

# **The police response to domestic violence: Risk, discretion, and the context of coercive control**

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# Contents

List of tables and figures .....	4
Acknowledgements .....	5
Declaration .....	6
Abstract .....	7
Introduction .....	8
National context in England and Wales .....	9
Policing domestic violence .....	10
The focus of the thesis.....	11
The context of the work .....	12
The scope of the study.....	13
Ethics.....	13
The researcher as ‘insider’ .....	14
Structure of the thesis.....	15
Research methods.....	15
Literature review .....	17
What is domestic violence?.....	17
Terminology .....	17
Theories of domestic violence .....	18
Discipline and punish – echoes of Foucault?.....	25
Feminist conceptualisations of coercive control .....	26
Why doesn’t she leave?.....	33
Typologies of domestic violence .....	34
Measuring domestic violence.....	36
Domestic violence as a ‘policy domain’ .....	40
Official definitions .....	41
Legal frameworks and policy responses to domestic violence .....	43
Conceptualising operational policework: police culture and discretionary decision-making.....	51
Police response to domestic violence.....	54
Policing and gender.....	58
Policing and risk.....	60
Risk aversion and ‘unnecessary bureaucracy’ .....	62
Risk assessment and management of domestic violence .....	63
Evaluation of risk assessment tools.....	64
Evaluation of risk management models .....	67

Risk assessment in England and Wales .....	67
Summary .....	69
Summary of research questions .....	70
Summary of the papers.....	72
The papers .....	76
Paper 1.....	76
Paper 2.....	98
Paper 3.....	120
Paper 4.....	139
Discussion .....	157
Summary of studies and findings.....	157
Altered contexts?.....	160
HMIC thematic inspections .....	160
Legislation.....	162
What impact have these interventions had? .....	163
National policy responses .....	165
Measurement of domestic violence.....	165
Police training .....	166
Risk assessment.....	167
How can we further analyse and understand police response? .....	167
A normative framework for considering police response to domestic violence ..	172
Future directions and further research.....	179
Science vs craft .....	179
The need for ‘thick description’ of officers’ responses to domestic violence .	182
Advancing policy and practice.....	184
Conclusion .....	187
References .....	195
Appendix 1: Author’s publications that have informed the thesis.....	208
Appendix 2: Agreed framework for PhD.....	209
Appendix 3: Statements of co-authors of joint publications.....	211

## **List of tables and figures**

### **List of tables**

Table 1: Typologies of domestic violence .....	34
Table 2: Key developments in policy, legislation and police practice .....	44

### **List of figures**

Figure 1: The Power and Control Wheel .....	28
Figure 2: A taxonomy of intimate partner sexual violence .....	30
Figure 3: A normative framework and key questions for considering police response to domestic violence .....	178

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## **Declaration**

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## **Abstract**

This thesis examines the issue of police response to domestic violence. It advances theory on this topic by applying the concept of coercive control to better understand the risk profile of domestic violence that comes to the attention of the police, and police officers' use of discretion when identifying, recording and responding to domestic violence incidents. The research questions for the thesis are: (1) Can cases of coercive control be identified in national population surveys, and, if so, to what extent is coercive control gendered and more harmful than other forms of domestic violence?, (2) Is coercive control the most common form of domestic violence reported to the police?, (3) What degree of discretion do officers exercise when responding to cases of domestic violence?, and (4) What factors influence police officers' responses at the scene of incidents of domestic violence? The thesis is structured around four published journal papers. Paper 1 uses national population survey data to show that coercive control is experienced primarily by women, and is more harmful than other forms of domestic violence. Paper 2 uses data from risk assessments to show that coercive control is the most common form of domestic violence that comes to the attention of the police. Using data from force systems, Paper 3 suggests frontline officers retain considerable discretion in relation to identifying and recording cases of domestic violence. Paper 4 uses in-depth interviews with officers alongside case-files to suggest that while officers are now more aware of policies such as presumptive arrest they are prepared to ignore such policies when they believe an incident is not serious; officers' conceptions of what is serious were primarily incidents that involved physical violence and injury. I conclude that legislation to criminalise coercive control presents an opportunity to change officers' conceptions of domestic violence and what constitutes threat and risk. I call for a reconceptualisation of the research agenda on domestic violence to focus initially on observational study in order to understand better the factors that influence police response.

## Introduction

Though researchers and commentators disagree on many issues relating to domestic violence, one thing is generally accepted: it is a significant social and public health problem. Finding ways to prevent and better manage abuse in intimate relationships has a pay-off for numerous agencies, including those concerned with criminal justice, health, housing and education, as well as for society more generally. And, most importantly, the lives of many thousands of individuals suffering abuse can be improved immeasurably. In that respect, some have sought to recast domestic violence as a human rights and (gender) equality issue (see Stark, 2007).

Despite a vast academic literature, spanning more than four decades, many questions remain unanswered, or at least contested, in the field of domestic violence. What, for example, is the best term to describe ‘domestic violence’, and what behaviours and acts does it encompass? How prevalent is it? Who are the offenders and victims? Lack of consensus on such fundamental issues among researchers, policy-makers and professionals makes the job of the frontline practitioner tasked with addressing domestic violence extremely problematic. In fact, domestic violence reflects some of the characteristics of a ‘wicked problem’ (Rittel and Webber, 1973) in that there is (to date) no definitive formulation of the problem; no ‘true or false’ solutions, or ultimate tests of solutions; and the abuse of people in intimate relationships might be seen as symptomatic of a wide range of other interpersonal, social and structural factors.

This thesis focuses on police response to domestic violence and in so doing addresses some of the more fundamental issues associated with the subject. The research draws heavily on Evan Stark’s (2007) articulation of a typology of domestic violence which has ‘coercive control’ as its most insidious element. Coercive control is:

*‘...a strategic course of oppressive conduct that is typically characterized by frequent, but low-level physical abuse and sexual coercion in combination with tactics to intimidate, degrade, isolate, and control victims’ Stark (2013: 18).*



It is the continuous and multi-faceted nature of this form of abuse that distinguishes it from acts of violence and abuse that are infrequent or sporadic. Stark (2007) contends that coercive control is the most high risk and harmful form of domestic violence, and is experienced overwhelmingly by women at the hands of men.

Stark's conceptualisation of coercive control reflects the perception held by most specialist support sector organisations: that domestic violence is about power and control exercised by men over women. The sector itself, in both the UK and countries such as the United States (US), emerged originally from the narratives of female survivors of domestic violence and the activist movement that developed to support and empower these women. Yet the policy context for domestic violence has become a contested one, and the concept of coercive control has become only recently central to national policy responses in the UK.

### **National context in England and Wales**

In the UK, control of key government policy areas is devolved to some extent to the assemblies in the principalities. This thesis focuses specifically on police response to domestic violence in England and Wales, as responsibility for policing is devolved in respect of Scotland and Northern Ireland.

The Home Office has been the lead department for policy on domestic violence in central government. While successive policy documents have referred in the main to violence against women and girls, the cross-government definition of domestic violence and abuse, introduced by the Home Office in 2004, is phrased in gender neutral language, and encompasses 'any incident' of violence or abuse, as opposed to specifying a continuous course of coercive and controlling conduct. This national definition of domestic violence is used by the police service as its working definition for classifying reports as 'domestic-related', and the phrasing of the definition has implications for how frontline practitioners identify, classify and respond to domestic violence. These implications will be explored in-depth in this thesis.

In 2013, the Home Office revised the cross-government definition of domestic violence and abuse to include coercive and controlling behaviour. The gender neutral, 'open-ended' nature of the definition remained, as did its coverage of violence and abuse between 'family members' as well as those in intimate partner

relationships (for a critique see Kelly and Westmarland, 2014). This revision was, though, an indication that the theory of coercive control was gaining traction in relation to policy on domestic violence.

In 2015, following a campaign by several support sector groups and other advocates, the Government included in the Serious Crime Act provision for an offence of ‘controlling or coercive behaviour in an intimate or family relationship’. The first such legislation in the world to criminalise coercive control, the offence was intended to fill a perceived gap in the law left by many of the abusive behaviours encompassed by coercive control not falling into existing categories of crime, and existing legislation on stalking and harassment being applied only to cases where a relationship had ended. The offence elevates coercive control to a pivotal position in relation to practitioner, and particularly frontline police officers’, responses to reports of domestic violence. The success or failure of the law will depend to a great extent on frontline police officers’ understanding of coercive control, and how this understanding (or lack of it) interacts with other structural and organisational factors that may influence their responses.

### **Policing domestic violence**

The police response to domestic violence has been perceived historically as poor, both by advocates and academic researchers. Early studies suggested the majority of officers viewed domestic violence as a private or civil matter, and would take action only in cases where there was significant physical violence (see for example Edwards, 1989).

More recently, systems and processes have been introduced that either directly or indirectly influence to some degree the way officers respond to domestic violence. As described, the police work to a definition of ‘domestic violence and abuse’ initiated by the Home Office. The Home Office also introduced in the 2000s national standards for recording both criminal offences and non-crime incidents which may have a bearing on how officers interpret domestic violence, and the type of action they are prompted to take. And, in 2009, National Policing leads endorsed a national model for the identification, assessment and management of risk in cases of domestic violence. Taken together, these developments in policing, along with officers’ general attitudes to domestic violence and knowledge of coercive control

specifically, are all potential influences on their responses at the scene, and on the wider handling of a case.

### **The focus of the thesis**

This thesis focuses on two key issues. Firstly, can the theory of coercive control, derived from the qualitative narratives and practical experiences of both abused women and the practitioners involved in supporting them, stand up to quantitative examination relating to its characteristics, impact and utility in assessing risk of harm? Data from the Crime Survey for England and Wales (CSEW) is brought to bear on the question of measurement and ‘who does what to whom’ (Hester, 2013). Can coercive and controlling domestic violence be isolated in a nationally representative survey, and, if it can, does the data support the feminist position that such abuse is a) perpetrated primarily by men against women, and b) more harmful than acts of abuse perpetrated outside a context of coercion and control? And does data from risk identification interviews with victims of domestic violence support the suggestion (see for example Paymar and Barnes, 2009) that coercive control is the form of domestic violence most likely to come to the attention of frontline practitioners such as police officers?

Secondly, to what extent do police officers exercise discretion when responding to incidents of domestic violence, and what factors influence their actions? And, in particular, what influence does (knowledge of) coercive control have on their responses? Even if coercive control were to be the most common form of domestic violence reported to the police, are the police in fact required to use considerable discretion to differentiate ‘domestic violence’, and within that coercive control, from a wide range of other behaviours and (potentially abusive) interactions between intimate partners and other family members? And how might officers’ general attitudes to domestic violence, and their knowledge of its dynamics, influence their responses to it, when set against the potential influence of systems, processes and wider organisational factors, and the criminal law?

This thesis addresses therefore the following key issues:

- The nature and measurement of domestic violence, including coercive control.
- The nature of domestic violence that comes to the attention of the police.

- Police officer attitudes to and understanding of domestic violence and coercive control.
- Police discretion and the concept of ‘risk’.
- The potential influence of knowledge and attitudes, and wider policies, systems and organisational processes on officers’ responses to domestic violence.

The thesis will provide crucial and timely information on the preparedness of the police to fully understand and implement the legislation on coercive control, and on what other factors might influence the success or otherwise of this ground-breaking legislation.

### **The context of the work**

The fieldwork and data analysis for this thesis was undertaken while the author was employed full-time at the College of Policing. The College was established in 2012 as the professional body for the police service in England and Wales. The College vision is to be ‘a world-class professional body, equipping ... members with the skills and knowledge to prevent crime, protect the public and secure public trust’ (College of Policing, 2014: 8). The College has three complementary functions: knowledge, education and standards. The work of the College focuses on developing the research evidence-base on police practice, supporting the professional development of members, and setting standards in policing. The College is thus in the somewhat unique position (in the UK public sector) of having responsibility for not only setting standards, but also developing the learning curriculum, training and professional practice guidance that will allow police forces, officers and staff to meet those standards.

Police response to domestic violence has been a key strategic priority for the College (College of Policing, 2015, 2016) and continues to be so under a wider ‘vulnerability’ workstream (College of Policing, 2017). My role as an Evidence and Evaluation Advisor has enabled me to manage an ongoing programme of primary research on domestic violence that has focused primarily on risk assessment and the development of learning. This programme of research has been in part a response to commissions from the National Police Chief’s Council (NPCC), and to recommendations arising from inspections undertaken by Her Majesty’s Inspectorate

of Constabulary (HMIC). My position in the College has afforded me therefore unique access both to research sites and data, and to the process of policy and practice development, both within the College, and in partnership with the NPCC lead for domestic abuse, and partner organisations such as the Home Office and HMIC.

### *The scope of the study*

The thesis is structured around four published journal papers. The data that informed papers 2, 3 and 4 was collected as part of a research study commissioned by the (since discontinued) England and Wales national policing Reducing Bureaucracy Programme Board (RBPB). Work commissioned by the RBPB covered a range of areas of police practice, but the consistent focus was proportionate response to risk. The study on police response to domestic violence focused specifically on a pilot project to test giving first response officers full discretion as to whether to submit a risk identification form for incidents of domestic violence (existing national policy expected a risk identification form to be submitted for any incident classified as domestic violence).

To some extent, then, the scope of this thesis, and the research questions, were restricted by the parameters of the data collected as part of the discretion pilot. As lead researcher on the project, however, I was able successfully to argue for an exploratory phase of the work, based on my belief that not enough was known about how the risk identification and assessment process worked in practice, or officers' knowledge of and attitudes towards risk and risk assessment. This exploratory phase in fact permitted a degree of latitude in exploring not only risk, but officers' broader understanding of, and attitudes to, domestic violence. Data collected as part of the day-to-day implementation and monitoring of the pilot, as well as the impact evaluation, was also 'rich' in content. Thus the data permitted consideration of research questions that stretched beyond the final pilot intervention's specific focus on risk identification.

### *Ethics*

Ethical approval for the study that provided the data for papers 2, 3 and 4 was granted through Home Office/Government Social Research (GSR) procedures (the

College being a Home Office sponsored agency). At the time of the study, all Home Office research projects were subject to approval by the Project Quality Review Board (PQRB). A PQRB submission must be prepared by the lead researcher(s) and approved by a panel composed of two senior GSR researchers (at Home Office 'grade 7' level or above). Two PQRB submissions were made in relation to the discretion pilot. The first described work to be undertaken for the exploratory phase; the second described the impact evaluation of the pilot that followed the exploratory research. Each submission had to detail why the research was required and what would it show, and provide a detailed description of the intervention, research questions and research/evaluation methods. It had also to specify which of the following ethical considerations applied to the research, and indicate whether and how these considerations had been addressed in the design of the research: Whether assignment of treatment(s) is influenced by the research; medical interventions; honesty to researchers and subjects about the purpose, methods and uses of the research; informed consent; participant confidentiality and anonymity; the independence and impartiality of researchers in relation to the subject of research; risks to researchers and subjects (e.g. health and safety); working with vulnerable groups; and data protection/handling personal data. Consent to participate in interviews and shifts of observations was sought from all officers involved in the study. Assurances were provided in relation to confidentiality, and all data collected from interviews and observations, or that transcribed/collated from police systems, was stored securely on College systems (which are themselves part of the police secure network).

No ethical approval was required for the work that informed paper 1 as it was secondary analysis of a publically available dataset.

#### *The researcher as 'insider'*

My position as a College researcher might be seen to raise ethical considerations in relation to the extent to which police officers' consent to participate may be regarded as 'voluntary'. It might be argued, for instance, that officers may feel obligated to participate if they are requested to do so by a national agency, or their supervisors compelled to order them to participate for the same reason. This situation has not been my experience while conducting research with the police over the course of

fifteen years working both for the Home Office and Home Office sponsored agencies. A small proportion of officers, across numerous studies, have felt able to refuse to participate in fieldwork, while the vast majority have appeared happy to consent to participate. Indeed, the opposite effect has been evident on several occasions – officers asking to participate because they are genuinely interested, or because they feel they have ‘a lot to say’ about a particular issue. Overall, my experience has been that police officers are generally happy to discuss their work, and are almost always open and candid in those discussions.

### **Structure of the thesis**

The thesis comprises four separate, but linked, published journal papers that address the key issues outlined above.

- **Paper 1** uses data from the CSEW to identify and examine the characteristics of cases of coercive control.
- **Paper 2** uses data from risk identification interviews undertaken by frontline police officers with victims of domestic violence to examine the nature of domestic violence that comes to the attention of the police.
- **Paper 3** uses data collected from police systems alongside direct observations of officers on patrol to assess the extent to which officers use discretion when identifying and recording incidents of domestic violence.
- **Paper 4** draws on in-depth interviews with frontline police officers, as well as police case-files, to explore officers’ attitudes to domestic violence, and how attitudes, knowledge of coercive control, organisational policies and processes and the criminal law influence actions taken at the scene.

### **Research methods**

The studies presented in this thesis employ multiple research methods in order to define and test the key theoretical concept of coercive control in quantitative terms,

and explore qualitatively and in-depth the implications of coercive control and other factors on police officers' responses to domestic violence.

Coercive control is a theory generated both from qualitative research with survivors of domestic violence and practitioners' experiences of providing support to women who have been abused. **Paper 1** uses quantitative methods to test whether theoretical assumptions about coercive control are supported by analysis of data from a national population survey. Linear regression models are used to estimate the independent association between abuse that is coercive and controlling and a range of outcome variables, including physical and psychological injury.

Quantitative methods are also employed in **Paper 2**. A latent trait analysis is used to test whether the characteristics of coercive control – including perpetrators' jealous and controlling behaviour and threats, and victims' isolation and fear – are the most common profile of abuse reported to the police. Whereas previous studies have used samples of cases of domestic homicide, or of cases where victims have already engaged with support services, this study uses a random sample of incidents attended by the police in order to explore the salience of coercive control and physical assault with injury in initial risk identification, as well as secondary risk assessment.

Having tested coercive control theory in relation to its level of harm and utility to risk assessment in cases of domestic violence, papers 3 and 4 use qualitative methods and administrative data to explore in-depth police officers' knowledge of coercive control, and how officers' knowledge and attitudes interact with wider organisational contexts to influence their responses to domestic violence. **Paper 3** uses data from police systems and direct observations of officers' responding to domestic violence incidents to examine how officers use discretion when identifying and recording cases of domestic violence. **Paper 4** uses thirty-two in-depth interviews with frontline officers in which they were asked to recall a domestic violence incident they had attended. This data is cross-referenced with data taken directly from police case-files to build a picture of the factors that influence officers' responses and actions.



## Literature review

### What is domestic violence?

For such a widely recognised phenomenon, there remains considerable disagreement over the nature of domestic violence.

