



BRIEFING PAPER

SPECIALIST DOMESTIC VIOLENCE COURT

NUMBER 2

ISSUES, CHALLENGES AND ACTIONS 2006

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Registered Office:

Room 44D
The Polish Centre
238-246 King Street
London W6 0RF

Telephone: 020 8748 5717
Fax: 020 8748 5921
E-mail: admin@standingtogether.org.uk
Website: www.standingtogether.org.uk

Charity number: 1088844

Briefing Paper 2: Issues, Challenges and Action Taken 2006

The table featured on the following pages provides a summary of the various issues and challenges that have been highlighted by Standing Together and the operational partners of the Specialist Domestic Violence Court during the past year. The table also summarises where and how the issues were addressed, and progress made towards resolving them.

Practice issues at court, including decisions made on bail and sentence, reference to the Protocols, and comments made by the judiciary, are observed each week by the Standing Together representative in the court. Where these observations raise issues related to the SDVC Protocol, for example, they are included in the weekly court observation summaries that go to the Court Management Group. Where discussion or action is needed as a result of these observations of how the court is operating week by week, the issues were taken forward and progressed at the Domestic Violence Witness Support Group and Court Management Group, which meet on a quarterly basis.

In addition to the issues in the table, there were several other key areas of work carried out during the year by Standing Together and partners in relation to the SDVC. These were designed to help embed and make systematic the best practice that has been developed throughout the years the SDVC has been running. Further details of some of these are given elsewhere in the 2006 Court review papers:

- Work on a Standing Together SDVC Toolkit which will be published nationally in 2006-7 to assist new SDVCs. This is in addition to the contribution Standing Together has made to the national SDVC Manual
- Updating the West London Magistrates Court Domestic Violence Benchbook. This will be published in 2006-7
- SDVC observers' pack revised and contents updated
- DVWSG briefing sheet updated with contribution from agencies
- Training of police, WCU staff and others to help ensure best practice in handling domestic violence cases and supporting victim/witnesses
- Improvements to the information leaflets for victim/witnesses and the methods of encouraging feedback from those who use the SDVC

The issues included in this summary are drawn from the period April 2005 – March 2006.

Issues and challenges	How the matter was addressed	Progress made towards resolving
Court Aims and Protocols		
<p>1. SDVC aims: Aims for the SDVC needed to be updated to reflect the SDVC national roll out – as suggested from evaluation conducted by Marianne Hester.</p>	<p>The revised SDVC aims were drafted and agreed by DVWSG and CMG.</p>	<p>Completed. Indicators for the revised aims are now in the progress of being mapped and agreed.</p>
<p>2. Police court cover: Maintaining protocol agreement for regular police cover in the SDVC, including securing K&C police agreement to attend SDVC.</p>	<p>Concerns over absence of police from the SDVC were raised with police and at CMG. Benefit of police attendance at the SDVC recognised by all SDVC partners. K&C CSU provided officers during DVEC to the SDVC. H&F continue to send officers when resources allow.</p>	<p>Ongoing. Negotiations are ongoing with both boroughs around court cover.</p>
Information to the Court and Case File Preparation		
<p>3. Medical evidence: Delays experienced in obtaining medical evidence, including the increase in number of FME non reports.</p>	<p>Despite attempts to help improve the timeliness and quality of medical evidence concern continues over delays.</p>	<p>Medical evidence is now a standard item on Operations Meeting and CPS has agreed to be a link to help identify cases.</p>
<p>4. Risk assessment: The bench to be aware of risk concerns through the inclusion of police risk assessment in files for the CPS to present to assist bail, SM applications and witness summons applications as well as sentencing.</p>	<p>This was explored with head of Legal Services and taken to Supt meeting. Agreed that if high risk, the police should include this in the file (possible as further offences). Difficulties with disclosure explored, especially when information supplied by support services.</p>	<p>Completed. Risk continues to be discussed at specific meetings in both boroughs. CMG agreed that the Probation Service has a key role in conducting risk assessments and this is to be informed by information supplied to write report, interview, assessment and information gathered from support services.</p>
<p>5. Missing DV results: Continuing number of missing results from DV cases heard on non SDVC days.</p>	<p>ST have devised a form, where known DV trial dates to be held on non SDVC days are entered. This form is given each week to the Witness Service, who proactively collect the result and any bail conditions as necessary.</p>	<p>Head of Legal Services is informed of missing results each week and reminds Legal Advisers to forward pink bail forms to the Witness Service.</p>
<p>6. Pilot Drug Court diversions: Concern that DV cases could be diverted out of the SDVC into the pilot drug court.</p>	<p>WLMC have agreed any cases that arrive with both drugs and DV offences will remain within the SDVC due to victim concerns and support provided within the SDVC.</p>	<p>Part completed. Concerns over emphasis on drug/alcohol dependency in relation to sentencing and risk assessment continue to be raised and fed back to the CMG.</p>

