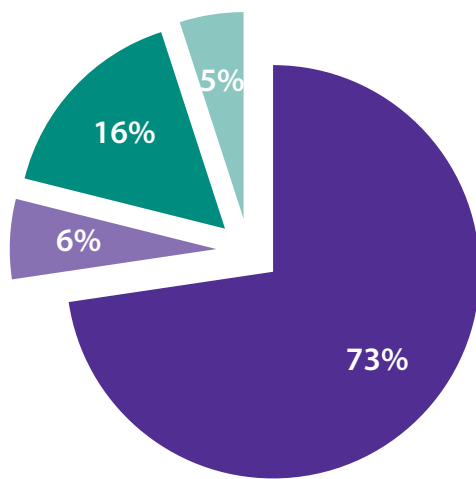
Year 1 (03-04)	Year 2 (04-05)	Year 3 (05-06)
Increase in the number of offenders arriving at the court		
221	158	261
Increase in the percentage of defendants convicted		
35.7%	45.6%	49.8%
Increase in the percentage of early guilty pleas		
21%	20%	25%
Decrease in the mean number of hearings per completed case		
4.5	4.4	3.9
Decrease in the average number of days between charge and completion		
96	82	84
Decrease in the percentage of discontinuances / withdrawals		
26.7%	18.4%	14.6%
Decrease in the percentage of NEO dismissals		
22.2%	20.3%	18.8%

Charges/offences arriving at the SDVC

- During Year 3 the most common four charges (common assault, ABH, harassment and criminal damage) constituted 80% of all charges arriving at court
- Over the three years the proportion of common assault charges arriving has been rising
- Common assault is also the most common offence to result in conviction; during Year 3 over 70% of all defendants were convicted of common assault in the SDVC
- An average 21 cases per year were committed to Blackfriars Crown Court from the SDVC

Bail given to defendants

- Conditional
- Unconditional
- Custody
- Not Applicable



- 90% of defendants entering the SDVC were given conditional bail or remanded in custody
- For a further 5% bail is not applicable (i.e. the case concludes at 1st appearance).

Key positives emerge from the data from a prosecution perspective: an increase in the number of defendants prosecuted; more early guilty pleas; a reduction in withdrawal and discontinuance. How can we publicise these positives and convey this to the community, to perpetrators and to the defence?

Arwel Jones District Crown Prosecutor — West London

Sentencing at the SDVC

- Over half of defendants were given a Community Sentence over the past 3 years
- Over 60% of Community Sentences contained an IDAP order. Over the three years the number of orders has increased by over 65%.

- Financial penalty (fine, costs, compensation) as a sole sentence is very rare in the SDVC — only 5% of convicted defendants were given a financial penalty as their main sentence during year 3
- Restraining Orders are given to the majority of defendants convicted of harassment (71%).

Victim/witnesses supported at court

- In two thirds of cases going through the SDVC the victim/witness(es) were supported by one or more of the designated support agencies during the past 2 years. Two thirds of these involved support at trial.

Further monitoring data for the SDVC is on the Standing Together website and will be published in the 2006 Briefing Papers.

I couldn't have done it without ADVANCE. They kept me focused and able to go to court. It was such a positive experience. The impact of me actually turning up was huge on the defendant. He did not expect me to be there.

Court in the Spotlight: Observation of the operation of the West London SDVC over three years

Specialist Domestic Violence Courts should be expected, within the requirements of the law and a just process, to:

- systematically and consistently enhance the safety and services at court for victims
- actively engage defendants and hold them accountable
- enable the best information to come into court to assist the judiciary in their decisions.

Standing Together is present in the SDVC every week to observe and record in detail the reality of how all the partner agencies at court are achieving these aims. This provides an invaluable and operational picture of what actually happens in the court. What follows is a summary of these observations of some of the key operational achievements and challenges addressed over the past three years, together with issues now facing the SDVC.