#### *Terminology*

Numerous terminologies exist to describe forms of interpersonal violence. Classic texts dating from the 1970s (see for example Martin, 1976; Dobash and Dobash, 1979; Pagelow, 1981; Schechter, 1982) tended to label domestic violence as ‘battering’, or sometimes ‘wife’ or ‘woman’ battering. Later writers argued these terms were too restrictive as, firstly, ‘battering’ implied physical violence when battered women’s narratives emphasised non-physical forms of abuse as much if not more and, secondly, long-term ‘common-law’ relationships became increasingly commonplace. The original emphasis on marriage as a ‘hitting licence’ (see Stets and Straus, 1990) arose perhaps from the recognition that male privilege was enshrined no more so than in the institution of marriage, where men across the majority of societies enjoyed economic and other advantages over women that were established by custom and codified in law (see Stark, 2007: 171-178). Indeed, in England and Wales sexual assault of a woman by her husband was not criminalised until as recently as 1991. When quantitative surveys measuring interpersonal violence emerged, however, it was clear that physical violence, as well as other forms of abuse, were prevalent also in intimate relationships where the parties were not married (see for example Walby and Allen, 2004: 86).

Some writers prefer terms that emphasise the gendered nature of abuse in intimate relationships, such as ‘woman abuse’ (Okun, 1986), or ‘violence against women’ (DeKeseredy, 2011). The issue of who are the primary victims and perpetrators of domestic violence has been hotly contested however (see below), and other writers prefer gender-neutral terms, to reflect the fact that men can be victims and women perpetrators of at least some forms of domestic violence, and that abuse occurs also in same sex relationships.

Intimate partner violence (IPV) is an extremely common term in the academic literature, but is less useful for policy makers and practitioners, at least in

England and Wales, where official definitions of domestic violence have evolved and broadened to include violence and abuse by other family members. ‘Domestic violence’ is also an extremely commonly used term, though it has been criticised by some along the same lines as ‘battering’, in that it implies the primacy of physical violence over non-physical forms of abuse. For this reason, the police service in England and Wales has a national lead for ‘domestic abuse’. Some writers, most notably Stark (2007), prefer not to use the word ‘abuse’ to describe the entirety of what is covered by generic definitions of domestic violence, arguing that low-level ‘fighting’ that occurs in many relationships is not inherently abusive in the same sense as assaults and abuse designed to coerce and control.

I will use the term ‘domestic violence’ as the generic term throughout the thesis. Domestic violence is used commonly by academic researchers, policy makers and practitioners, and I believe ‘violence’ can describe adequately non-physical coercive and abusive behaviour which is in any case frequently underpinned by an ‘or else’ that can include recourse to physical violence (see below).

### *Theories of domestic violence*

The various theories that have been advanced for explaining violence in intimate relationships and within families have been described in detail elsewhere (see for example Okun, 1986; H. Johnson, 1996; Stark, 2007). Psychoanalytic theories, premised on women having masochistic tendencies that mean they enjoy or provoke abuse, have been widely discredited. Other key explanations – psychological/learning, sociological, and coercive control – all retain varying levels of support. Certain writers associated with all three schools of thought identify to varying degrees with feminist accounts of domestic violence, or claim to be writing from a feminist standpoint. And much feminist analysis can, of course, be seen as coming from a sociological or social-psychological perspective (Okun, 1986). I will give very brief explanations of feminist, psychological and sociological accounts of domestic violence, and a more detailed description of the theory of coercive control, as coercive control theory will shape the arguments and analysis in the work that follows.

*Feminist accounts.* The feminist perspective on domestic violence emphasises the unequal material and social status of women. Feminist scholars suggest societies traditionally were (and to varying degrees remain) ordered around a system of patriarchy, whereby institutional rules and laws discriminate against women. This formal structure is underpinned by a culture of ‘sexism’ that legitimises female subordination by equating it with stereotypical aspects of female ‘nature’; male dominance is further reinforced by the institutions of marriage and the family and by recourse to violence and coercion (Stark, 2007: 172). Early studies of domestic violence, such as Dobash and Dobash (1979), described a structured system of patriarchy whereby male subordination of women through violence was condoned and facilitated by the dominant position of men in society and in institutions which might otherwise challenge it, such as the police. Many writers emphasise that, despite moves towards equality under the law, women still have on average fewer material resources than men and greater responsibility for childcare and domestic work (see for example Stark, 2007). Additionally, gender roles are socially constructed such that men are expected to be dominant and women submissive. In short: ‘women stay within battering situations because of the real conditions of their lives within a male-dominated world’ (Stanko, 1985: 57).

*Psychological/learning accounts.* Psychological accounts of domestic violence are perhaps most associated with the work of Lenore Walker (see Okun, 1986; Stark, 2007). Walker’s work drew both on feminist theories of sexual inequality and notions of men’s controlling behaviour, the latter being reflected in her description of the isolation of abused women as ‘social battering’ (Walker, 1979: 165-184). Elements of Walker’s analysis have been critiqued and discredited, however, particularly the concepts of ‘learned helplessness’ and ‘battered woman syndrome’ (see Dutton, 2009). In addition, Walker’s ‘cycle of abuse’ (see Walker, 1979: 56-70) – whereby a ‘tension building’ phase is followed by an ‘acute battering incident’ and then contrition – has been widely disputed<sup>1</sup>. Survivors of coercive control have disputed in particular the existence of any ‘honeymoon’ phase of a cycle of abuse,

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<sup>1</sup> There are two suggested ‘cycles’ of abuse in the literature on domestic violence. The other, also disputed by many authors and for which evidence is at best mixed (see Black et al., 2010), suggests social learning encourages people growing up in families where there is abuse to emulate that behaviour in their adult relationships. That cycle of abuse is therefore ‘intergenerational’.

viewing their abuse instead as continuous, with any reconciliation or reparation from the perpetrator regarded as part of a wider strategy of control. Stark (2007) highlights the overemphasis on physical violence and specific violent acts in the psychological account of domestic violence, arguing that victims of long term controlling abuse are more likely to develop behavioural mental health issues than post-traumatic stress disorders associated with specific traumatic incidents.

*Sociological accounts.* Sociological accounts of domestic violence emphasise the generally violent nature of (imagery in) wider society and the violent context of interpersonal relationships specifically. ‘Family violence’ research, associated principally with Murray Straus and colleagues, suggests the family and intimate relationships are perfect contexts for violence as people in interpersonal relationships spend considerable time together, and the high level of emotional involvement and attachment accords greater significance to competing interests, disputes and conflicts. Violence, be it physical or psychological, is regarded as primarily ‘situational’, a means for resolving disputes or gaining control of a particular situation, or for punishing somebody for behaviour an individual regards as unacceptable. Although some of Straus’ writing echoes feminist structural analysis of the dominant role of men in society and the family (see Okun, 1986), much research in the family violence tradition views domestic violence as gender neutral, or at least less gendered than do other perspectives. Okun (1986) suggested feminist accounts of domestic violence do not recognise family violence, preferring to see the issue as solely men’s violence against women. More recently, however, writers from a feminist perspective, such as Stark and Michael P. Johnson, have suggested typologies of domestic violence (see below) that differentiate between gendered coercive control and less gendered violence arising from situational conflict.

*Coercive control.* Coercive control theory is feminist in the sense that coercive and controlling abuse is regarded as highly or exclusively gendered: coercive control is perpetrated by men and experienced by women. The theory of coercive control has been articulated most comprehensively by Evan Stark in his 2007 book of that name. The concept has, though, as Stark acknowledges, featured in the domestic violence literature since the late 1970s. The concept itself predates academic study of abuse in intimate relationships, and originated in the study of victims of ‘capture’ crimes,

such as prisoners of war (Stark, 2007). Singer (1979, cited in Okun, 1986) describes coercive control situations as ‘high dependency, high control’, and Okun (1986) gives examples such as concentration camps, political prisoners, sexual slavery and forced prostitution, and some religious cults. This application of the term led Singer and others to highlight parallels in the experiences of some victims of domestic violence and victims of capture and ‘course of conduct’ crimes.

Stark (2007: 200) cites Okun (1986) as the ‘definitive’ chapter on coercive control and, unless otherwise stated, the material in this section is referenced to that source. Okun illustrates the similarities between the tactics used by coercive and controlling men and those used on ‘thought reform’ prisoners following the communist revolution in China. Such tactics are intended to induce psychological breakdown and make an individual ‘malleable’, with the ultimate goal of ‘inducing stable, long-term personality changes’ (Okun, 1986: 114).

Okun (1986: 115) suggests one of the best studied forms of coercive control is ‘brainwashing’, or ‘thought reform’. Schein et al. (1961, cited in Okun, 1986: 118) suggest coercive control occurs in the context of thought reform in three clear phases: unfreezing, changing, and refreezing. ‘Unfreezing’ involves using a variety of tactics to disrupt the equilibrium of an individual’s personal environment to effect psychological breakdown. Once their sense of identity has been eroded, the controlled person will, with encouragement, begin to construct an altered self-image that is acceptable to the controller. Finally, the ‘refreezing’ process sees the controlled person ‘integrating and articulating changes in her/his values, attitudes, and beliefs’. There are clear parallels with coercive and controlling intimate relationships, particularly the loss of identity and self-image that is reflected consistently in the narratives of victim-survivors (see for example Kirkwood, 1993; Lundgren, 2004; Stark, 2007).

What, then, are the specific tactics used to implement coercive control? Okun highlights several key tactics that are similar to those in a ‘chart of coercion’ published by Amnesty International in 1973 and reproduced by Jones (1994). The chart of coercion was based on the work of Alfred D. Bidermen, who studied US prisoners of war subjected to thought reform in Korea, and on the accounts of political prisoners, hostages, and concentration camp survivors (Jones, 1994: 89).

A prerequisite for conducting thought reform is the confinement and isolation of the victim. Okun (1986: 116) suggests ‘the restriction of the battered woman’s

free movement is probably the most important technique of woman-battering.’ The physical and social isolation of a victim serves several functions. The victim is less able to seek support and validation for her experiences from friends and family, and isolation helps also to create for the victim a dependency on the perpetrator materially and for any kind of meaningful social interaction.

By controlling access to information and alternative viewpoints, the perpetrator is able more easily to impose his reality on the victim. In what the Amnesty chart calls the ‘monopolisation of perception’, the controller seeks to remove alternative sources of stimulus in order to encourage introspection and focus the attention of the victim solely on the demands of the controller. Linked tactics include exposing the victim only to people with favourable opinions of the controller, and the controller behaving in an ‘exemplary’ manner when in the company of others. Controlling abusers will also, in common with thought reform interrogators, tell victims they are treated well, or that they receive treatment commensurate with their ‘culpability or inadequacy as a mate’ (Okun, 1986: 120).

One way in which controlling abusers seek to monopolise perception is through the enforcement of trivial demands, what Stark (2007: 257) has referred to as the ‘micro-regulation of daily life’. Often these demands will relate to the way in which women perform tasks associated with traditional gender roles, such as domestic work, or to her physical appearance. The domestic violence literature is replete with examples of arbitrary ‘rules’ that women are forced to adhere to as part of the micro-management of their daily lives (see for example Stark, 2007).

Another tactic recognised by some writers as integral to the process of thought reform is the use of ‘unpredictable rewards and punishments’ (Okun, 1986: 129). Inconsistent use of rewards and punishments can be linked to the enforcement of trivial demands and can contribute to the psychological breakdown of the victim, who spends considerable time worrying about how to please the abuser (‘treading on eggshells’) – only to be found wanting the majority of the time. This semi-permanent sense of failure to live up to expectations can, for some women, reinforce the sense that they are to blame for the abuse. This feeling can be dangerous for the victim, as faced with seemingly random sanctions for compliance they may become apathetic about their domestic roles and appearance, reinforcing, including to external observers, the image of inadequacy and blameworthiness desired by the

abuser. Conversely, the intermittent receipt of rewards can create simultaneously the sense that her situation might improve if she tries harder.

The enforcement of trivial demands can be seen to link to another key tactic used with thought reform prisoners: induced debility and exhaustion (see Jones, 1994). Many victims of coercive control experience sleep deprivation through either anxiety induced insomnia, or deliberate disruption of sleep patterns by their partner. Controlling abusers use additionally a variety of other methods to induce physical exhaustion and debilitation in their victims. Unfair demands placed upon women in relation to domestic work will contribute to their exhaustion, but victims are frequently deprived of adequate food, amenities and medical care, such that they arrive at refuges malnourished or in a state consistent with neglect. Exposure to the elements in inadequate clothing, or even a state of undress is a common tactic, the latter being also of course degrading to the victim (see below). Denial of contraception is also tactic used by many abusers. Not only does being pregnant reduce a victim's ability to resist abuse, but multiple pregnancies increase the burden of childcare and domestic responsibility. Victims' debilitation is also psychological, however. Some describe their experience as like living with an obsessive compulsive accountant<sup>2</sup>, and many women, deprived of financial resources, will expend a considerable amount of mental energy trying to make ends meet for themselves and their children.

It should be clear that coercive control is degrading and dehumanising to the people that experience it. Thought reform methods were intended in part to subvert the victim's self-image. After experiencing continual verbal abuse over a period of time, and being subjected to degrading ways of living, victim's may 'find corroboration for the controller's insults and condemnation' and 'attribute to [themselves] a sense of worthlessness' (Okun, 1986: 125). Constant verbal abuse is a consistent factor in the narratives of abused women. Moreover, this tactic is one that supports the gendered nature of coercive control, as verbal abuse will often focus on things associated specifically with being female (Stark, 2007). Okun notes that many abusers consciously do not refer to their partner by their name, preferring terms that denote possession ('the wife', 'the old lady') or are pejorative to the female gender

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<sup>2</sup> Personal correspondence with Davina James-Hanman, formerly head of Against Violence and Abuse.

(‘slag’, ‘whore’, ‘bitch’). Some refer to their partner simply as ‘woman’. Degradation can also take physical forms. Women are sometimes confined to the extent they soil themselves (Okun, 1986: 126), or they may be coerced and humiliated while performing sexual acts.

Another key method of distorting a victim’s subjective reality, again common in the treatment of thought reform prisoners, is the extracting of false or exaggerated confessions. Coerced confessions give the controller both the means of justifying further abuse, and an indication of the progress made in altering the victim’s perceptions. False confessions destabilise further the victim’s beliefs and values, through the effect of cognitive dissonance, making them more vulnerable to control. Controlling abusers frequently coerce their victims into admitting adultery, which has the dual benefit of justifying punishment and further alienating the victim from family support. Another important function of false confessions is to project responsibility for the abuse from the abuser to the victim. Victims of coercive control frequently blame themselves for the abuse and Okun (1986: 117) suggests this outcome is ‘both a signal of obedience and a means for promoting increased compliance.’

In thought reform, a step on from extracting false confessions was ‘coercing the prisoner into concessionary actions that aroused guilt’ (Okun, 1986: 127). In this sense, guilt could take two forms – actual guilt experienced by the prisoner, or the appearance of guilt. Okun suggests this tactic is used commonly in the abuse of women in order both to make them appear culpable to outside agencies and to induce guilty feelings that contribute to the victim’s sense of shame and worthlessness. He lists some of the more common tactics as: encouraged or coerced sex with people outside the intimate relationship; child abuse; and encouraged or forced participation in low-level criminality, such as drug transactions, fraud or theft. Some controlling abusers will abuse a victim’s children in front of them in order to arouse feelings of guilt for not intervening; a victim may even be coerced into participating in the abuse, which will both induce feelings of guilt and portray them to the outside world as a bad mother and a bad person.

A final, fundamental element of any coercive control scenario, be it thought reform or an abusive intimate relationship, is the presence of threats and an ‘or else’. An abuser always has recourse to (threaten) physical violence, but the scope of threats runs much wider to encompass, for example, threats to have a victim



deported, or committed to a mental institution. And threats tend to be made not only to the victim, but also towards anybody or anything associated with the victim. Okun (1986: 129) suggests threats to the safety of abused women's children, family, friends and pets are 'nearly as ubiquitous' as threats to the victim herself, and that faced with such threats many women stay with or return to their abuser rather than put those close to them in danger. The Amnesty chart recognises the demonstration of 'omnipotence' as a core element of coercive control, and many coercive abusers make threats to the life of their victims. This demonstration of total power, often framed along the lines of 'if I can't have you then nobody can', serves to emphasise to the victim the futility of non-compliance (see Jones, 1994).

### *Discipline and punish – echoes of Foucault?*

The way in which women experiencing domestic violence frequently alter their behaviour in an attempt to appease their abuser (see for example Kelly, 1999) has prompted certain writers to draw parallels with Foucault's notion of modern power and the tendency towards self-regulation (see Bartky, 1988). In '*Discipline and Punish*', Foucault suggested the institutions of modern society implement 'a policy of coercions' on the human body such that people operate as authority requires them to, and that such discipline produces 'subjected and practiced bodies, docile bodies' (Foucault, 1979, cited in Bartky, 1988: 62). Importantly, Foucault suggested the omnipotent and highly visible power associated with a traditional sovereign had been replaced in liberal democracies by more anonymous and diffuse forms of regulation associated with agencies and institutions (this idea would later develop into the concept of 'governmentality'). Bartky (1988: 63) suggests not only that 'control' in modern society is maintained by 'minute and relentless' surveillance, but also that this power and control is experienced more keenly by women in terms of 'forms of subjugation that engender the feminine body' (Bartky, 1988: 64). Bartky shows, for example, how societal pressure to conform to accepted notions of femininity mean women either follow highly disciplined regimes for maintaining their body and appearance, or face sanction in terms of judgement, especially from men. Bartky suggests such pressure on women is diffused throughout society; that the 'disciplinary power that inscribes femininity on the female body is everywhere and it

is nowhere; the disciplinarian is everyone and yet no one in particular' (Bartky, 1988: 74).

Foucault's analysis is, however, ultimately unsatisfactory when applied to domestic violence. A key weakness – setting aside the absence of gender as a consideration in Foucault's writing – is that women experiencing coercive control are in fact faced with an omnipotent tyrant who exerts power and control in ways that are highly focused and personal, and might be considered in many senses 'pre-modern' (see Westlund, 1999). While there is considerable merit in the notion that women are judged by society in a way that men are not, to place the emphasis solely on patriarchy in wider society does not acknowledge the role and agency of the abuser. In addition, the concept of 'docile bodies' – similar to that of learned helplessness – removes agency from women who struggle daily to resist the abuse they are experiencing. Though victims may, to varying degrees, regulate their own behaviour to appease and accommodate their abuser, survivor's accounts reveal this to be an active strategy of survival, as opposed to passive acquiescence. Later feminist accounts have sought, then, to develop a theory of coercive control that acknowledges the diffusion and gendered nature of regulatory power in society as an *enabler* to individual men's power and control over women. Such theories have incorporated and emphasised also the structural inequalities that persist between men and women.