Issues and challenges	How the matter was addressed	Progress made towards resolving
Definitions and Monitoring		
<p>7. ACPO definition of DV: Following the national roll out of the SDVCs, what is the potential capacity to include cases that come under the broader Inter Ministerial government definition of DV.</p>	<p>Standing Together is now monitoring information to assist with the assessment. Standing Together has completed a snapshot of numbers of family violence cases coming into the court.</p>	<p>Standing Together continues to help CMG assess the impact of adopting the wider definition and track problems this would raise with listings.</p>
<p>8. Flagging of DV: Serious offences which are of DV in nature to be flagged as DV and case files to be given a green DV sticker.</p>	<p>Head of Legal Services has sent a memo to Legal Advisors concerning the need to flag such cases.</p>	<p>Standing Together will continue to monitor.</p>
<p>9. Decrease in charging: Concern over the reduction in number of charges arriving at the SDVC (following CPS responsibility for charging decisions).</p>	<p>This issue has been raised at all levels (locally, regionally and nationally) at various groups. Conviction rate within SDVC has been rising.</p>	<p>Standing Together will continue to monitor charges and completions.</p>
Bail		
<p>10. Bail conditions: Concern over unclear bail conditions and the unconditional bail status of some defendants arriving at the SDVC.</p>	<p>This was raised by Standing Together and discussed at the DVWSG and CMG. Legal Advisors have been informed by the Head of Legal Services to ensure clear exclusion zones definable by street/postal areas are made (not related to in terms of metres). The importance of setting no contact conditions was agreed by all partners in the CMG.</p>	<p>Bail status and conditions will continue to be monitored by Standing Together and raised through the weekly observations. The use of unconditional bail is now rare for defendants in the SDVC.</p>
Trials and Sentencing		
<p>11. Victim Impact Statements: The small number of cases where a victim impact/personal statements has been obtained and used to assist with sentencing.</p>	<p>It was agreed that the CPS will take responsibility for immediately endorsing the case file and will write a memo immediately after conviction to the WCU and Officer in the Case to try and obtain a statement (if this has not already been done).</p>	<p>To early to provide clear and early indication of any progress. In the first quarter of 2006/7 there has been 3 such statements used. Standing Together will monitor the use of these statements and will feed back to both the DVWSG and CMG.</p>