Achievements that have been embedded

Trained staff

- The standard has been set and achieved of training on the dynamics of domestic and the SDVC protocol for all personnel working in the SDVC, including legal advisors, court administrators and list callers
- The SDVC can now draw from a large pool of domestic violence trained District Judges and Magistrates to preside over cases
- The number of domestic violence specialist prosecutors available to work within the SDVC is increasing and agreement reached not to use CPS agents in this court. Prosecutors and probation officers are aware of the partnership, how it works within the SDVC and their roles and responsibilities within it.

The Witness Care Unit are keen to continue to reinforce our links with and resources from Standing Together and the SDVC. Becoming involved in the coordinated response we value the importance of liaison and being proactive and understanding how this court works. The training has been invaluable. (H&F)

The (Standing Together) training and understanding of the SDVC has enabled WCU staff to be more sympathetic towards domestic violence victim/witnesses and to promote the court to them, which has helped to alleviate some of their concerns. (K&C)

Police Witness Care Units

Victim safety

- Victim safety is actively and routinely considered by the DJs and Magistrates in the SDVC: evident for example when hearing evidence at trial, in the understanding shown about the dynamics of domestic violence and in the effort and care taken to explain decisions to victims and witnesses.
- Feedback from victims and witnesses about safety has led to several practical changes: information about court decisions is given rapidly to victims; trials are only listed in court rooms with secure docks; only two defendants are allowed in the court room at the same time.
- The bench understands and accepts the presence of the designated victim advocacy and support services in the court. Support workers are no longer identified in court as such and questions to them are correctly directed through the CPS.

Information sharing and joint working

- There is an active process of information sharing between independent domestic violence advocates, support workers, police and the crown in the SDVC — frequently commented on by visitors to the court

- Partner agencies have developed trust and understanding around sharing information within the court
- ST identifies and acknowledges good practice within the SDVC, providing feedback about both concerns and praise to managers.

Understanding the seriousness of this crime

The CPS and bench consistently articulate clear messages about domestic violence being serious and unacceptable. Overt attempts by the defence to minimise it as a private and less serious matter are not accommodated. This is particularly helpful as the court is open and these messages are heard by people in the public gallery.

With domestic violence it is not your fault — but you need to hear it a lot.

Conditional bail

The imposition of clear bail conditions, e.g. of no direct or indirect contact, is routine and it is recognised that an inquisitorial approach must be taken when considering bail conditions to help protect victim/witness safety. It is now very unusual for cases in the SDVC to be given unconditional bail. The standard has been set that conditions are attached to bail regardless of victim withdrawal and for the period following a conviction and before sentence.

Pre-Sentence Reports

Following conviction, it is standard practice for the bench to request a “full standard delivery report” from the Probation Service. Domestic violence reports are deemed to be a priority, second only to custody reports. All sentencing options will usually be requested for assessment, including an assessment for Integrated Domestic Abuse Programme (IDAP). It has been agreed that expedited/stand down reports are not appropriate in the SDVC.

Sentences imposed

Sentencing domestic violence perpetrators to Community Orders with probation supervision for a minimum of two years, with the condition to attend IDAP, continues to increase. Sentences such as Conditional Discharges or fines are rare in the SDVC.

Coordination

For nearly four years, Standing Together has sustained the coordination of the SDVC partnership and weekly observation of the court. At the 2006 Annual Review this was strongly endorsed by partner agencies.

It felt so good standing up to him, he couldn't believe I did it. You should have seen his disbelief in court.

Issues addressed

- The SDVC has embraced new legislation and first piloted policy developments such as the use of Special Measures to enhance the quality of the evidence given by vulnerable victims/witness and the use of witness summons when victims have withdrawn their statement
- Consideration and use of both these measures is increasing and more consistent and ST works to ensure early consideration to help prepare the victim/witness for attending court, using specific local procedures.

We have been more robust in making applications for witness summons; there is a change in the mentality or thinking towards finding a way to go ahead without the victim.

Arlene De Silva, Senior Crown Prosecutor

For us the achievements this year have been: better quality evidence; the service of ADVANCE; and the willingness of CPS and the Court to request and issue Witness Summonses.