#### *Feminist conceptualisations of coercive control*

Okun's work outlined the key tactics of coercive control and the parallels between coercive control scenarios such as thought reform and the abuse some women experience in intimate relationships. Okun (1986: 132) summarises the core elements of coercive control situations as:

*'...a male captor or set of captors subjects the prisoner to enforced confinement involving a regimen of physical brutality and violence, imposed physical hardship, dehumanization, and verbal and emotional abuse. The threat of the victim's death is also usually presented by the captor in word and/or deed. Escape is either literally impossible, or very nearly so, or else escape is the most dangerous of*

*all the prisoner's alternatives ... The captor portrays himself as utterly laudable, worthy, and inviolable, while demonstrating to the victim that she or he is entirely guilty, worthless, and eminently violable.'*

Subsequent work has developed a theory of coercive control as it relates to domestic violence in several key respects. The narratives of survivors, generated from in-depth interviews, are remarkably consistent across time and territory, and describe how the multiple tactics outlined by Okun combine to entrap women in abusive situations. Survivor's accounts have shown how coercive control is experienced as continuous, as opposed to a series of discrete acts of abuse. Kelly (1988) proposed a 'continuum' of abuse, though not in the sense that there is a linear progression of abusive acts, increasing in severity from one end to the other. Rather, she employed the term in two of its other meanings to show that abuse has a 'basic common character that underlies many different events', and that abuse is 'a continuous series of elements or events that pass into one another and which cannot be readily distinguished' (Kelly, 1988: 76).

Based on in-depth interviews with survivors of domestic violence in Sweden, Lundgren (2004: 22) describes a process of 'normalisation' whereby violence and abuse moves from being abnormal to routine.

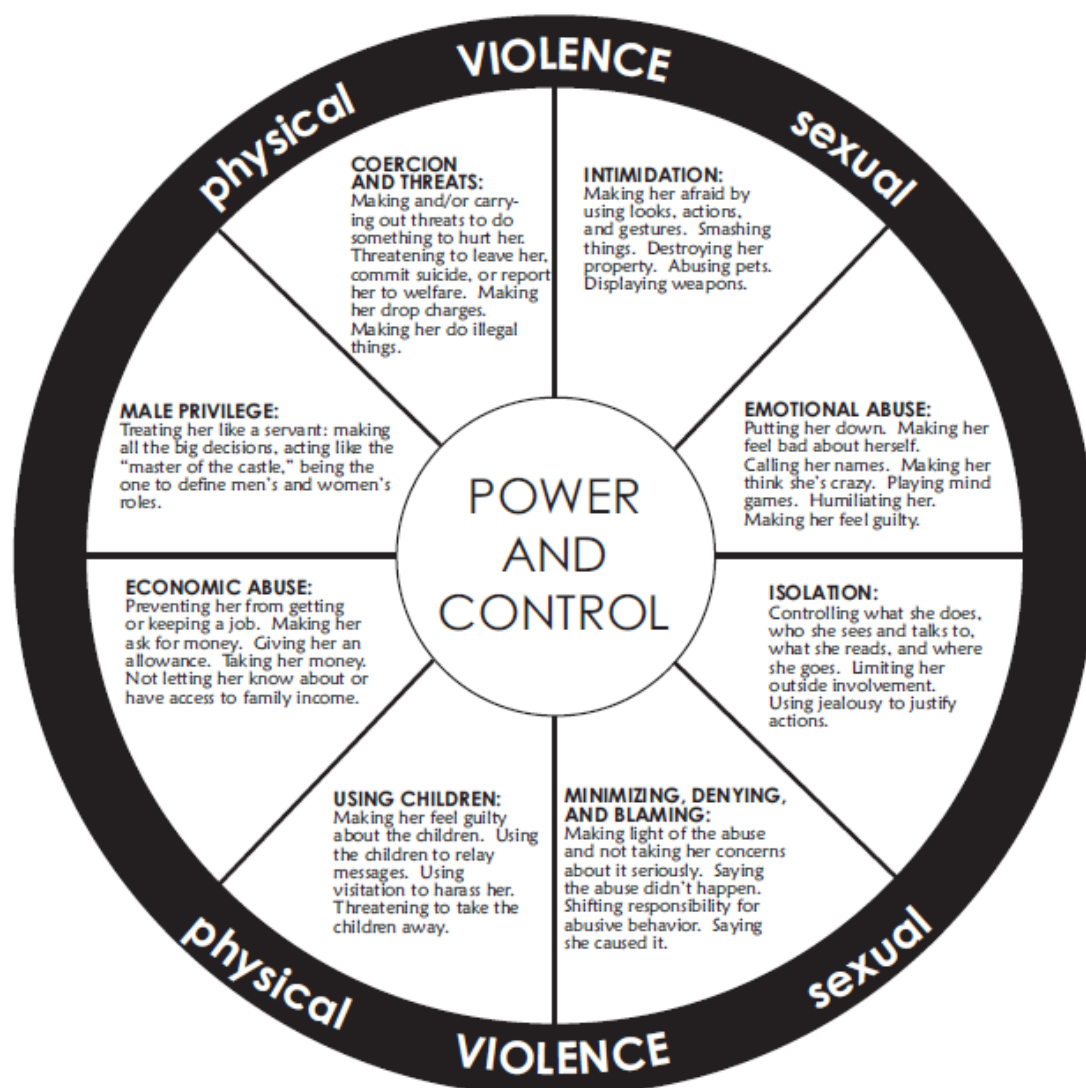
*'At the beginning of the process of normalising violence, the women are shocked ... they experience it as unacceptable, as something abnormal and intolerable that they cannot accept. But after a while, the use of violence comes to be experienced as ordinary actions, as something they expect and accept in everyday life.'*

As the abuser gradually gains control of the victim's 'life space', and reduces it, his reality – or more accurately his 'unreality' (Williamson, 2010: 1412) – becomes increasingly her reality. Lundgren suggests this 'internalisation' of the abuse is the most dangerous state for the victim to reach.

Narrative accounts have illustrated consistently that, for many survivors of coercive control, non-physical elements of abuse have greater salience than physical violence (see for example Kirkwood, 1993; Pitman 2017). Okun (1986: 106) stated

that ‘no one has yet satisfactorily related ... physical and nonphysical forms of battering to one another, either in terms of severity or of effectiveness in entrapping and controlling the victim.’ Stark’s (2007) theory suggests that although coercive controlling abuse can and does involve physical violence, which might escalate significantly towards or following the end of a relationship, most coercive control is characterised by violence that can best be described as low-level but routine, and that some relationships will involve no violence or only the threat of violence. Perhaps the most well-known representation of this development in the theory of coercive control is the ‘power and control wheel’. Developed through advocacy work with survivors in Duluth, Minnesota the wheel (Figure 1) shows how non-violent coercion and tactics of control are framed and reinforced by (the threat of) physical and sexual assault.

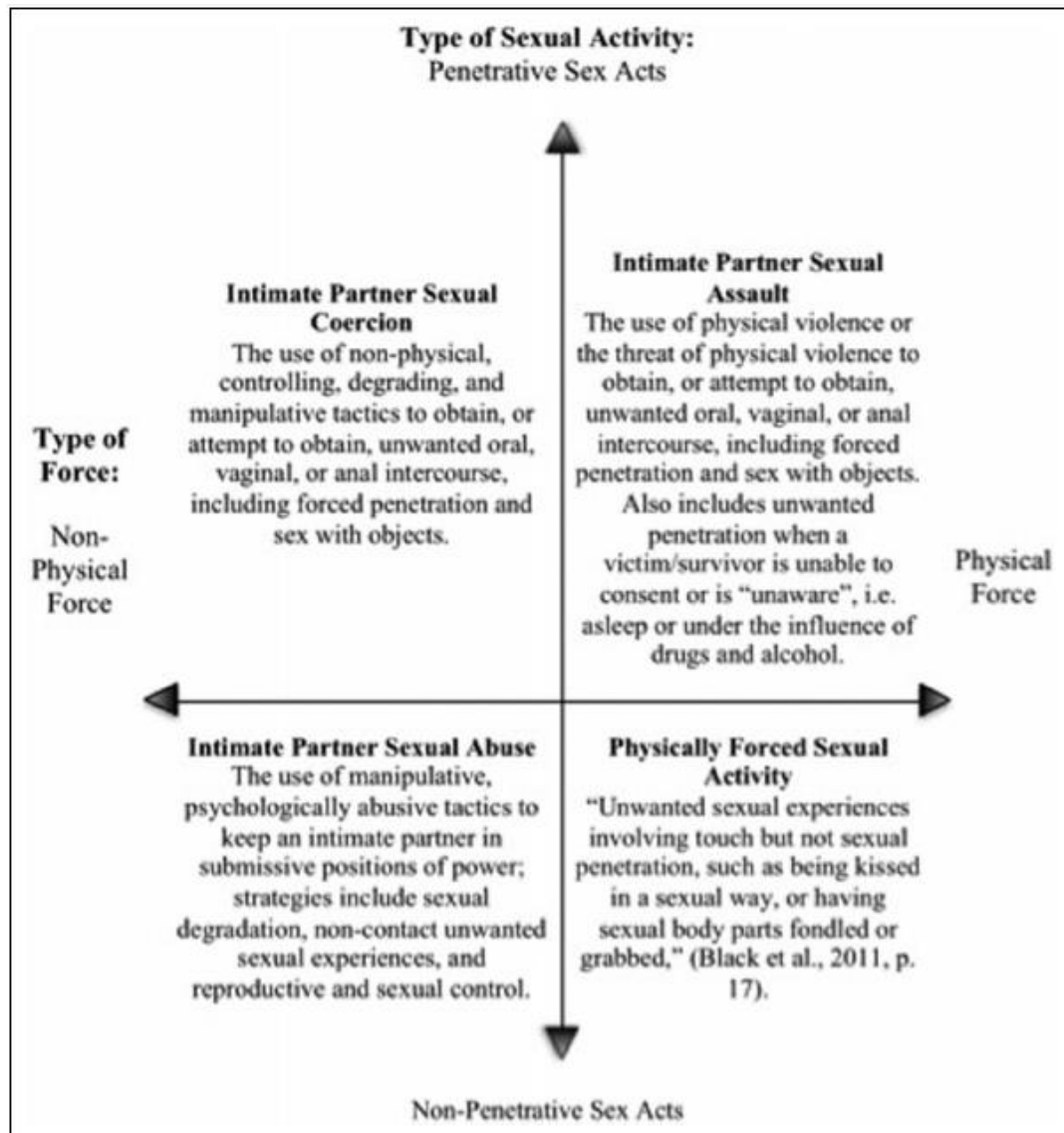
**Figure 1: The power and control wheel**



Thus abusive men deploy physical violence to varying degrees and as required; it is the non-violent forms of coercion that form the core of coercive control. Kirkwood (1993: 58) describes a ‘web’ of abuse where ‘the components are interwoven in such a way that they comprise a whole which has properties beyond merely the sum of those individual components.’ And recent in-depth work with survivors suggested that women who had experienced ‘only’ non-physically violent coercive control exhibited the same level of fear and employed similar coping strategies to women who had experienced coercive control including physical violence (see Crossman et al., 2016).

While sexual assaults in the traditional, criminal, sense may indeed serve a purpose similar to physical assaults, subsequent research has demonstrated the central role that wider forms of sexual victimisation can play in coercive control. Drawing on a comprehensive review of literature, Bagwell-Gray et al. (2015) suggested a taxonomy for intimate partner sexual violence that recognises sexually abusive and coercive behaviours as well as sexual assaults and other forced sexual activity (Figure 2). Bagwell-Gray (2017), using data from in-depth interviews with survivors of domestic violence, developed further this taxonomy to show that less forceful and invasive ‘sexual abuse’ – comprising the denial of communication and pleasure, sexual criticism and insults, controlling contraception and reproductive decision-making, and routinely having sex outside the relationship – represents the ‘core’ of sexually controlling behaviour that is experienced not as discrete acts of violence or abuse. Sexual abuse was the most commonly reported form of sexual victimisation in the sample, and the behaviour that most frequently intersected with both sexual coercion and sexual assault. Sexual coercion is an important element of the taxonomy as it illustrates how abusers can, through pressuring and manipulating a victim, have sex whenever they choose and on their terms, without recourse to sexual assault. Victims may be less confident in describing sexual coercion to a practitioner, or in naming it as abuse, as it does not involve physical force in the traditional, criminal sense. Forced sexual activity is also a helpful category, as it again captures forms of sexual victimisation – such as ejaculating on somebody while they sleep – that may not fit neatly into crime codes based on physical attack or penetration (see Myhill, 2017).

**Figure 2: A taxonomy of intimate partner sexual violence (Bagwell-Gray et al., 2015)**



Bagwell-Gray (2017) emphasised that, in common with the wider tactics of coercive control, sexually controlling behaviour is often highly personalised to the victim. Some women in her sample described, for example, being forced to relive past sexual trauma, whereby their partner would force them to have sex in a particular way or in a position identical to that in which they had been raped. Women also reported their abusers using sex as a negative consequence demanding, for example, a particular act as punishment for a perceived shortcoming. With the much higher rates of sexual victimisation experienced by women, it should be clear that sexually controlling behaviour is a key element in the gendering of coercive control.

A further, and crucial, development in the theory of coercive control in domestic violence is its relation to feminist conceptions of patriarchy. Stark (2007) explores the gendered nature of coercive control in great depth, illustrating that gains made in terms of legal and democratic status have only really brought women ‘up to inequality’ (Stark, 2007: 188-192). So although women’s position has improved in western democracies in relation to their legal status and basic rights, they remain subordinate in many ways, including financially and in terms of their share of unpaid domestic and caring work (see for example B Campbell, 2014). Stark suggests coercive control is a relatively recent phenomenon; it is used by men to gain and preserve the advantages they have enjoyed traditionally over women. In that sense, coercive control is a ‘liberty’ crime (Stark, 2007). It is a modern means of denying women the right to personhood that they were denied traditionally through law and custom.

For some theorists, gender reflects ‘patterned inequalities in distributions of resources, divisions of labour and hierarchies of advantage and disadvantage, which situate men and women in a hierarchical relationship’ (Jackson, 2006, cited in Morris, 2009: 420). Connell (2009) proposes the existence of specific ‘gender regimes’ at multiple structural levels of society, including families and organisations, which underpin an overarching ‘gender order’. Stark (2007) and others suggest it is elements of these gender regimes that permit men to be more successful at controlling and manipulating their partners. Stark (2007) illustrates that many of the more common abusive behaviours involved in coercive control, such as the micromanagement of domestic work, focus on women’s default status as homeworkers and carers. Men are also able to more effectively target women’s self-esteem around for example their appearance, due to the aforementioned tendency for society to judge women more continually and harshly.

Sexual inequality, then, is a primary enabler of men’s subordination of women in intimate relationships. Radford and Hester (2006: 28) use the concept of ‘gender entrapment’ to describe the abuse of women as mothers. Their in-depth interviews with women revealed numerous tactics similar to and an extension of those in the power and control wheel, including: control over domestic labour and childcare; control of fertility and reproduction (see also Bagwell-Gray, 2017); direct abuse of children; forcing women to witness, or become complicit in the abuse of children; and ‘mother blaming’ as an element of emotional abuse (Radford and

Hester, 2006: 30). Morris (2009) elaborates how an ‘abusive household gender regime’ is underpinned by the multiple abusive tactics of coercive control. She proposes the concept of ‘maternal alienation’, whereby men use these tactics to ‘deliberately undermine and destroy relationships between mothers and their children’ (Morris, 2009: 416). This process of maternal alienation is made possible in part again through established gender stereotypes. Abusive men ‘manipulate degrading and dehumanising constructions of mothers as irrational, lying ... and culpable for all problems in families’; fathers, by contrast, are seen as indomitable ‘victim/heroes’ (Morris, 2009: 417). Morris suggests that this ‘duality’ – mothers as morally deficient and fathers as authoritative – is tied to the interaction of responsibility and power in many relationships. While women are seen as fully responsible, while having limited power and space for action, abusive men ‘wield inflated power, inhabit greater space through their sense of entitlement and eschew responsibility for their actions’ (Morris, 2009: 422).

Indeed, Pitman (2017: 150) placed men’s ‘superior, entitled and adversarial attitudes’ at the core of a model derived from in-depth work with survivors she termed ‘the trap’. From this sense of entitlement, abusive men subordinated their partners through the use of ‘double standards’ and ‘double binds’. Women reported, for example, having to account for their time, while their partner did not. Many suggested they felt their role was to provide sexual gratification for their partner, with no expectation of reciprocity. The women were also expected to hold themselves accountable, while their partners refused to accept any form of blame, criticism or analysis of their behaviour. Double binds included the familiar feeling of being ‘damned if you do and damned if you don’t’ (Pitman, 2017: 152). Taken together, the behaviours and attitudinal styles of abusers serve to disempower their victims, and reduce significantly their ‘space for action’ (see Coy and Kelly, 2010).

And of course it must be emphasised that coercive control frequently does not end with a victim’s decision to leave their abuser. It is in fact well documented that the point of separation is frequently the most dangerous for a woman, as her abuser may intensify controlling behaviours in order to try to regain control, or follow through on threats to harm or kill (see for example Campbell et al., 2003). While in legal terms, in England and Wales, post-separation abuse falls under the category of stalking and harassment, such offending is (an attempt to) continue the existing pattern of coercion and control. If physically separated from the victim, an abuser



may have to adapt or change their tactics of control. One common way of doing so is in fact through the criminal justice and wider legal system, such as the family courts, a tactic that has been termed ‘legal systems abuse’ (Douglas, 2017).

Overall, then, feminist writers have developed the theory of coercive control beyond simply a set of specific tactics and behaviours. They have sought to recast violence against women as a liberty crime and a basic human rights issue. The coercive control of women by their male partners is seen as enabled and underpinned by wider social structures and forces, principally sexual inequality. This position raises issues for a police response based historically around discrete incidents and traditional crime codes such as physical assault.

### *Why doesn't she leave?*

It is worth considering briefly the issue of why women remain in relationships where they are abused, a question bound up of course in the structural arguments outlined above. Many activists would invert the question ‘Why doesn't she leave?’ to consider instead ‘Why does he stay?’, as many women in fact make multiple attempts to leave abusive partners. Stark (2007) suggests the principal reason women find it difficult to leave the relationship is the multiple controlling tactics used by the abuser. There are other factors, however, including material resources and, salient to this thesis, intervention from outside agencies.

Kelly (1999) outlined a model of help-seeking, based on experience of assisting survivors of domestic violence, whereby women first take time to define what is happening to them as abuse. They will almost always utilise initially their own strategies for coping, before seeking subsequently validation and informal support from friends and family. Only following these stages does a victim generally seek help from outside agencies such as the police.