Issues and challenges	How the matter was addressed	Progress made towards resolving
Trials and Sentencing		
<p>12. SMD and applications: Late Special Measures Applications made for SDVC trials (often on day of trial).</p>	<p>A process for SMA for the SDVC was agreed by all partners and added to the SDVC protocol. A process/procedure map was also created and distributed.</p>	<p>Revisions to process completed. Monitoring of implementation is ongoing.</p> <p>In Feb 2006 DVWSG raised concerns about late applications. Agreement has now been secured for WCU to undertake early asking of all victim/witnesses about SM and liaising with CJU and OIC. Update procedures have been added to website. SMA are continually monitored each week by SDVC and fed back in weekly and quarterly observation summaries. To be added to revised WLMC DV bench Book.</p>
<p>13. Non reports: High number of cases where the court Pre-Sentence Reports from probation are not ready (due to resource demands).</p>	<p>More funding at the beginning of the year was secured and DV was confirmed as a clear priority for the Probation Service. Sessional report writers were employed to complete court reports in the 3 week adjournment.</p>	<p>Ongoing work as this is a continuing issue.</p> <p>Practice in court report completion and difficulties experienced with timely completion are monitored and concerns are fed back to probation through the CMG.</p>
<p>14. IDAP Recommendations: Court reports do not always include an assessment for IDAP.</p>	<p>Standing Together and ADVANCE held a briefing session on the SDVC with probation staff at Askew Road.</p>	<p>Standing Together will continue to monitor recommendations in Court Reports to ensure IDAP has been considered.</p> <p>Links to Dorset Close Probation office to be strengthened.</p>
<p>15. IDAP completions: Low number of successful completions of IDAP.</p>	<p>An audit of the cases in the IDAP system has been conducted by Standing Together with Probation and DVIP. Results have been fed back to CMG.</p>	<p>Ongoing.</p> <p>Disparities in figures of completions exist and so Standing Together is continuing to progress this with relevant agencies to track offenders in the system and identify and seek to resolve difficulties in the administrative system.</p>
<p>16. Pilot Drug Court diversions: Concern that DV cases could be diverted out of the SDVC into the pilot drug court.</p>	<p>WLMC have agreed any cases that arrive with both drugs and DV offences will remain within the SDVC due to victim concerns and support provided within the SDVC.</p>	<p>Part completed.</p> <p>Concerns over emphasis on drug/alcohol dependency in relation to sentencing and risk assessment continue to be raised and fed back to the CMG.</p>

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Victim & Witness Support Issues		
<p>17. Low number of pre trial visits to WLMC: Concern raised by DVWSG agencies to increase the number of victims/witnesses that are offered the opportunity for a pre trial visit to the WLMC. These visits are hugely positive and can be very helpful in explaining the process to the victim and preparing them for the trial.</p>	<p>WCU now send Witness Service slips offering a pre trial visit to every victim witness. This is also referred to in the revised SDVC information leaflet also sent to victims and witnesses.</p>	<p>Completed.</p>
<p>18. Feedback from victims & witnesses on the SDVC: Lack of feedback received from court users of the SDVC.</p>	<p>New information and feedback leaflets have been produced following consultation with DVWSG agencies. The new leaflets have been distributed to relevant agencies. A new system for receiving feedback from court users has been developed and implemented.</p>	<p>Work on the leaflets has been completed.</p> <p>Collection of feedback is on going. Feedback has already been received and will form part of a phone survey conducted by Standing Together.</p>
<p>19. RBK&C DV support services: Funding provision for Eaves Women's Aid Criminal Justice outreach post finished. Cover from Eaves for K&C cases at the SDVC no longer possible.</p>	<p>K&C Victim Support approached and agreed to provide alternate SDVC cover for K&C victims with Eaves Women's Aid.</p>	<p>Process not yet completed.</p> <p>RBK&C DV Coordinator through the local authority and police are looking to fund two full time IDVAs for the borough.</p>
<p>20. Summons and travel warrants: Some victims and witnesses have experienced difficulties travelling to court when summoned to attend.</p>	<p>This has been referred to the WCU to look at a possible system for assisting with travel needs of victims attending on a summons who have no financial means.</p>	<p>This has been raised at a higher level and has been addressed at the London Criminal Justice Board with the Major of London.</p>
<p>21. Child care provision: Lack of child care provision for victim/witnesses attending SDVC (especially for those summoned to attend).</p>	<p>CPS will pay child care costs (in arrears and only with registered child minder).</p>	<p>Completed so far as difficulties continue but would require a wider policy change for improvements to be made.</p>
<p>22. Witness Care Units (WCUs): Need identified (at the time of the last SDVC review) to clarify the respective roles of WCUs and specialist DV support agencies, and to build the capacity of WCUs in relation to handling sensitive, high risk DV victim/witnesses.</p>	<p>Standing Together trained both borough WCUs in 2005. WCUs are now active members of the DVWSG and are part of the coordinated response of the SDVC.</p> <p>A WCU route map has been produced by Standing Together in conjunction with WCU – & distributed to relevant agencies.</p>	<p>Completed.</p> <p>H&F WCU have been invited to attend ADVANCE office to help understand the work of the project and improve links further.</p>