Detective Inspector Sheila Annesley, Met Police LBHF

The involvement from both boroughs' Police Community Safety Units in the SDVC has improved, with officers from both boroughs in court for every Thursday's remand list, to offer assistance to the court in verifying issues around bail and to help with any aspect of case information the court may need. This helps reduce the need for additional adjournments. The court now increasingly asks for verification of the information provided by the defence, especially in regard to bail condition variations, to ensure that a well informed decision is made.

Risk assessment is all about evidence, if we know enough then we can make good assessments. It's not about the tool, it's about who gives you the information, that's what I value about Standing Together.

Catherine Askew, Senior Probation Officer, London Probation

Continuing challenges and new developments

- Ensuring that there is consistency in all aspects of police and CPS file preparation
- Further monitoring and refinement of practices/procedures around: early Special Measures applications, increasing the number of cases proceeding to trial without the victim and use of witness summons
- Increasing the use of victim personal/impact statements in appropriate cases
- Continuing to reduce where possible the length of time before trial
- Listing of family violence — not only intimate partner — cases in the SDVC, to ensure data is consistent with national SDVC monitoring
- Involving defence solicitors and barristers in the development of best practice in the SDVC
- Developing and holding post-conviction Compliance Hearings for IDAP and breaches of orders within the SDVC
- Clarifying provision of services to victims from K&C with the introduction of a new support agency working in the borough
- Access to reliable childcare for victim/witnesses whilst at court
- Auditing the performance of the SDVC and other WLMC courts hearing domestic violence cases against the requirements set out in the national Victims Code.

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

Future challenge

We are proud of the fact that despite diminishing resources, changes in key personnel and increased reporting of domestic violence over the past three years, the West London SDVC partnership has sustained its high quality service. It has also firmly embedded best practice and undertaken new initiatives. We now face the challenge of continuing to develop this important work.

SDVC partner agencies

- ADVANCE Advocacy Service
- Crown Prosecution Service
- Domestic Violence Intervention Project
- Eaves Women's Aid
- Police Hammersmith & Fulham (H&F)
- Police Kensington & Chelsea (K&C)
- Police Witness Care Units H&F and K&C
- Probation Service
- Standing Together Against Domestic Violence
- Victim Support H&F and K&C
- West London Magistrates' Court
- Witness Service at WLMC

*Success is as a result of a good response on police call-out.
The main challenge is for us all to keep our standards up.*

ADVANCE

Acknowledgements

Thanks are due to: WLMC, all partner agencies and to Leeds Domestic Violence Court for their valuable advice and support when we started down this road.

Lessons Learnt 2006 was edited by Peta Sissons, Training & Information Officer, Standing Together and designed by Iain Anderson of funwithstuff.com.

Funding for the development of the SDVC has been appreciated from:

- Association of London Government
- Home Office
- Public Service Agreement with LBH&F
- Metropolitan Police in Hammersmith & Fulham

**Published September 2006 by
Standing Together Against Domestic Violence**

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I am a great supporter of the SDVC and appreciate how lucky the court is in the support it receives.

Chair of the Justices at WLMC

Standing Together's Services

Standing Together has developed many resources and publications to back up and facilitate the work of the SDVC partnership. They are available for others to use and in particular to assist the new SDVC partnerships around the UK. They include the first two years' reports of the SDVC Annual Review, the reports of a number of consultations with survivors and access to the specialised training we have developed and delivered to SDVC partners.

Three major new court-related Standing Together publications are coming out this autumn:

- The **Specialist Domestic Violence Toolkit** will be available as part of a new consultancy service offered by Standing Together on how to set up and run an SDVC partnership
- Detailed **Briefing Papers** from the Third Annual Review of the SDVC will be published later this year to accompany the **Lessons Learnt 2006** overview
- **The Domestic Violence Bench Book and Good Practice Guide**, a unique resource written by Jan Lesser, Head of Legal Services, WLMC, is being published by Standing Together in September.

To find out more, first go to the Standing Together website, then contact us to discuss how we could help you.

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