This model is extremely relevant for police response to domestic violence as there is likely a tendency for attending officers in particular to expect women to be at the formal help-seeking stage when in fact third parties may alert police to the abuse prior to this stage. Additionally, the process may not be a linear one in all cases. Kirkwood (1993: 65) describes a ‘spiral’, where at different times the victim may be either closer to the outer edge and more able to seek and accept help, or brought closer to the centre by events including, of course, the actions of the abuser. Coy and

Kelly (2010) argue that agencies like the police have a crucial role in creating for victims a ‘space for action’, where they can rebuild their confidence and develop the resilience necessary to exit the relationship (if, of course, they are inclined to leave the relationship). The space for action is crucial because, as James-Hanman suggests<sup>3</sup>, the advantages to a woman of leaving an abusive partner are mostly medium to long term and intangible (she might be safer; she might regain her self-esteem and rebuild social networks). The disadvantages, by contrast, are tangible and immediate (she will lose her home and financial support).

If frontline practitioners do not understand help-seeking as a difficult and complex process, they may conclude that a victim is ‘uncooperative’. Not only might a victim not be in a position to accept outside intervention at the specific time they come into contact with external agencies, they might also be looking for a form of help that is not what the agency would prefer to offer. In the case of the police, Hoyle and Sanders (2000) showed that many victims want the police simply to stop the immediate violence; they may be still committed to the relationship and not (yet) seeking criminal justice sanctions for their partner (see also Westmarland and Kelly, 2016).

### *Typologies of domestic violence*

Several typologies have been proposed that attempt to differentiate different forms of domestic violence (see Table 1). Despite employing different terminology, most typologies differentiate principally between a form of domestic violence that involves power and control of one partner over another (intimate terrorism; battering; coercive control) and forms of violence that do not have a power and control dynamic. Indeed, according to one review, this basic distinction is supported in the academic literature (Langhinrichsen-Rohling, 2010).

**Table 1: Typologies of domestic violence**

<b>M. Johnson (1995; 2008)</b>	<b>Pence and Dasgupta (2006)</b>	<b>Stark (2007)</b>
Intimate terrorism Violent resistance Situational couple violence	Battering Resistive/reactive violence Situational violence Pathological violence Anti-social violence	Coercive control Partner assaults Couple fights

<sup>3</sup> Personal correspondence.

Violence that has been described as ‘situational’ draws perhaps on sociological and family violence accounts in that situational conflict is described by both Johnson (2008) and Pence and Dasgupta (2006) as arising from disagreements between people in intimate relationships over aspects of family life, or from a desire to punish somebody for a particular act or form of behaviour. Situational violence is perpetrated by both men and women with similar motivations and can be bi-directional. Indeed, Velonis (2016: 1037) suggests ‘most intimate partners engage in minor, generally infrequent acts of manipulation or psychological attacks, but these do not comprise an ongoing or systematic attempt to gain dominance and authority over the other partner’. Situational violence differs from physically violent forms of coercive control in that acts of violence are discrete and arise from a *loss* of control; they are ‘in the moment’, and have no specific meaning beyond that moment (see Velonis, 2016: 1048). Physical assaults within coercive control, by contrast, are frequently calculated, and designed to reinforce one partner’s dominance over the other. Westmarland and Kelly (2016: 47) give an example of a woman who reported that her partner would lean into her in front of the children appearing to be affectionate, while at the same time digging his knuckles into her thigh in a way she felt was ‘daring her’ to say that it hurt.

It is also important to note that physical assault outside of coercive control is not always less severe. On occasion, situational assaults may be severe, and in his typology Stark (2007) distinguishes between ‘couple fights’ (situational violence) and ‘partner assaults’. Partner assaults are inherently more serious than situational acts of violence, and are designed to hurt and punish, but they may occur outside of the wider apparatus of coercive control.

Pence and Dasgupta (2006) include ‘pathological’ violence in their typology, which is violence caused by a specific pathology, be it a mental health condition such as schizophrenia, or psychosis or altered mental states brought on by substance abuse or neurological damage. With pathological violence, if the specific pathology is removed so, in theory, is the violence.

Pence and Dasgupta (2006), writing in the feminist/activist tradition, caution against the practical application of typologies. Typologies will always, to some extent, be crude and reductive, and the complex dynamics of specific domestic violence scenarios do not lend themselves to being pigeonholed in neat boxes. Pence and Dasgupta (2006) suggest it is possible for abusers who use coercive and

controlling tactics to also, for example, display anti-social personality traits or some form of pathological violence. The key danger with operationalising typologies however lies with manipulative abusers attempting to present abuse as mutual and situational, or rationalising it in terms of pathological factors such as substance abuse or mental health issues. Many abusers are heavy drinkers and although substance abuse may increase the severity of physical violence, the abuse occurs at some level whether or not they have been drinking. Similarly, many abusers suffer mental health issues in the form of depression, which does not cause or excuse domestic violence; a comparatively small proportion present with mental health conditions such as schizophrenia, anti-social personalities or other forms of psychopathology (Gondolf and White, 2001; Bancroft, 2002).

Concerns over the practical application of typologies notwithstanding, differentiating between different forms of domestic violence is widely accepted in the academic literature and some authors have contended that if there are different forms of abuse, with different correlates and causes, they may require different types and levels of intervention (see for example Kelly and Johnson, 2008). Coercive control should always be regarded as inherently harmful and at risk of escalating towards lethal or sub-lethal violence, and interventions such as anger management or counselling should be regarded as inappropriate and dangerous as they permit the abuser the opportunity to continue exerting control. Situational violence, by contrast, might be addressed through interventions to change the circumstances of the people involved, or their patterns of communication and methods for conflict resolution (see Derrington et al., 2010). It would appear, however, that, at the frontline at least, police practitioners lack currently the nuanced knowledge of the dynamics of coercive control required to be able to differentiate consistently between different forms of domestic violence, and match specific interventions to specific forms of abuse (see Robinson et al., 2017).

### *Measuring domestic violence*

The nuanced differences between situational and coercive forms of abuse, in particular, have created significant problems for measuring the prevalence of domestic violence. Much early research on domestic violence was based on in-depth narratives of survivors. To that end, Okun (1986: 100) suggested feminist inquiry

and the activism of the refuge movement ‘created’ the subject for academic study. This early research presented domestic violence as the abuse of women by men. As discussed, however, alternative schools of thought emerged shortly after the initial wave of feminist research, employing quantitative methods to explore the dynamics of violence in families. Researchers associated with the ‘family violence’ school are more prepared to recognise men as victims of abuse, and many highlight survey research which suggests near parity between men and women in terms of prevalence of domestic violence (see for example Straus, 2011). So, bearing in mind ‘the feminist definition of conjugal violence as predominantly woman abuse is ‘eminently testable’ (Okun, 1986: 99), who is correct?

Michael P. Johnson was among the first to suggest that feminist researchers and those from the family violence school were tapping into forms of domestic violence that were qualitatively different in nature. Johnson (1995) suggested in an early, landmark paper that disparities in findings could be explained by feminist-activist and family violence researchers drawing on different sampling frames. While feminist research was conducted mainly with ‘agency’ samples (refuges; courts; medical settings), and explored primarily coercive control, family violence researchers developed general population surveys that measured primarily situational violence.

This initial analysis was potentially flawed in two respects. Firstly, it is possible that cases of domestic violence that do not involve coercive control come to the attention of agencies such as the police and courts, if not refuges. And secondly, it is also possible for victims of coercive control to be included in general population surveys, if they are not living currently in refuges or other temporary accommodation. These conclusions raise a further possibility: can national population surveys capture adequately the experience of coercive control, such that people who have experienced it can be distinguished from those who have experienced other forms of intimate violence?

National population sample surveys dedicated to or including measures of domestic violence first appeared in the 1970s, in part due to the recognition that the issue of violence in intimate relationships was underreported to, and under-recorded by, the police. Walby and Myhill (2001) identified four generations of survey, each an improvement on the last. Generic crime surveys – such as the US National Crime Victimization Survey (NCVS) and the CSEW – underestimated the prevalence of

domestic violence significantly. Although second generations of these surveys, incorporating revised questions, almost doubled existing estimates of prevalence (Walby and Myhill, 2001), concerns remained that a 'crime context' discouraged the reporting of acts of abuse the respondent did not define as criminal.

A third generation of survey focused specifically on violence within families, freeing the respondent from the context of crime. The US Family Violence Survey elicited prevalence rates for intimate-partner violence twelve times higher than even the revised NCVS. The family violence survey used the 'Conflict Tactics Scale' (CTS, Straus, 1979) to estimate the prevalence of abuse, and many other surveys have used the CTS, or the revised CTS2 (Straus et al., 1996), to measure domestic violence. The CTS is a series of behaviourally specific questions about discrete acts of abuse; respondents are required to specify whether they have experienced these acts from their partner (or another member of their family) and on how many occasions. To that end, it is open to question how well the CTS squares with survivors' experiences of coercive control as continuous. Additionally, the original CTS asked primarily about physical violence. Although the CTS2 introduced questions on psychological abuse, the act-based nature of the tool, coupled with the absence of questions on controlling behaviour, means it is not possible to differentiate coercive control from abuse that is bi-directional. As the CTS questions are in addition framed around 'resolving conflict' in relationships, the tool has been criticised widely by feminist authors for not recognising the context and meaning of some abuse (see for example Dobash et al., 1992).

Walby and Myhill (2001) recognised a fourth generation of survey dedicated to measuring 'violence against women' (so called, despite the fact that some measured also abuse experienced by men). The Canadian Violence Against Women Survey (VAWS) and the US National Violence Against Women Survey (NVAWS) were administered in the mid-1990s, and dedicated surveys were mounted subsequently in many other countries.<sup>4</sup> The violence against women surveys sought to produce the most accurate prevalence estimates yet by removing both the crime context and the emphasis on dispute resolution. Though the questions used to derive estimates of physical violence were based on the CTS, respondents were asked

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<sup>4</sup> Dedicated violence against women surveys are listed on the website of the United Nations Economic Commission for Europe (<http://www.unece.org/stats/gender/vaw/surveys.html>).

simply whether their partner had ‘done any of the following things’ (Statistics Canada, 1993). The violence against women surveys also included a handful of questions intended to measure ‘emotional abuse’ and power and control within a relationship.

Despite their attempts to situate abuse in context, the violence against women surveys did not produce robust estimates of coercive control specifically (notwithstanding the fact that any national sample survey is likely to underestimate high risk domestic violence due to limitations in sampling frames – surveys do not generally cover for example institutions, refuges or temporary accommodation where current or recent victims may be residing). Differentiating between different forms of domestic violence was, however, in its infancy when the first violence against women surveys were designed, and there was likely an assumption among the architects of those surveys that much or all domestic violence was coercive and controlling to some degree.<sup>5</sup>

In recent years, researchers have attempted to design batteries of questions to measure the multiple tactics and behaviours associated with coercive control (see for example Dutton et al., 2006; C. Beck et al., 2009; Holtzworth-Munroe et al., 2010; Lehmann et al., 2012). These questions go beyond measuring psychological or emotional abuse (present in many relationships and frequently from both partners, to some degree) and incorporate questions relating to, for example, male privilege, intimidation, threats, controlling behaviour and surveillance, isolation, minimising and denying the abuse and blaming the victim. None of these measurement tools has, as yet, been fielded in a national or large population survey, perhaps due in part to their extensive nature (eighty-four items in the case of the Checklist of Controlling Behaviours, Lehmann et al., 2012).

There remains, then, no satisfactory *quantitative* verification of the feminist assertion, based on the experience of practitioners and the narratives of survivors, that coercive control is a gendered phenomenon. Published studies that have thus far attempted to use the violence against women surveys to explore the nature of coercive control have either reported data relating only to female victims (Johnson and Leone, 2005) or have distinguished significant numbers of male victims

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<sup>5</sup> That was the author’s perception having been involved in developing the dedicated interpersonal violence self-completion module for the 2001 CSEW.

(Michalski, 2005). With a re-examination of data from the CSEW, this thesis will provide the evidence to show coercive control is gendered, and also test the notion that coercive control is in the long-term more harmful to victims than specific acts of physical violence.

### **Domestic violence as a ‘policy domain’**

There is a considerable literature relating to public policy and specifically the way in which individual policies and wider policy domains are constituted. Increasingly, authors writing from sociological and anthropological perspectives have questioned traditional conceptions of the policy-making process as a linear or cyclical process of ‘agenda setting, policy formulation and legitimation, implementation, and evaluation’ (Sabatier, 2007: 6). From a social constructionist perspective, policies are ‘contested narratives’ (Shore and Wright, 2011: 13); not as much ‘‘solutions’ to ‘problems’’ as ‘competing interpretations or representations of political issues’ (Bacchi, 1999: 2). Policies are also regarded as inherently political, but with the recognition that ‘policies are no longer formulated primarily by governments, but additionally by a plethora of supranational entities, businesses, [non-governmental organisations], private actors, or some combination of these’ (Wedel et al., 2005: 39). Sabatier (2007) suggests policy domains are complex, due to the involvement of multiple actors and programmes at multiple levels of government; policy debates that involve technical disputes over the severity, causes and solutions to problems; deeply held values and interests; and large sums of money. To that end, ‘most actors face enormous temptations to present evidence selectively, to misrepresent the position of their opponents, to coerce and discredit their opponents, and generally to distort the situation to their advantage’ (Sabatier, 2007: 3).

Much of the constructionist perspective on policy development is reflected in the emergence of domestic violence as a specific public policy domain in England and Wales. Domestic violence was forced on to the policy agenda in the 1970s, in both the UK and the US, through the campaigning of feminist activists in the refuge movement (Stark, 2007; Matczak et al., 2011). Stark (2007) recognised a marked shift in the US from the late 1980s from an advocacy model focused on wider societal change to one focused on criminal justice responses. This shift might be



observed also in England and Wales, where the Home Office has become the lead central government department for policy on domestic violence.

Matczak et al. (2011: 5) suggested that successive administrations took in England and Wales ‘an inter-ministerial approach to policy development at a national level and multi-agency co-ordination at local level to implement policy and to provide services.’ There are several statutory agencies involved in policy and practice around domestic violence, including those concerned with policing, probation, health, education and housing, as well as numerous charity and voluntary sector organisations. Some of these organisations have differing conceptions of the nature and extent of domestic violence, and the presence of ‘standpoint’ positions that are resistant to alternative perspectives and research evidence makes for an empirically ‘messy’ policy domain. In addition, Westmarland and Kelly (2016: 35) suggested that, inevitably, ‘leadership’ in a multi-agency environment involves the exercise of power and control, and highlighted the salience of ‘status, resources and confidence’ in the emergence of leaders. The increasingly parlous state of the specialist support sector in terms of resources (see Westmarland and Kelly, 2016: 33), alongside the dynamics of gender, places, Westmarland and Kelly (2016) argue, women’s organisations at a significant disadvantage in the multi-agency arena. Thus specialist services with the most developed and nuanced knowledge of coercive control, and those advocating an ‘empowerment’ approach to supporting victims, are very unlikely to be cast as the ‘lead’ agency (Westmarland and Kelly, 2016: 35). Westmarland and Kelly (2016: 32) suggest, in fact, that, despite the increased policy attention afforded to domestic violence over a number of decades, ‘we are now at a point of confusion in how domestic violence and abuse are responded to’.

### *Official definitions*

A perennial difficulty in formulating policy and practice concerning domestic violence was the absence of an agreed definition among the various interested agencies and other stakeholders. In 2004, the Home Office developed a gender-neutral, cross-government definition of domestic violence for England and Wales which was wider than the previous Home Office definition. The definition included abuse between any family members, not just intimate partners or former partners, in

part to ensure issues of concern to minority ethnic communities, such as forced marriage and so-called ‘honour’ crimes, were in scope.

“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who have been intimate partners or family members, regardless of sexuality.”

An adult is defined as any person aged 18 years or over. Family members are defined as mother, father, son, daughter, brother, sister, and grandparents, whether directly related, in-laws or stepfamily.

This official definition of domestic violence was adopted also by the Association of Chief Police Officers (ACPO, now known as the National Police Chief’s Council, NPCC) and the Crown Prosecution Service (CPS). The definition included so-called ‘honour’ based violence, female genital mutilation and forced marriage, and an adult was defined as any person aged 18 years or over (Home Office, 2012).

In March 2013, after a consultation process, a revised definition was adopted by the Home Office. Two important revisions are apparent: the age cut-off was reduced to over the age of 16 and, more significantly, the new definition was of ‘domestic violence and abuse’ and referred specifically to coercive control. This revised definition was adopted by ACPO also in March 2013:

Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:

- psychological
- physical
- sexual
- financial
- emotional

### **Controlling behaviour**

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

### **Coercive behaviour**

Coercive behaviour is an act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten the victim.

This definition includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

This official definition of domestic violence is not a legal definition and so requires interpretation by practitioners.<sup>6</sup> Those operationalising the definition must decide whether, firstly, the people involved have a relationship consistent with the definition and, secondly, whether what has occurred between them is inherently abusive. The breadth of this official definition has prompted criticism by leading academic researchers who suggest that it obscures the gendered nature of domestic violence. Kelly and Westmarland (2014) argue that the inclusion of (potentially single) ‘acts’ of violence or abuse skews the concept away from continuous, coercive and controlling abuse, and that it is less likely that a coercive and controlling dynamic is present in many cases of familial violence.

### *Legal frameworks and policy responses to domestic violence*

Over the past twenty-five years, in particular, there has been significant activity in relation to legislation and government policy designed to address domestic violence, and in the policies and practices of agencies with a remit to respond to it. Table 2

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<sup>6</sup> Personal correspondence with Home Office Domestic Violence and Abuse Team.

outlines key developments, with a specific focus on legislation and policy relevant to the police.

**Table 2: Key developments in policy, legislation and police practice<sup>1</sup>**

1990	Policy	<b>Home Office Circular 60/1990 Domestic Violence.</b> Issued to all police forces in England and Wales advising police to ensure that ‘all police officers involved in the investigation of cases of domestic violence regard as their overriding priority the protection of the victim and the apprehension of the offender’. The Circular also emphasised the importance of multi-agency working, establishment of domestic violence units, reviewing of recording policy and ensuring that officers were aware of the power of arrest, and providing support to the victim.
1991	Legal	<b>R v R [1991] 2 WLR 1065.</b> A husband’s legal immunity from prosecution for the rape of his wife was extinguished.
1995	Policy	<b>Home Office and Welsh Office Inter-agency Circular: Inter-agency Co-ordination to Tackle Domestic Violence.</b> Issued to all agencies involved in tackling domestic violence, including the police.
1996	Legal	<b>Family Law Act 1996.</b> Changed the legal framework relating to civil injunctions in the context of family law. <b>Housing Act 1996.</b> Broadened the definition of homelessness for those eligible for accommodation to include victims of domestic violence.
1997	Legal	<b>Protection from Harassment Act 1997.</b> Introduced the offence of harassment and power of the court to issue restraining orders on conviction.
1998	Legal	<b>Crime and Disorder Act 1998.</b> Established the framework of multi-agency Crime and Disorder Reduction Partnerships tasked with conducting audits of local crime and disorder and agreeing a strategy. Section 17 of the Act required the police (in partnership with local authorities) to exercise all their functions ‘with regard to the effect on the need to prevent crime and disorder in their areas.’ <b>Human Rights Act 1998.</b> Introduced positive obligations to protect life and protect victims against inhuman and degrading treatment.
1999	Policy  Practice	<b>Publication of ‘Living without Fear: An Integrated Approach to Tackling Violence Against Women’.</b> Home Office became lead department for domestic violence, and the Government pledged to support local-level support sector and multi-agency initiatives while implementing centrally criminal justice policies. <b>Home Office commissioned a series of research papers</b> on interventions to address domestic violence published as ‘Reducing Domestic Violence: What Works?’

2000	Policy	<p><b>Home Office Circular 19/2000.</b> Updated circular provided more specific and detailed information to the police, reflecting changes in legislation since 1990 and the findings of relevant research.</p> <p><b>Publication of ‘Domestic Violence: Break the Chain. Multi-Agency Guidance for Addressing Domestic Violence’.</b> Home Office guidance which included advice for the police that ‘there must be no suggestion that dealing with domestic violence is in any sense ‘second class’ policework’, and that specialist officers should maintain close links with other units dealing with issues such as child protection.</p>
2001	Policy	<p><b>Revision of Crime Survey for England and Wales.</b> Home Office revised the self-completion modules of the CSEW to combine and expand data collected on domestic violence, stalking and sexual assault.</p>
2002	<p><b>Legal</b></p> <p><b>Practice</b></p>	<p><b>Adoption and Children Act 2002.</b> Amended the definition of ‘significant harm’ in the Children Act 1989 to include ‘impairment suffered from seeing or hearing the ill-treatment of another’ and enabled courts to remove a suspected child abuser from the home as part of an application for a protection order.</p> <p><b>Centrex Modular Domestic Violence Training 2002.</b> Introduced a training programme with modules for call-takers, first response officers and specialist staff.</p>
2003	<p><b>Policy</b></p> <p><b>Legal</b></p> <p><b>Practice</b></p>	<p><b>Publication of ‘Safety and Justice: The Government’s Proposals on Domestic Violence’.</b> Proposed several non-legislative and legislative changes, some of which were enacted in the Domestic Violence Crime and Victims Act 2004.</p> <p><b>Sexual Offences Act 2003.</b> Strengthened and modernised the law on sexual offences, including widening the definition of rape.</p> <p><b>Female Genital Mutilation Act 2003.</b> Made it an offence to perform FGM in the UK, or to aid, abet or procure FGM to a UK national in countries where the process is legal.</p> <p><b>Centrex Modular Domestic Violence Training 2003.</b> Updated the 2002 programme and added a module for a multi-agency audience.</p> <p><b>Multi-agency Risk Assessment Conferences</b> initiated in Cardiff.</p>

2004	<p><b>Policy</b></p> <p><b>Legal</b></p> <p><b>Practice</b></p>	<p><b>Cross-government definition of domestic violence.</b> An agreed, gender-neutral definition of domestic violence adopted for the first time by government departments and agencies.</p> <p><b>Domestic Violence Crime and Victims Act 2004.</b> Made various provisions, including making breach of a non-molestation order a criminal offence, extending the availability of injunctions to same-sex couples and couples who have never cohabited, and making common assault an arrestable offence.</p> <p><b>The Children's Act 2004.</b> Called for closer cooperation between the police and children's services in identifying and investigating domestic violence.</p> <p><b>Centrex Modular Domestic Violence Training 2004.</b> Updated the 2003 programme and added a module jointly produced with the CPS and intended to be delivered to CPS prosecutors and staff.</p> <p><b>HMCPSP/HMIC publish 'Violence at Home: A Joint Thematic Inspection of the Investigation and Prosecution of Cases Involving Domestic Violence'.</b> Included a number of recommendations relating to policing and prosecuting cases of domestic violence.</p> <p><b>ACPO Guidance on Investigating Domestic Violence.</b> Guidance included a clear focus on the investigation of criminal offences relating to domestic violence.</p>
2005	<p><b>Policy</b></p> <p><b>Legal</b></p> <p><b>Practice</b></p>	<p><b>Publication of 'Domestic Violence: A National Report' and the 'National Domestic Violence Delivery Plan'.</b> Provided support for the introduction of Independent Domestic Violence Advisors and Specialist Domestic Violence Courts, as well as introducing centrally managed performance indicators and targets for criminal justice responses.</p> <p><b>Section 120 of Adoption and Children Act 2002 enacted.</b> Amended Section 31 of the Children Act 1989 to include the following in the definition of harm: 'impairment suffered from seeing or hearing the ill treatment of another'.</p> <p><b>ACPO Guidance on Identifying, Assessing and managing Risk in the Context of Policing Domestic Violence.</b> Included a list of risk factors and general information about the basic principles of identifying, assessing and managing risk in domestic violence cases.</p> <p><b>ACPO Policy on Police Officers Who Commit Domestic Violence-Related Criminal Offences.</b> Established clearly the principle that evidence a police officer has committed criminal offences relating to domestic violence is not compatible with a police service that has the confidence of the public.</p> <p><b>ACPO Practice Advice on Investigating Harassment.</b> Guidance included a clear focus on the investigation of harassment, including that connected with domestic violence.</p>
2006	<p><b>Policy</b></p>	<p><b>Specialist Domestic Violence Courts programme</b> commenced, with publication of a national resource manual.</p>

2007	Legal	<b>Forced Marriage (Civil Protection) Act 2007.</b> Permitted civil courts to make Forced Marriage Protection Orders to protect people from forced marriages, or to pre-empt them from happening.
2008	Practice	<b>ACPO Guidance on Investigating Domestic Abuse.</b> Encouraged forces to adopt a 'risk management' approach to domestic violence and described a model comprising risk identification, risk assessment and risk management.
2009	Policy  Practice	<b>Publication of 'Together We Can End Violence Against Women and Girls'.</b> Reported findings from a government consultation and promised cross-departmental working on domestic violence focusing on the key objectives of 'protection, provision, and prevention.'  <b>ACPO Council endorsed standardised risk model.</b> The Domestic Abuse, Stalking and Harassment and Honour-Based Violence risk identification, assessment and management model (DASH) adopted as national policy. National Police Improvement Agency (NPIA) developed practice guidance and 'train the trainer' package for DASH.
2010	Policy  Legal	<b>Publication of 'Call to End Violence Against Women and Girls'.</b> Government published 'strategic narrative' on domestic violence.  <b>Crime and Security Act 2010.</b> Made provision for Domestic Violence Protection Notices and Domestic Violence Prevention Orders (DVPOs). A DVPO permitted the courts to ban a perpetrator from returning to a residence and from having contact with the victim for up to 28 days, with immediate effect.
2011	Policy  Legal	<b>Publication of 'Call to End Violence Against Women and Girls Action Plan'.</b> Set out 'guiding principles' and actions for reducing domestic violence.  <b>Section 9 of the Domestic Violence, Crime and Victims Act 2004 enacted,</b> which made it a statutory requirement for local authorities to undertake a multi-agency review following a domestic homicide.
2012	Policy  Legal	<b>Refresh of 'Call to End Violence Against Women and Girls Action plan'.</b>  <b>Protection of Freedoms Act 2012.</b> Amended Protection from Harassment Act 1997 to introduce a specific criminal offence of stalking.





2015	Legal	<p><b>Serious Crime Act 2015.</b> Section 76 made provision for the enactment of an offence of ‘controlling or coercive behavior in an intimate or family relationship’, defined as ‘repeatedly or continuously [engaging] in behavior towards another person ... that is controlling or coercive.’</p> <p><b>Criminal Justice and Courts Act 2015.</b> Section 33 made ‘revenge pornography’ a criminal offence.</p>
	Practice	<p><b>Development of training on coercive control.</b> Following a review, the College of Policing, in partnership with SafeLives, developed training and e-learning on coercive control, including the ‘Domestic Abuse Matters’ programme.</p> <p><b>Publication of Authorised Professional Practice on domestic abuse.</b> Updated the 2008 ACPO guidance.</p> <p><b>Publication of HMIC ‘progress report’ following 2014 inspection.</b> Recognised improvements in police leadership and response, but highlighted areas where further improvements were required.</p>
2016	Policy	<p><b>Home Office published ‘Ending violence against women and girls: Strategy 2016-2020’.</b> ‘Refreshed’ strategy reemphasised key pillars of 2010 strategy: prevention, provision of services, partnership working and pursuing perpetrators.</p>
	Practice	<p><b>Publication of HMIC PEEL inspection.</b> Identified significant and ‘unexplained’ variations in domestic violence arrest rates between forces.</p>
2017	Policy	<p><b>Revision of Crime Survey for England and Wales.</b> The Office for National Statistics revised the self-completion module of the CSEW to include questions on coercive control and the frequency and impact of abuse.</p>
	Legal	<p><b>Queen’s Speech promised new Domestic Violence and Abuse Bill</b> that would establish a Domestic Violence and Abuse Commissioner, define domestic abuse in law, consolidate existing protection orders, and allow aggravated sentences where abusive behaviour involved a child.</p>

<sup>1</sup>Adapted from a document produced by Jo Wilkinson for the National Policing lead for domestic abuse (2005)

What is clear from a review of policy and legislation around domestic violence in England and Wales is that, with the involvement of central government, the focus of policy and practice has moved away from traditional feminist-advocate notions of empowerment and addressing sexual equality at the level of society, and towards criminal justice and the management of individuals and/or behaviours. What is also apparent is that national government policy has changed little in emphasis for at least the past fifteen years. The 2003 New Labour Government’s policy document ‘*Safety and Justice: The Government’s Proposals on Domestic Violence*’ (HM Government, 2003) was structured around three key policy strands: prevention, protection and justice, and support for victims. Proposals around prevention focused

primarily on changing the attitudes of young people towards using violence against a partner, through intervention in schools, and on wider ‘public education’ to make people aware of the ‘nature, prevalence and impact’ of domestic violence (HM Government, 2003: 17). Making victims more aware of services available to them was also suggested. The protection and justice strand proposed a range of measures to make the police response and subsequent criminal justice process more effective, while the support strand proposed various additional measures to support victims. The Coalition Government’s 2011 policy document ‘*Call to End Violence Against Women and Girls: Action Plan*’ (HM Government, 2011) also included sections on prevention, justice outcomes and provision of services. Prevention focused again on awareness and attitudes, in the form of a cross-government communications strategy. The themes of prevention (changing attitudes and early identification of offenders), service provision, and ‘improving the criminal justice response’ persist in the Conservative Government’s 2016 document ‘*Ending Violence against Women and Girls: Strategy 2016 – 2020*’ (HM Government, 2016).

These government policy documents have all suggested, either in the text or, more recently, directly in the titles, that domestic violence is a gendered issue. Yet specific elements of government policy and practice can be argued to have largely obscured the gendered nature of domestic violence. The cross-government definition of domestic violence and abuse, and most legislation, for example, is gender-neutral. In addition, no government in England and Wales has proposed to attempt to address the issue of domestic violence by raising the status or economic standing of women relative to men. Naming an area of public policy as affecting women disproportionately, yet not linking it to sexual inequality in terms of policy response, has echoes of Hall’s (2003) concept of a ‘double shuffle’. In fact, it can be argued that, during the past decade, the economic position of women relative to men has worsened. Analysis has shown that women have borne a disproportionate impact in relation to economic policies and cuts to services introduced since the economic crash of 2008 as part of a government programme of ‘austerity’ (see Women’s Budget Group, 2016). And cuts to legal aid, in particular, will have made it more difficult for many women to seek protection from abusive (ex) partners.

This thesis will focus in part on how frontline practitioners use their discretion to negotiate the real-life situations thrown up by the ambiguity and inherent tension between a broad-brush policy narrative around ‘violence against

women’ and specific policies that serve in practice to obscure the gendered nature of domestic violence. Against this backdrop, it is perhaps not surprising that, despite the considerable policy and legislative activity relating to domestic violence, a report from HMIC, published in March 2014 following a thematic inspection of police response, concluded that, improvements over the previous decade notwithstanding, ‘the overall police response to victims of domestic abuse is not good enough’ (HMIC, 2014a: 6). The report highlighted the following factors that contributed to this situation:

- A lack of visible leadership and clear direction set by senior officers;
- Alarming and unacceptable weaknesses in some core policing activity, in particular the collection of evidence by officers at the scene of domestic abuse incidents;
- Poor management and supervision that fails to reinforce the right behaviours, attitudes and actions of officers;
- Failure to prioritise action that will tackle domestic abuse when setting the priorities for the day-to-day activity of frontline officers and assigning their work;
- Officers lacking the skills and knowledge necessary to engage confidently and competently with victims of domestic abuse; and
- Extremely limited systematic feedback from victims about their experience of the police response.

Following further inspection work, HMIC published an ‘update’ report in 2015. While noting improvements, this report highlighted continuing issues with officers’ understanding of coercive control, disparities in arrest rates, and the implementation of risk assessment, in particular.

### **Conceptualising operational policework: police culture and discretionary decision-making**

Sociological inquiry ‘discovered’ the police in the 1960s (see McLaughlin, 2007). Early sociological studies of the police were undertaken largely from a symbolic interactionist perspective, with researchers using ethnographic methods to provide ‘thick description’ (see McLaughlin, 2007: 50) of beat officers’ interactions with

both each other and with members of the public. Although conducted in various jurisdictions in both the US and UK, these studies produced consistent findings on the nature of policework and police occupational culture.

A key finding from ethnographical accounts of policework was that frontline officers exercised considerable discretion over the way they performed their role (see McLaughlin, 2007; Reiner, 2010). The officer on the beat was regarded as the ‘primary determinant of policing where it really counts: on the street’ (Reiner, 2010: 116), with the power (and inclination) to interpret, alter, or resist laws and organisational rules and policies (see for example Holdaway, 1983). Indeed, according to Reiner (2010: 116), many studies suggested rules and policies were ‘marginal’ in terms of how policework operated in practice. Skolnick (1966) suggested this tendency to improvise was in part a result of the inevitable conflict between rules and policies and the requirement to be efficient and achieve results (see McLaughlin, 2007: 56).

Another significant finding from systematic observation of policework was that officers’ perceptions of their role and their work did not match the reality of what they were required to do. According to Ericson and Haggerty (1997: 21), ‘studies show repeatedly that within ‘cop culture’, ‘real policework’ is defined as crime work, and everything else is seen at best as supporting that work, and at worst as peripheral or a nuisance’. Yet despite officers’ preference for exciting, dangerous, crime-focused work, studies showed much policework was related to low-level, non-criminal matters. According to Manning (1997, cited in McLaughlin, 2007: 52) routine policework is generally ‘boring, tiresome, sometimes dirty, sometimes technically demanding but it is rarely dangerous.’ McLaughlin (2007: 53) suggests that ‘police officers are expected to handle a vast, complex range of problems and predicaments because no other means has been found to resolve them’; this reality led Punch (1979, cited in McLaughlin, 2007: 53) to describe the police as ‘a secret round-the-clock social service’.

The interaction of police discretion and occupational culture has implications for the way police officers perform their role that are potentially significant. According to McLaughlin (2007: 51):

*‘...the police must transform the precepts of criminal law into criminal law ‘in action’. The low visibility of policework, with little*

*direct supervision or monitoring from senior officers, means that patrol officers have considerable operational discretion regarding the 'when, how, where, and who' to monitor, stop, search, arrest [or] charge.'*

McLaughlin (2007: 51) also shows that classic studies of policework highlighted 'petty legal infringements', 'crimes where the victim declines to make a formal complaint' and cases where there is 'insufficient evidence to guarantee a conviction' as prime candidates for discretionary under-enforcement of the law. If these observations hold, the implications for police response to domestic violence and coercive control in particular are clear: the criminal law is less likely to be invoked.

Subsequent research has questioned, however, any straightforward relationship between police occupational culture and the way individual officers undertake policework. In particular, some writers have distinguished between 'cop culture' and 'canteen culture' (see Hoyle, 1998), with the latter being more of a mechanism for tension release; the unpalatable views expressed by officers off-duty or with their peers are not translated into unlawful or discriminatory actions in the course of duty (see Waddington, 1999b; Reiner, 2010:115). It has been further suggested that police occupational culture is not 'monolithic, universal, nor unchanging' (Reiner, 2010: 117). Various 'sub-cultures' have been recognised (see Reiner, 2010: 116), and there is also scope for individual officers to develop their own distinct 'professional identity and style' (McLaughlin, 2007: 57).

Despite recognition of the need to 'problematise' (Hoyle, 1998) debates around police culture, Reiner (2010) concludes that although there is no 'one-to-one correspondence between attitudes and behaviour' this does not mean officers' 'perspectives ... bear *no* relation to their practices' (Reiner, 2010: 115, emphasis in original). Reiner (2010: 115) cites research that suggests, for example, that officers subscribing to more 'traditional' elements of police culture are more likely to use force. If it is the case that officers' values and shared occupational culture have some bearing on their responses to particular people and events, the potential implications for their handling of domestic violence are again significant. The element of occupational culture associated with sexual harassment and discrimination is well documented (see for example Gregory and Lees, 1999), and sexist views, combined with an innate sense of suspicion, could prompt attending officers to identify more

with the male party and doubt the account of the female. Combine this possibility with the manipulative tactics of coercive abusers and it is very possible that officers may misinterpret the nature of what they have been called to address. This thesis will examine officers' use of discretion in identifying and classifying calls for service as domestic abuse, and how their working knowledge of coercive control may influence their decision-making.

### **Police response to domestic violence**

The police response to domestic violence has been considered across a wide range of territories and research studies to be at best inconsistent and at worst inadequate. Stanko (1985) summarises early research on police response, highlighting deficiencies caused in part by traditional perceptions of male violence towards women. Men in male dominated institutions such as the police, it was argued, rely on their 'common sense about men's behaviour towards women to assist them in their decision-making', such that they struggle to distinguish sexual assault from 'rough sex' and domestic violence from 'family quarrels' (Stanko, 1985: 104). Assumptions are often made about 'deserving' women who provoke male violence, and women's complaints 'too easily fit unchallenged within traditional assumptions about male violence' (Stanko, 1985: 105). Many researchers have noted the 'macho' culture of the police (see for example Reiner, 2010), and the discriminatory treatment of women within the police is well documented (see below).

Early research on police response suggested many reports of domestic violence were screened out by call takers without an officer being despatched to the scene (Stanko, 1985: 107). If officers were despatched, they would frequently determine that an incident had in fact not taken place (a process known informally as 'cuffing'). Additionally, even where violent acts were determined to have occurred, Stanko (1985: 111, emphasis in original) states that '*all* research *clearly* indicates that police characterise wife battering as a non-criminal matter'. Reiner (2010: 124) claims that 'rubbish', in police occupational culture, are 'people who make calls on the police which are seen as messy, intractable, unworthy of attention, or the complainant's own fault', and suggests 'domestic disputes are a common sort of call regarded as 'rubbish' by many police officers.' Domestic violence, then, according to

numerous studies (see Edwards, 1989) was regarded as at best unimportant policework and at worst as not a police matter.

Much research on police response has suggested officers are reluctant to arrest the perpetrator in cases of domestic violence, even where there is evidence of physical assault (see Stanko, 1985; Edwards, 1989). An early study in the US identified four basic police strategies for addressing domestic violence: ‘talking out’ the dispute, threatening all parties and then leaving, asking one of the parties to leave the premises, or (rarely) making an arrest’ (Parnas, 1972, cited in Stanko, 1985). Classic studies of police response in numerous jurisdictions also revealed inadequate and inconsistent record keeping in relation to domestic violence, and especially reluctance to record domestic violence incidents as crimes (see Stanko, 1985).

Studies of police response in England and Wales reflected findings from earlier research in the US. Edwards (1989) conducted research in two London boroughs and a division of a provincial force and found: officers’ largely regarded domestic calls as a waste of time and not real policework, domestic-related calls were not written-up properly and were frequently not recorded as crimes, and attending officers were reluctant to make arrests. A later study (Kelly, 1999), also conducted in a London borough, found similar attitudes among officers: support for law enforcement responses to domestic violence was ‘fragile’ (Kelly, 1999: 60), value judgements about whether a victim was ‘deserving’ were evident, and assessments of the nature of cases were ‘based on officers’ own values, rather than either the ‘facts of the case’, or what we know about domestic violence’ (Kelly, 1999: 63).

A study by Hanmer et al. (1999) did suggest, however, that the police could achieve positive outcomes in responding to domestic violence with a tightly controlled intervention in the context of a co-ordinated community response. The Killingbeck repeat victimisation project – named after the division of West Yorkshire police in which it was implemented – introduced a tiered level of police response that focused both on addressing the behaviour of the perpetrator and the support needs of the victim. Borrowing from previous interventions to reduce repeat victimisation of other crimes, community-centred prevention tactics such as ‘cocoon watch’ (networks of neighbours, family, friends and professionals reporting immediately further abuse) were utilised alongside positive arrest policies, with intervention increasing in intensity with each repeat call to the police. By placing equal focus on

supporting the victim and demotivating the offender, the project realised several positive outcomes including a reduction in repeat victimisation, increased time between police attendances, and a reduction in the number of ‘chronic’ offenders (Hanmer et al., 1999: 40).

A study by Hoyle (1998) in the Thames Valley force also produced more positive findings in relation both to officer attitudes and police response. Little evidence of ‘cuffing’ was evident, for example, at the control room stage. Hoyle interviewed officers in-depth about their response to *specific* incidents, arguing that asking officers about their *general* response can elicit ‘a sometimes distorted picture’ (Hoyle, 1998: 34). Indeed, when describing their response to specific incidents, officers frequently revealed more nuanced and sympathetic attitudes than when asked initially for their general views on domestic violence. Hoyle’s study suggested traditional ‘cop culture’ was insufficient to explain officers’ responses to domestic violence. Rather, occupational culture interacted with other factors, such as organisational structures and policies, training, and aspects of the procedural law, to form ‘working assumptions’. It was these working assumptions, as opposed to ‘negative stereotypes about victims’ that ‘shaped the exercise of ... discretion’ and ‘determined the application of certain working rules’ (Hoyle, 1998: 129-130). Hoyle suggested that the decision *not* to arrest a suspect was taken if there was insufficient evidence, the victim did not want an arrest, the offence was ‘minor’, there was (in the officer’s opinion) no or minimal risk of further violence, and the parties involved were calm. Decisions to arrest were taken where the opposite factors were present.

Though Hoyle’s work was encouraging in some respects, it is clear that the working rules applied by officers in relation to arrest are dangerous when measured against the theory of coercive control. As much coercive controlling behaviour is either low-level violence or, in the absence of a law addressing coercive control specifically, not criminal in a legal sense, the police in most jurisdictions will frequently encounter incidents where there has been either a minor offence or there is no evidence of an offence. Both suspect and victim may present to the police in a number of ways, and not necessarily consistent with preconceived notions of how the respective parties should behave. And, as Okun (1986: 107) illustrates, ‘there is too great a tendency to conceive of conjugal violence as punishment or as negative reinforcement for unwanted behaviour, while ignoring violence as a means in itself for gaining dominance.’ In other words, there is every chance the police will not



perceive the wider context in which a non-criminal incident is situated, or will treat an incident of low-level violence as a 'one-off' that is not likely to re-occur (see Kelly, 1999: 63). Stark has suggested that police adherence to a 'violent incident model' (Stark, 2012: 200), that equates abuse with discrete assaults and gauges seriousness by level of physical injury, has not improved the long term prospects of victims of coercive control. Longitudinal research by Hester (2012) suggests this may be the case. After tracking 128 cases of domestic violence over a six-year period she found women were three times as likely as men to be arrested at incidents where they were adjudged to have been the perpetrator, yet women's violence against men was largely consistent with resistive or pathological assaults prompted by long-term abuse.

There have been relatively few studies of police attitudes and responses to domestic violence in the last 10-15 years, particularly in England and Wales. Applegate (2006) conducted interviews with senior officers and middle managers in an English police force exploring their views of domestic violence and the impact of central government policy initiatives. He concluded that attitudes to domestic violence are more enlightened than they once were, though it should be noted that a recent thematic inspection by HMIC suggested positive attitudes to domestic violence among senior officers were not matched by the quality of response (see HMIC, 2015). Applegate (2006) also found that frontline officers felt their discretion in dealing with domestic violence had been curtailed, though this finding was based on responses to fewer than one hundred postal surveys.

There have been no other recent direct explorations of frontline officer attitudes to domestic violence in England and Wales. In addition, and with the exception of Hoyle and Sanders (2000), few studies have considered the attitudes, knowledge and utility of specialist officers and teams devoted to domestic violence. Both Hester (2012) and Lea and Lynne (2012) have conducted narrative analysis of case-files which revealed indirectly officers' tendencies for 'victim blaming' and presenting the facts of the case from a male perspective, minimising the role of the perpetrator, or presenting the long-term victim of abuse as the perpetrator. Additionally, ethnographical work by Loftus (2009) in a single English force revealed familiar themes of domestic violence being afforded a low priority relative to other crimes types, and officers taking little or no action in response to certain

incidents. This thesis will provide a timely reassessment of officer attitudes to domestic violence and to responding to incidents of domestic violence.

### **Policing and gender**

The history of gender in relation to policing can be considered at least to some extent with reference to male privilege. When women were first able to serve as police officers, it was with a separate women's department. In England and Wales, legislation in the 1970s paved the way for women to be incorporated into the police service alongside men. Brown (1998: 279) described, however, subsequent progress towards greater and genuine integration of women into the service as 'glacially slow'. In particular, female officers experienced frequent 'discriminatory and harassing behaviour' (Brown, 1998: 279), and tended to be marginalised or deployed disproportionately to roles that involved, for example, victim care or child protection. Though there has been further progress, especially in the past decade or so, critics point to a 'woefully inadequate' underrepresentation of women in senior ranks, and suggest that even the improved proportion of around one-quarter female officers falls short of the 35% 'critical mass' that organizational theorists suggest is required to effect meaningful culture change (Silvestri, 2015: 59). And this gendering of the service is not unique to England and Wales: an international review of literature by Prenzler and Sinclair (2013) revealed that, in most jurisdictions, the proportion of women officers remained below 25%, and much lower in management ranks; that managers have a key discretionary role in enabling (or undermining) flexible working; and that, despite significant gains, there remains 'an ongoing tendency for women to be concentrated in traditional areas working with their own gender and victims of crime' (Prenzler and Sinclair, 2013: 128).

Policing is not, of course, the only occupational culture in which female recruits have suffered harassment and discrimination. Describing male-dominated workplaces as a 'danger zone' for women, Gregory and Lees (1999) give examples of several industries in which women have experienced harassment. This harassment can be particularly acute in situations in which women are 'trying to break into male-dominated areas of work' (Gregory and Lees, 1999: 49). The first female train drivers, for example, reported being 'touched, insulted, pushed and threatened' (Gregory and Lees, 1999: 49), while explicit pornography was left on display in

communal areas. This overt harassment contrasted with the ‘routine’ sexist teasing experienced by women performing service-oriented roles, such as cleaners and canteen staff. Yet, as Gregory and Lees (1999) note, any form of sexual harassment is part of a continuum of violence against women (see Kelly, 1988), and members of other male-dominated professions are not tasked directly with intervening in cases of violence against women.

It might be argued, on the back of sustained policy initiatives to address it, that the discrimination and sexual harassment suffered by women police officers is not as severe as it once was. Yet it can also be argued that much of it is simply less overt than previously. Silvestri (2007: 48) recognised a shift away from physicality as the prime indicator of hegemonic masculinity in the police service towards a performance driven managerial culture centred on ‘competitive masculinity’. In target-driven performance cultures, such as that which developed in policing in England and Wales from the early 1990s (see Loveday 2006), it is suggested that ‘everything becomes an object of, and for, control’ (Kerfoot and Knights, 1993, cited in Silvestri, 2007: 48), and that the language of ‘success’ revolves around risk-taking and decisive action. Silvestri (2007) notes that such a culture mitigates against ‘transformational’ leadership styles that are associated more with women. Transformational leadership – which tends to be inclusive and emotionally expressive – does not sit well in hierarchical, action-oriented organisations. Rather, emotional detachment serves to maintain gendered hierarchies; emotional expression is devalued as showing weakness. Female officers are further disadvantaged by a long-hours culture that is also associated with careerism and the language of success. Thus Silvestri (2007: 52) suggests there remains a ‘cult of masculinity’ in policing, and that female officers continue to experience sexual harassment, discrimination and differential deployment.

In the US, commentators have gone further. Goodmark (2016: 317) describes the culture of US law enforcement as one of ‘militarised masculinity’, a culture ‘that is disdainful of women at best and actively abusive at worst’. The limited research on police officers as perpetrators of domestic violence, undertaken primarily in the US, suggests higher rates of perpetration as compared to the general population, that large numbers of officers report knowing colleagues that have committed domestic violence, and that the partners of police officers report higher than average levels of physical and emotional abuse (see Goodmark, 2016). It has also been suggested that

domestic violence perpetrated by police officers is not always investigated or taken seriously; research, again from the US, has suggested fewer than half of officers who commit domestic violence are dismissed from their job, and that officers are more likely to be sanctioned for other forms of misconduct (see Goodmark, 2016).

It is difficult to know whether the police organisational culture has an impact on how individual officers act in relation to domestic violence, or whether individual attitudes and behaviours are simply reflective of wider societal behaviours and understandings. What is clear, however, is that the police service is a highly gendered environment where characteristics of masculinity are most valued, and elements of the hierarchical structure are highly controlling. These are traits associated also with abusive household ‘gender regimes’ (see Morris, 2009). It is possible therefore that the police service a) attracts recruits with attitudes supportive of violence against women, and/or b) permits such attitudes and behaviours to flourish. In addition, it is possible that such a highly masculine culture creates more subtle influences on the service that a victim of domestic violence might expect to receive from the police – officers interpreting and responding to situations through a filter of masculinity. It is for this reason that some commentators have suggested that the police response to domestic violence might only be expected to improve if the proportion of female officers is increased; research has in fact shown that female officers are more likely to believe a victim’s account, and less likely to attach blame (see Silvestri, 2015).

### **Policing and risk**

In 1997, the Canadian authors Richard Ericson and Kevin Haggerty published an empirical study that served in part to critique existing sociological accounts of how policework is carried out. Their thesis was based in part on Beck’s (1992) concept of ‘the risk society’. Beck defines risk as ‘a peculiar, intermediate state between security and destruction, where the *perception* of threatening risks determines thought and action (Beck, 1999: 135, emphasis in original). Risk society is future oriented, and risks themselves are ‘unintended consequences of the logic of control’ that dominates modern societies (Beck, 1999: 139). Risk society operates within a negative logic that focuses on fear and the social distribution of ‘bads’ (Ericson and Haggerty, 1997: 6). Beck suggests further that a key element of risk society is

‘manufactured uncertainties’, whereby ‘risk assessment based on empirical knowledge’ conflates with ‘making decisions and acting on risk in indefinite uncertainty’ (Beck, 1999: 140). For the continual management of risk, ‘risk communication systems’ have proliferated to generate and share information about risk between agencies and organisations. A consequence of this development is the perverse outcome that proliferation of knowledge and technologies intended to assess and manage risk results in the identification of more risks.

Ericson and Haggerty (1997) argue that the concept of risk society, and the risk communication systems that have developed to address risk, have had profound implications for policing and policework. Their account is consistent with critiques of the interactionist approach to studying the police, with its emphasis on description of frontline police activity, which some authors claim ‘addresses a field with a limited spatial range and, in consequence, generates more and more data with less and less scope’ (Johnston, 1992, cited in McLaughlin, 2007: 58). Ericson and Haggerty (1997: 17-18) contend that the demands for knowledge about risk placed on the police by external agencies mean that, increasingly:

*‘The framework through which police officers think and act is determined not only by formal legal rules, administrative rules, and the informal rules of the occupational culture but also by the risk communication rules, formats, and technologies of external institutions. In other words, it is the structure of institutional communications more than the legal, administrative, or informal rules that circumscribes the discretion of police officers. The legal and administrative rules do have a bearing on risk classifications, but it is these classifications that in turn shape and direct police officer autonomy.’*

Based on interviews and observations conducted in police agencies in a number of jurisdictions in Canada, Ericson and Haggerty (1997: 36) suggest risk communication systems have supplanted the frontline officer as the principal lens through which policework is focused, resulting in a degree of ‘fordization’ in how officers perform their roles. They describe officers’ discretion as ‘severely circumscribed’, and although they acknowledge discretion is ‘not subject to

foreclosure' (1997: 136), it is interesting to note that a practical example they posit relates to officers moulding their responses to fit with risk communication systems, as opposed to resisting these systems altogether.

If Ericson and Haggerty's position were true, it would have serious, and potentially positive, implications for the policing of domestic violence. For example, in the risk society everybody is presumed guilty until their risk profile proves otherwise (Ericson and Haggerty, 1997: 42). The application of robust risk assessment to cases of domestic violence could remove the negative influence of officers' stereotypical views of male violence towards women. Additionally, because risk systems provide scope for 'routine surveillance of both the population of citizens *and* the population of the police' (Ericson and Haggerty, 1997: 10, emphasis added) officers might find it more difficult to escape taking positive action in response to domestic violence.

Though I recognise key aspects of Ericson and Haggerty's arguments (such as the proliferation of knowledge work) in my experience of researching the police in England and Wales over the past 15 years, it is not clear to what degree certain elements of their thesis stand up. There are, for example, a limited range of examples of the way in which risk communication systems have eroded frontline discretion. And indeed a recent ethnographical study of the police in England and Wales suggested many of the themes identified in the classic interactionist accounts appear remarkably enduring (Loftus, 2010). This thesis will explore how policies such as presumptive arrest, and processes such as national standards for crime and incident recording, influence officers' actions when responding to domestic violence.

#### *Risk aversion and 'unnecessary bureaucracy'*

Some commentators have suggested that a culture of 'risk aversion' has developed in UK policing over the past two decades (for a review, see Cockcroft, 2012). A review commissioned by the then Labour government identified a tendency towards risk-aversion which can 'seriously dilute, or at worst remove, discretion or professional judgement' (Flanagan, 2007: 8). A risk-averse culture may have developed partly in response to increasingly extensive and intrusive scrutiny and inspection regimes by HMIC and other bodies, such as the Independent Police Complaints Commission (Heaton, 2011).

In the light of the Flanagan report, a programme of work was initiated by National Policing leads concerned with reducing unnecessary bureaucracy in policing. Police response to domestic violence was highlighted specifically in a report by the independent Reducing Bureaucracy in Policing Advocate, which highlighted an ‘over-reliance on pre-prescribed risk assessments and rigid models’ (Berry, 2009: 55). A majority view from the National Policing Reducing Bureaucracy Practitioners’ Group<sup>7</sup> was that a standardised risk model endorsed by National Policing leads (see below) may have had an adverse effect on officers’ ability and willingness to investigate cases of domestic violence, with some officers completing the risk identification checklist in a ‘robotic’ manner and viewing the exercise as concerned primarily with ‘covering your back.’ Though a view expressed consistently across a range of practitioners and stakeholders, the notion of a process-driven culture of risk aversion remains untested, at least to the level of the classic ethnographic accounts of policework.

#### *Risk assessment and management of domestic violence*

During the past 30 years, there has been increasing interest in the development of tools to assess risk in cases of domestic violence. Much of the emerging academic literature comes from the US and Canada. Several risk assessment tools have been developed, validated and tested, primarily for predictive validity. Several studies have also attempted to assess the accuracy of victims’ own predictions of their risk of further abuse.

There are, broadly, three recognised approaches to risk assessment: clinical, actuarial, and structured professional judgement (Kropp, 2008).

Unstructured clinical assessment relies solely on professionals’ knowledge, experience and intuition. Empirical research has suggested that professionals’ unstructured judgements are little better than chance in predicting revictimisation (see Bowen, 2011). The unstructured approach has been criticised for lacking reliability, validity and accountability, and for the potential for personal preferences and biases to override established risk factors (see Kropp, 2008).

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<sup>7</sup> As lead evaluator of a pilot project on police response to domestic abuse commissioned by the National Policing/Home Office Reducing Bureaucracy Programme Board, the author attended relevant meetings of both the board and the practitioners’ sub-group.

Actuarial decision-making relies solely on statistical analysis of established risk factors. Evidence for the presence or absence of specific risk factors is drawn from the records of criminal justice and other agencies, from interviews with victims or people known to the victim or offender, or a combination of these sources. Actuarial tools are concerned primarily with prediction. In the field of domestic violence (and violent offending more widely), actuarial methods have most commonly been used to make one-time predictions of whether somebody will re-offend within a particular timeframe (see Kropp, 2008). These predictions can be used to inform decisions around whether for example an offender is granted bail. Although demonstrably more accurate than unstructured clinical predictions, actuarial methods have been criticised for being inflexible and not able to take into account dynamic and context-specific risk factors (Hart 1998, cited in Kropp, 2008).

Structured professional judgement involves systematic analysis of known risk factors, but with scope for the practitioner to bring to bear their knowledge and experience when assessing the level of risk. Rather than produce a numerical score, professionals, guided by a structured risk assessment tool, allocate a risk grading to specific cases – commonly ‘standard’, ‘medium’ or ‘high’. The structured professional judgement model can be seen as a compromise between unstructured and actuarial approaches (Douglas and Kropp, 2002), as it permits expert consideration of context-specific factors while attempting to improve the consistency and accountability of professionals’ judgements (Kropp, 2008). This approach also moves the primary aim of risk assessment beyond prediction and towards prevention and risk management through safety planning (Bennett-Cattaneo and Goodman, 2007; Kropp, 2008).

#### *Evaluation of risk assessment tools*

Risk assessment tools for domestic violence may be evaluated in relation to internal or construct validity, reliability, predictive validity, and external validity.

Risk assessment tools for domestic violence were developed in a number of ways and have been subject to varying levels of validation in relation to content/construct validity and reliability. Most tools were informed by reviews of academic literature, but there is little published material to indicate how systematic and comprehensive these reviews were. Additionally, the original research



underpinning most tools was largely US-based, focused primarily on heterosexual intimate partners, and is now more than 20 years old (see for example Cooper, 1993). The issue of context is important as, for example, use of weapons may be more salient in the US, where access to firearms is widespread. Also, existing research focuses primarily on the salience of single risk factors, as opposed to attempting to weight specific factors, or situate (combinations of) risk factors in context. It is possible that certain factors that correlate commonly with domestic violence (such as separation) may not be inherently risky, but high risk in combination with other factors – such as a jealous and controlling ex-partner.

Some risk assessment tools were informed heavily by reviews of domestic homicide cases and cases involving serious violence (see for example Campbell, 1995; Richards, 2003, 2006; Robinson, 2006). Stark (2013) has argued that lethal and serious violence is a poor lens through which to view domestic violence as domestic homicides, in particular, represent a small fraction of cases (see also Hilton and Harris, 2005; Hoyle, 2008). He argues for a more specific focus on the coercive and controlling tactics that most often precede acts of severe and lethal violence. Most of the established risk assessment tools do ask about some or all of controlling behaviour, stalking and harassment, and social isolation, but it is not clear how these factors are weighted against physical assault at the current incident, and risk factors commonly identified through research on homicide and sub-lethal violence, such as choking and assault with weapons.

Indeed, although many risk assessment instruments for domestic violence have been tested with survivors of abuse and/or practitioners and academic experts to ensure a degree of face validity, there have been few systematic attempts to consider the relative importance of the risk factors they contain. According to Robinson (2010: 132):

*‘The types of evidence used to establish the reliability and validity of certain risk factors are not equal across all of the tools currently in use ... some factors have been consistently identified as correlates of future harm (e.g., criminal record) while others have had less empirical scrutiny (e.g., abuse of pets) ... it [is] likely that there is a significant degree of error in the construction and application of*

*existing risk factors, although at present we are unable to even measure the extent of this error in a scientific way. '*

Additionally, as people look increasingly to differentiate between different types of domestic violence, it is not clear whether the same set of risk factors is appropriate for assessing risk of harm in, for example, intimate relationships that do not involve coercive control (see for example Stark, 2007; Johnson 2008), same sex relationships, or relationships between family members who are not intimate partners (see Robinson, 2010).

In relation to predictive validity, there have been, since 2007, four systematic reviews of the literature on risk assessment tools for domestic violence, relating specifically to their accuracy in predicting revictimisation (Hanson et al., 2007; Bowen, 2011; Messing and Thaller, 2013; Nicholls et al., 2013). Two reviews (Hanson et al., 2007; Messing and Thaller, 2013) presented meta-analysis of average predictive validity across studies. Despite varying methods and criteria for including or excluding studies, the respective reviews reached broadly similar conclusions:

- Comparison and meta-analysis of the predictive validity of risk assessment tools for domestic violence is complicated by several factors, primarily inconsistent implementation of the tools and differences in criterion variables (e.g. homicide; physical revictimisation) and the sources of data used to predict those variables.
- All domestic violence specific risk assessment tools that have been tested have, on average, levels of predictive accuracy that are small to moderate and significantly better than chance.
- There are currently insufficient robustly designed and implemented studies to conclude that one specific tool is superior. Choice of tool will depend in part on the context and purpose for which it is to be used.

Additionally, and notwithstanding problems with standardisation across studies, systematic reviews have concluded that, on average, victims' appraisals of risk are relatively robust and in some studies outperformed structured risk assessment tools (Hanson et al., 2007; Bowen, 2011; Nicholls et al., 2013).

### *Evaluation of risk management models*

Proponents of risk management models based on structured professional judgement argue that short-term prediction of reabuse is not the primary aim of risk assessment; the primary aim is in fact prevention and longer-term management of victims' safety. Being (some way towards) accurate in predicting revictimisation does not necessarily equal helping to improve the safety of victims in the longer term (Bennett-Cattaneo and Goodman, 2007), and risk assessment can be used to empower victims and develop strategies to manage the risk of harm in intimate relationships.

Though the structured professional judgement and risk management model has been articulated by several authors (see for example Douglas and Kropp, 2000; Bennett-Cattaneo and Goodman, 2007), only one study has examined the impact of risk management in a police context. Belfrage et al. (2012) evaluated a risk management model in Sweden that used the Spousal Assault Risk Assessment (SARA) to inform police recommendations for safeguarding activity. They found that numerical scores on the SARA were related to the number of safeguarding measures recommended and that the association between risk assessment and a lower likelihood of revictimisation was related to the number of risk management measures put in place. This study was limited by its initial sampling only of violent incidents and its reliance on police data to measure recidivism. It is possible that some abusers persisted with coercive controlling tactics that did not come to the subsequent attention of the police. This study also found that while high numbers of safeguarding measures reduced the likelihood of recidivism among perpetrators classed as high risk, high levels of intervention in cases where perpetrators were classed as low-risk resulted in an increased likelihood of recidivism.<sup>8</sup>

### *Risk assessment in England and Wales*

Police forces in England and Wales began to develop risk assessment tools and adopt risk management models in the early 2000s. In 2005, in recognition that such tools and models were not implemented consistently, ACPO published guidance on identifying, assessing and managing risk in cases of domestic violence. The guidance

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<sup>8</sup> The authors suggest a possible explanation for this finding, apparently commonly cited in the recidivism literature, is that too much intervention interferes with the natural and often effective coping strategies of low-risk offenders. A plausible alternative explanation is that comprehensive early intervention might encourage further reporting by victims whereas limited intervention does not.

highlighted ‘established’ risk factors for domestic violence, which were drawn largely from work that informed a literature review on criminal justice responses to domestic violence published jointly in 2004 by HMIC and HMCPSI (HMIC/HMCPSI, 2004). Further guidance followed in 2008, and in 2009 ACPO endorsed a standard model for identifying, assessing and managing risk: the Domestic Abuse, Stalking and Harassment and Honour-Based Violence risk identification, assessment and management model (DASH). DASH was developed by the National Policing Risk Management Expert Panel (see Robinson, 2010) and was based in part on existing models, in particular the FSU9 (South Wales Police) and SPECSS (Metropolitan Police Service). DASH was intended to ensure a consistent approach to risk between forces, and also that a consistent approach was taken by the police, other statutory agencies and voluntary sector organisations.

Neither the DASH, nor its forerunners, was subject to robust and independent evaluation. The risk factors included in the risk assessment tools were derived in part from reviews of academic literature (see Robinson, 2010), but these reviews were not published. SPECSS was subject to an external process evaluation soon after implementation (Humphreys et al., 2005); this evaluation did not consider the validity or reliability of the risk assessment tool, or the impact of the risk management model on victim’s safety. Shortly after its development, ‘usability studies’ of DASH were undertaken internally in pilot forces. These studies reported the views of officers using the DASH and were not published. The final iteration of DASH has not therefore been subject to empirical testing or evaluation relating to its construct validity, or its impact on victim safety.

Robinson et al. (2016) conducted research in three police force areas to examine in-depth how the DASH risk model was being implemented. They concluded that, although there was widespread support for risk assessment among practitioners, DASH was not applied consistently by frontline officers. In particular, ‘officers sometimes used discretion not to submit a risk assessment, specific questions were altered or not asked, and information was sometimes not recorded consistently or in a complete way’ (Robinson et al., 2016: i). In addition, officers and staff at all stages of the process appeared to prioritise physical violence and criminal offences, especially violence with injury at the current incident. Recent research has also considered the degree to which the DASH has successfully predicted the occurrence of domestic homicide and serious physical violence, with studies

suggesting that relatively few cases of homicide and serious violence were graded as ‘high risk’ by officers (see Chalkley, 2017; Thornton, 2017). This thesis is the first study to utilise DASH data for the purpose of exploring the nature of domestic violence that comes to the attention of the police, and from that the profile of risk factors that might best be prioritised in relation to assessing risk of future harm.

## **Summary**

Domestic violence is a complex area of public policy, due in part to disagreements that persist concerning how it is defined and measured. Police response to domestic violence has been regarded historically as poor. There have been attempts in recent decades to curtail the discretion enjoyed traditionally by frontline officers with the introduction of processes for identifying and classifying calls for service as domestic violence, and a more structured initial response based on a national risk model. This thesis will examine the issue of measurement of domestic violence, as well as the profile and nature of domestic violence that is reported to the police. It will also consider the issue of officer discretion, and consider to what extent officers retain discretion and the factors that influence their responses. The next section details the specific research questions that structure the thesis.

## Summary of research questions

The following specific research questions will be addressed by the thesis:

- 1. Can cases of coercive control be identified in national population surveys, and, if so, to what extent is coercive control gendered and more harmful than other forms of domestic violence?** The literature on domestic violence is bedevilled by confusion and disagreement relating to how to define and operationalise the problem. Both the cross-government definition of domestic violence and abuse, to which the police adhere, and the CSEW draw in any discrete acts of violence or abuse between intimate partners. Global prevalence estimates from the CSEW obscure what practitioners in the voluntary sector recognise as the gendered nature of domestic violence. If coercive control can be a) identified in a national population sample as a specific and harmful form of domestic violence and b) shown to be experienced overwhelmingly by women, then frontline practitioners should be able to view cases of domestic violence with greater clarity in relation to victims and offenders.
- 2. Is coercive control the most common form of domestic violence reported to the police?** Feminist writers contend that coercive control, as the most harmful form of domestic violence, represents the majority of the abuse that comes to the attention of agencies. This contention is based primarily on practice and observation. Yet the wide ranging definition of domestic violence in England and Wales means there is potential for a wide range of violent acts and possibly abusive behaviours to come to the attention of the police. Quantitative analysis of data from risk identification interviews with victims will provide an indication of the dominant profile of abuse reported to the police, and suggest whether a pattern of coercive control should be prioritised in assessments of risk and threat of harm.
- 3. What degree of discretion do officers exercise when responding to cases of domestic violence?** Theories of risk-oriented policing have suggested much of the discretion traditionally perceived to have been enjoyed by frontline police

officers has been eroded by the adoption of prescriptive systems and processes for classifying and communicating risk. If this position were true, there would be less value in officers' having a detailed understanding of the dynamics of coercive control as their identification and classification of domestic violence incidents would be to a large degree dictated by organisational systems and processes. An examination of officers' discretion will highlight what potential there is for an improved knowledge of coercive control to have a positive impact on officers' responses.

- 4. What factors influence police officers' responses at the scene of incidents of domestic violence?** In particular, have working assumptions and rules identified in previous research changed in the light of the introduction of national policies and risk communication systems favouring more proactive responses? A re-examination of the factors that may influence officers' decisions and actions around risk and positive action, including their general attitudes and specific knowledge of coercive control, is timely in the light of legislation to criminalise coercive and controlling behaviour in intimate relationships.

## Summary of the papers

The thesis comprises a series of four linked papers published in peer reviewed journals that address the research questions outlined above.

**Paper 1: Myhill A (2015) Measuring coercive control: What can we learn from national population surveys? *Violence Against Women*, 21(3): 355-375.**

Paper 1 examines whether one of the central concepts used in the thesis, coercive control, can be lifted from theoretical accounts based on the qualitative narratives of survivors of domestic violence and recognised in a much larger quantitative and nationally representative sample of cases. Data from the CSEW is used to identify whether cases of coercive control can be isolated in random population samples and, if so, whether such cases differ in terms of characteristics and impact from cases of domestic violence where there is no underlying dynamic of control.

*Research questions:* Can cases of coercive control be identified in random population samples? Is coercive control ‘gendered’, with women more likely to experience coercive control at the hands of male partners? Does coercive control involve more frequent and severe abuse? Do cases involving coercive control have greater impact on victims in relation to physical and mental health and help-seeking, and on lifestyle factors such as time off work?

*Method:* Data from the CSEW self-completion module was used. In line with theoretical literature on the nature of coercive control, cases were classified as coercive and controlling if victims said they experienced both frightening threats and abuse that was continuous and belittling. Linear regression models were used to estimate the association between coercive control and a range of outcome variables, including physical and mental injury, whether the abuse desisted without external intervention, and propensity for the victim to involve outside agencies.

*Findings:* Coercive control was highly gendered, with women overwhelmingly the victims. Coercive control was associated with more frequent and severe forms of abuse, greater physical and mental injury, greater disruption to victims’ lives in terms



of time taken off work, and greater propensity for external agencies to become involved.

*Conclusions:* Theoretical positions and survivor accounts of coercive control were borne out by analysis of data from a nationally representative survey. National surveys should include more questions on coercive and controlling behaviours, and on the specific impacts of coercive control, in order that more accurate prevalence estimates for coercive control specifically can be generated, and so that resources can be focused on the most appropriate cases.

**Paper 2: Myhill A and Hohl K (2016) The ‘golden thread’: Coercive control and risk assessment for domestic violence. *Journal of Interpersonal Violence*, doi: 10.1177/0886260516675464.**

Paper 2 uses data from risk identification interviews to assess whether factors associated with coercive control are the most helpful in identifying cases of domestic violence that present the greatest potential risk of harm.

*Research question:* Are risk factors representative of coercive control – jealous and controlling behaviour, threats, stalking and harassment, isolation of the victim, and victims’ generalised sense of fear – the most consistent profile of risk factors in cases of domestic violence reported to the police? Is underlying coercive control or physical violence/injury during the current incident most helpful in identifying and assessing risk in cases of domestic violence?

*Method:* Data from a random sample of risk identification interviews undertaken with victims of domestic violence by attending police officers were analysed using a latent trait model (two-parameter item-response model).

*Findings:* Factors associated with coercive control, including controlling acts of violence such as choking, had the highest item discrimination coefficients and were thus present most consistently in cases of domestic violence reported to the police.

*Conclusions:* Coercive control is a helpful lens through which to view domestic violence reported to the police. Other risk factors established in the literature – such as separation from the perpetrator and conflict over child contact – appeared to be present less consistently, but are more salient in the context of coercive control. Coercive control is the ‘golden thread’ running through risk identification and

assessment, highlighting both cases suitable for early intervention and providing the context in which other key risk factors for serious harm and homicide might be triggered.

**Paper 3: Myhill A and Johnson K (2016) Police use of discretion in response to domestic violence. *Criminology and Criminal Justice*, 16(1): 3-20.**

Paper 3 assesses the extent to which officers use discretion to interpret the official definition of domestic violence and classify domestic violence incidents and crimes.

*Research questions:* Are police officers bound by rigid systems and processes, such as national standards for recording incidents and crimes, or do they retain task discretion when responding to incidents of domestic violence?

*Method:* Data were extracted from the information management systems of an English police force. For a one week period, all calls to the police in a specific division were screened and all incidents and crimes analysed to look for themes around officers' use of discretion. Officers were also observed while responding to domestic violence incidents. The data was analysed using principles of the grounded theory approach.

*Findings:* Several themes emerged from the data that showed frontline officers retain considerable discretion in relation to interpreting national definitions and standards for responding to and documenting cases of domestic violence. Officers are required to interpret the wide-ranging national definition of domestic violence. Officers are also able not to record some incidents of domestic violence as such, and there was evidence of the misclassification of domestic-related crimes. The misclassification of incidents and crimes appeared to result to some degree from officers' lack of understanding of the nature of coercive control.

*Conclusions:* Use of discretion is both necessary and desirable when working with processes and systems that are at the same time prescriptive and open to interpretation. A better knowledge of coercive control will help frontline officers to apply their discretion in cases of domestic violence in a positive way.

**Paper 4: Myhill A (2017) Renegotiating domestic violence: Police attitudes and decisions concerning arrest. *Policing and Society*, doi: 10.1080/10439463.2017.1356299.**

Paper 4 focuses on officer decision-making in relation to actions taken at the scene of a domestic violence incident, particularly the decision as to whether to arrest a suspect.

*Research questions:* To what extent have officers working assumptions and working rules about responding to domestic violence changed in the past two decades? What influence have policies such as presumptive arrest had on officers' actions at the scene?

*Method:* In-depth interviews (n=32) were analysed thematically alongside police case-files containing officers' crime and incident reports, risk assessments, and other documents such as witness statements.

*Findings:* An explanatory model suggested by Hoyle (1998) was found still to be relevant in explaining officers' decision-making at the scene of domestic violence incidents. In particular, officers are inclined to arrest where there is clear evidence of a criminal offence and where they perceive there to be risk of further harm. Although officers are more aware of policies such as presumptive arrest, some use craft work to avoid making an arrest where they consider it to be a disproportionate response.

*Conclusions:* A greater understanding of coercive control may help officers to recognise cases where there is further risk of harm but where there is no overt evidence of (injurious) physical violence. New legislation criminalising coercive control in England and Wales may provide further incentive to arrest in order to build evidence of a course of conduct.

## The papers

### Paper 1

**Myhill A (2015) Measuring coercive control: What can we learn from national population surveys? *Violence Against Women*, 21(3): 355-375.**

#### Introduction

The headline prevalence estimates from the CSEW suggest that approximately ‘one in four’ women and ‘one in six’ men experience domestic violence during their adult lifetime. I have heard frontline police officers question these national statistics, both in training sessions and during conversations on patrol. They (correctly) cannot square the ‘one in four’ women figure with their personal experiences, when domestic violence is described to them during training sessions as a hostage like state of coercive control. The ‘one in six’ men figure is equally problematic, as it makes it look as though women and men’s experiences of domestic violence are, if not equal, then certainly not the predominantly one-way traffic that again their training may have suggested.

There are numerous reasons why the headline prevalence data is not as gendered as feminist writers and domestic violence advocates believe it should be (see Myhill, 2017). Foremost among them is the fact that, to date, national population surveys have tended to treat all discrete acts of violence as equal in calculating prevalence estimates. Little attempt has been made to explore the wider context within which such acts occur. Paper 1 makes a first attempt to do that, by identifying within the CSEW cases that correspond to feminist conceptions of coercive control: abuse that is threatening and degrading, and which instils fear in the victim, but also, crucially, is ongoing. Such abuse is shown to be experienced overwhelmingly by women, and the cumulative effects to be more harmful than discrete acts of abuse experienced outside the context of coercive control.

# Measuring Coercive Control: What Can We Learn From National Population Surveys?

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**Andy Myhill<sup>1</sup>**

## **Abstract**

Numerous academic studies point to gender symmetry in the prevalence of intimate partner violence (IPV). Many of these studies report findings from surveys with small and/or unrepresentative samples that have insufficient questions to differentiate adequately between different types of abuse. Data from a large, nationally representative survey suggest that, while the prevalence of situational violence is fairly symmetrical, coercive controlling abuse is highly gendered, with women overwhelmingly the victims. The authors conclude that more comprehensive measures are required in national surveys that consider a wider range of controlling behaviors as well as the meaning and impact of abuse.

## **Keywords**

coercive control, gender symmetry, intimate partner violence

## **Introduction**

A debate has raged for more than 30 years among academics in the United States and the United Kingdom about the prevalence and nature of abuse in intimate relationships. On one side, researchers in the “family violence” tradition argue that women and men perpetrate similar levels of intimate partner violence (IPV; Straus, 2010). Researchers in the feminist tradition, by contrast, argue that abuse in intimate relationships is highly gendered, with men the primary perpetrators (Johnson, 2008; Stark, 2007, 2010). In a groundbreaking article in 1995, Michael P. Johnson made an attempt to reconcile the contradictory findings generated from the two research perspectives. He proposed a typology to differentiate between two principal forms of IPV: “intimate

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terrorism” and “situational couple violence.”<sup>1</sup> While intimate terrorism is a process that involves an underlying pattern of coercive control by one partner over another (Johnson, 2008), situational couple violence has no such dynamic and consists of specific abusive acts perpetrated by one or both partners.

Many researchers now accept the basic differentiation between intimate terrorism and situational couple violence (see Langhinrichsen-Rohling, 2010). Many, including some writing from a feminist perspective, also agree that it is not unusual for women to use both violence and controlling tactics in intimate relationships, and with similar motivations to men (Hettrich & O’Leary, 2007; Stark, 2010, 2012). Crucially, though, researchers in the feminist tradition argue that, while situational violence is experienced by both men and women, intimate terrorism is highly gendered, with women overwhelmingly the victims (see Johnson, 2008; Stark, 2010). Reluctant to accept the latter contention, some family violence researchers have suggested there is “gender symmetry” in perpetration of what they refer to as “clinical level” IPV, abuse serious or injurious enough to warrant a response from agencies such as the police or health care providers (Straus, 2011).

We will argue that the apparently contradictory findings in the IPV literature arise primarily from methodological issues of definition, measurement, and sampling. We use data from the Crime Survey for England and Wales (CSEW) to propose a new method of measuring coercive control in intimate relationships. We conclude that the best available, nationally representative, survey data support the notion that coercive control is highly gendered and is significantly more damaging to its primarily female victims than is situational violence.

## **Measuring Violence in Intimate Relationships**

The results of the U.S. Family Violence Surveys (Straus & Gelles, 1990) surprised many commentators in that the prevalence rates for women and men reporting IPV were very similar. Since then, more than 200 general population surveys have reported similar findings (Straus, 2011). These findings contrast with those from research conducted with victims from clinical or “agency” samples, such as battered women’s refuges and criminal justice agencies, where victims have sought or been identified as needing help. Findings from agency samples have shown consistently that IPV is highly gendered, with women overwhelmingly the victims and men the perpetrators.

Straus (1990) was the first to suggest that these apparently contradictory findings might be explained by sampling frames. While general population surveys are likely to underrepresent the most frequently victimized individuals, agency samples are composed almost exclusively of this group, and men tend to commit the most severe and injurious acts of violence. Johnson (1995) developed this argument by suggesting that the different samples were identifying qualitatively different types of abuse—hence, the basic typology of intimate terrorism and situational violence. According to Johnson (2008), “coercive control is the key to understanding the differences among the basic types of [intimate] partner violence” (p. 13); it is the defining characteristic of intimate terrorism. Stark (2007) defines coercive control as an ongoing process

whereby abusers use various means, including often, but not always, escalating physical violence, to “hurt, humiliate, intimidate, exploit, isolate and dominate their victims” (p. 5). Johnson (1995, 2006, 2008) argues that intimate terrorism is experienced almost exclusively by women at the hands of men.

Situational violence, by contrast, is act-based, and although it may be repeated, it does not have the same underlying dynamic of domination and control. Most commentators accept that situational violence is perpetrated by both men and women and can be mutual. Unlike coercive control, which feminists argue is motivated primarily by traditional attitudes toward gender roles and made possible by sexual inequality that has placed men historically at an advantage both socially and economically (see, for example, Pence & Dasgupta, 2006; Stark, 2007, 2010), there may be a range of motivations for committing acts of situational violence. Crucially, although situational violence can be in some instances severe and specific acts may induce fear, victims do not experience the type of “generalized fear” (Pence & Dasgupta, 2006) that characterizes victims of coercive control.

### *“Gender Symmetry” in Perpetration of IPV*

We suggest that the similar generic prevalence estimates for women and men suffering IPV that have been found by many surveys exist not because general population surveys contain no victims of intimate terrorism; rather, we believe that extant survey instruments have not measured coercive control adequately enough to allow differentiation between more common and relatively symmetrical situational violence and less common, but highly gendered, intimate terrorism. We propose that findings of gender symmetry in the prevalence of IPV can be explained principally by the following methodological factors.

*Definitions of IPV and (Over)Reliance on the Conflict Tactics Scales (CTS).* The vast majority of studies that have found gender symmetry in the prevalence of IPV have utilized the CTS (Straus, 1979), a list of behaviorally specific questions designed to elicit the type and number of specific acts of physical and psychological abuse experienced in an intimate relationship. Though the CTS has proven to be a reliable tool for measuring the prevalence of specific acts of abuse, the psychological aggression scale included in the revised CTS2 (Straus, Hamby, Boney-McCoy, & Sugarman, 1996) does not capture a comprehensive range of controlling tactics. As a consequence, it is not possible to differentiate between different types of IPV using the CTS (DeKeseredy, 2011).

Some authors from the family violence perspective use CTS data to suggest there is gender symmetry in perpetration of “clinical level” IPV (see Ehrensaft, Moffitt, & Caspi, 2004). Straus (2011) appears to see the difference between clinical-level IPV and intimate terrorism as largely semantic when, in fact, the two are qualitatively different. Clinical-level IPV, as defined, is simply abuse serious or injurious enough to warrant a medical or other agency response. Johnson and Leone (2005) are very clear that it is possible for situational violence to be serious enough to be clinical level. Equally, while intimate terrorism will often involve clinical-level violence, it is not

defined by it. Indeed, Stark (2007) argues that it is possible for an abuser to exert total dominance without recourse to physical violence. The defining nature of intimate terrorism, then, is coercive control and the resulting diminishment of the “space for action” in its victims (Coy & Kelly, 2010; see also Stark, 2009).

*The Use of Self-Selected and Convenience Samples.* Some of the general population surveys cited by Straus have used small, unrepresentative, convenience samples, often college students. In others, the researchers advertised for couples to participate. Indeed, all but one of the studies (i.e., Laroche, 2005) that Straus (2011) cites in support of his claim that there is gender symmetry in intimate terrorism (Bogaerts, van der Veen, & van der Knapp, 2011; Capaldi et al., 2009; Frye & Karney, 2006; Graham-Kevan & Archer, 2004; Hines & Douglas, 2010; Laroche, 2005; Prospero and Kim, 2009; Straus & Gozjolko, 2007<sup>2</sup>) use either convenience or self-selected samples. Bearing in mind the well-established association between socioeconomic deprivation and IPV (Walby & Myhill, 2001), convenience samples, particularly those of college students, are unlikely to contain a nationally representative proportion of victims of intimate terrorism. Furthermore, we believe controlling abusers are unlikely to self-select to participate in dyadic studies of IPV.

*Men's Reporting of Intimate Violence.* Several dyadic studies have suggested that, while men and women make similar estimates of women's violence in intimate relationships, men tend to underestimate their own violence (see Dobash & Dobash, 2004). Other studies have questioned men's motivations when responding to surveys and their interpretations of survey questions. Gadd, Farrall, Dallimore, and Lombard (2003) interviewed men who claimed to have experienced domestic abuse in the 2000 Scottish Crime Survey. Although, in a handful of cases, men recounted “highly plausible, sometimes heart-rending, stories of abuse and its overcoming” (Gadd et al., 2003, p. 110), the dominant themes reflected either mutual situational violence or “highly motivated” accounts consistent with abusers' attempts to “minimize” and portray themselves as the victim. Some men had clearly misinterpreted the survey questions, reporting incidents that were violent but not domestic (such as fights with other men in the street), or domestic but not violent (such as damage to personal property). Although based on a small number of interviews, the Gadd et al. study underlines the critical importance of context and meaning in victims' accounts of IPV. The majority of men interviewed trivialized the violence they said they had experienced and only a small minority exhibited the kind of generalized fear associated with coercive control. These findings are consistent with some in-depth dyadic studies that have suggested that men, especially those who may be considered the “primary perpetrator,” tend to be less affected by their partner's violence and see it as less serious (Dobash & Dobash, 2004).

### *Nationally Representative Surveys*

In the 1990s, “fourth generation” (Walby & Myhill, 2001) nationally representative violence against women<sup>3</sup> surveys were developed first in Canada and then the United



States. Analysis of data from the U.S. National Violence Against Women Survey (NVAWS) showed similar generic prevalence estimates for men and women, but much higher prevalence for women when frightening threats and sexual coercion were taken into account (Tjaden & Thoennes, 2000). This initial analysis did not attempt to differentiate between different types of abuse.

Johnson and Leone (2005) attempted to use NVAWS data to examine the nature of situational violence and intimate terrorism. Their analysis suggested it was possible to detect both types of abuse in a nationally representative survey with a large sample. In fact, they were surprised that just over a third of the abuse experienced by women from their current husbands was intimate terrorism using their method for creating the typology. To identify victims of intimate terrorism, Johnson and Leone summated the responses to seven questions measuring “non-violent control.” Respondents with abusive husbands who had used three or more controlling tactics—two standard deviations above the mean of the total scale score—were classified as having experienced intimate terrorism.

Although the findings supported the authors’ hypotheses—that is, victims of intimate terrorism experienced, on average, more frequent and severe violence, and greater physical and emotional injury than did victims of situational violence—the methods employed may have overcounted cases of intimate terrorism. Although some respondents are likely to have answered the questions on nonviolent control in the context of ongoing abuse, others may have answered specific questions in a situational context (e.g., “there was that time we argued and ended up not going to my friend’s wedding,” “there have been times where he’s shouted at me and put me down”). Bearing in mind the qualitative work discussed previously, these concerns may be most salient in relation to male victims.

Johnson and Leone (2005) did not report data for male respondents to the NVAWS; Holly Johnson (1996) also focused on abuse of women in the most comprehensive presentation of findings from the 1993 Canadian Violence Against Women survey (VAWS), which showed that 35% of women who had ever been in a relationship had experienced at least one form of controlling behavior. Two secondary analyses of data from the Canadian General Social Survey (to which aspects of the VAWS were subsumed) did explore the issue of gender symmetry. Michalski (2005) used Johnson and Leone’s method for generating a typology of abuse and found that, based on the full sample including respondents who experienced no abuse, 5.2% of women and 3% of men had experienced intimate terrorism. He presented findings similar to Johnson and Leone with respect to the nature of intimate terrorism. Larocche (2005), using the same data set and methods, reported that 61% of female and 43% of male *victims* experienced intimate terrorism. These findings are contrary to the hypothesis that intimate terrorism is highly gendered.

We propose that the method used to create the typology in these studies overcounts intimate terrorism by summing controlling *behaviors and acts* to a statistically generated threshold that takes no account of the duration or impact of abuse. This assertion is consistent with the recognition in the literature that women can and do commit controlling acts but that it is far harder for them to achieve the kind of dominance associated with coercive control (Pence & Dasgupta, 2006; Stark, 2007, 2010).

## Measuring Coercive Control

Convenience samples, including those from “clinical” settings, have been useful in exploring the dynamics of abuse and prompting the development of typologies to differentiate between different forms of abuse. If, however, we are to avoid the pitfalls of such samples when estimating the *prevalence* of different types of IPV, nationally representative data must be brought to bear on the gendered (or otherwise) nature of intimate terrorism. Researchers must also find ways of measuring more robustly the nature of coercive control. In fact, there have been recent attempts to do exactly that. Dutton, Goodman, and Schmidt (2006) report on the development of a comprehensive tool for measuring control, with subscales for demands (48 items), coercion (31 items), and surveillance (13 items). Beck and colleagues (see Beck, Menke, Brewster, & Figueredo, 2009; Beck, Walsh, Mechanic, Figueredo, & Chen, 2011; Tanha, Beck, Figueredo, & Raghavan, 2010) have developed a 10-item coercive control subscale to the Relationship Behavior Rating Scale (RBRS). Both these measurement tools focus on perpetrators’ controlling *tactics and behaviors*.

Though more useful in capturing the range of behaviors that Kirkwood (1993) terms the “web” of abuse, the recently developed scales do not address a fundamental criticism that has been leveled at the CTS: that it does not address the context or impact of abuse (Dobash, Dobash, Wilson, & Daly, 1992), failing to capture the sense of personal degradation and generalized fear associated with coercive control (Kirkwood, 1993; Pence & Dasgupta, 2006; Stark, 2007, 2010). The RBRS, for example, was used with a sample of 762 divorcing couples (Tanha et al., 2010) and, although scores for women on the coercive control subscale were statistically significantly different to those for men, the actual scores—23 versus 19—were relatively similar (statistical significance being in part a function of sample size). In subsequent publications, the name of the subscale was revised to “coercive controlling behaviors” (Beck et al., 2011).

Without considering impact, even comprehensive scales risk summing controlling behaviors without being able to assess whether or not a *state* of coercive control has been achieved. The present article will make two contributions to the literature on IPV. First, we will bring to bear an underutilized source of data: the nationally representative CSEW interpersonal violence self-completion module. Second, we will test an alternative method of creating a typology of abuse that takes into account two defining characteristics of the impact of coercive control: ongoing denigration and fear.

## Data and Measures

### Data

The CSEW is a nationally representative survey of residents of private households in England and Wales. The survey is conducted face-to-face, usually in the respondent’s home. The annual sample is currently around 45,000 respondents. The survey asks about respondents’ general views on crime and issues such as policing, and also about their victimization experiences in the year preceding the survey. Questions on topics that may be seen as sensitive or prone to social desirability bias are asked in a Computer

Assisted Self-Interviewing (CASI) module at the end of the interview. The 2001 survey combined for the first time questions on IPV, sexual assault, and stalking into a single interpersonal violence self-completion module. Since 2004/2005, a shorter version of the module has been fielded, but it includes detailed follow-up questions on the nature of IPV every second year.

The CSEW self-completion module is an innovative approach to measuring IPV. Though it is asked at the end of a generic crime survey, the design was influenced heavily by the VAWS and NVAWS, and the dedicated nature of the module allows questions on IPV to be introduced outside of a crime context. Johnson (1995) suggested that victims of intimate terrorism were likely to be underrepresented in general population surveys dedicated to IPV due to refusals prompted by fear of reprisals from the abuser. CSEW respondents, however, are asked initially to participate in a general social survey about crime, and Walby and Allen (2004) found no significant differences in the prevalence of IPV reported in response to the module by women who were alone and those for whom a partner was present. The 2008/2009 CSEW estimated that 24% of women and 12% of men had experienced nonsexual domestic abuse—emotional abuse, threats, or physical violence—from a current or former intimate partner since age 16 (Britton, 2012). This finding is noteworthy, as many population surveys, including the NVAWS, have generated headline rates of prevalence that were similar for women and men. Further comparative research would be required to examine different modes of data collection, but it is possible that the “black box” CASI methodology encourages greater disclosure of IPV among women than either face-to-face or telephone interviews, where interviewer and respondent may not be matched by sex and where family members and others may be present.

We used data from the 2008/2009 survey, which had an overall sample size of 46,286 and a response rate of 76%.<sup>4</sup> A total of 27,466 respondents answered the CASI module,<sup>5</sup> of which 5,380 reported one or more acts of physical or emotional abuse by a current or former intimate partner. Unfortunately, follow-up questions asked respondents to consider all the abuse they had ever suffered, making it necessary, to create a typology, to restrict the analysis to people who had experienced only one abusive relationship. Of the victimized respondents who specified, the majority ( $n = 3,544$ ) had experienced only one abusive relationship since age 16. Eight hundred eleven victims said they had been victimized by more than one partner, and a further 1,025 chose not to specify. Our final sample of “since age 16” victims, therefore, represented around two thirds of eligible respondents. Several questions relevant to our hypotheses were asked only of respondents who had experienced abuse in the 12 months preceding the survey. The sample profile for “last-year” victims was similar. Although the majority who specified had experienced only one abusive relationship, our sample of 546 past-year victims represented just under half of those victimized. Clearly, using data from victims with only one abusive relationship creates the potential for bias. Descriptive analysis showed, however, that the subsample of victims with one abusive partner since age 16 did not differ significantly from the overall sample in relation to sex, age, educational attainment, or socioeconomic status.

## Key Measures and Constructs

**Physical violence.** The CSEW self-completion module contained questions on acts of physical violence based on those contained in the VAWS and NVAWS, which themselves were derived in part from the CTS. Respondents were asked if their partner had done any of the following things to them since age 16, and in the past 12 months: pushed you, held you down, or slapped you; kicked, bit, or hit you with a fist or something else, or threw something at you; choked or tried to strangle you; threatened you with a weapon, for example, a stick or a knife; threatened to kill you; used a weapon against you, for example, a stick or a knife; used some other kind of force against you. A summated violence scale was created based on the number of different acts a victim reported having experienced (Cronbach's  $\alpha = .72$ ). Scores ranged from 0 to 7, with a mean of 1.67 ( $SD = 1.68$ ). For past-year victims, scores ranged from 0 to 7 with a mean of 1.11 ( $SD = 1.35$ ; Cronbach's  $\alpha = .64$ ).

**Type of abuse.** To avoid the problem of summing specific behaviors and situational acts to reach a threshold for intimate terrorism, we based our measure on the work of Stark and others on coercive control to reflect most accurately the lived experiences of victim-survivors. We categorized respondents as having experienced coercive control if they said their partner had done *both* of the following: "Repeatedly belittled you to the extent that you felt worthless" and "frightened you, by threatening to hurt you or someone close to you." In other words, respondents must have experienced abuse that was ongoing, denigrating, perceived as threatening, and had caused a degree of fear. All other respondents who reported physical violence or acts of emotional or psychological abuse were classified as having experienced situational violence.

The construction of this typology goes some way in addressing concerns that extant survey research has not paid sufficient attention to the impact of abusive acts. The first question captures the ongoing nature of coercive control as a process that degrades the victim and erodes their self-identity and self-esteem; the second speaks to suggestions that survey typologies should consider whether the abuse has resulted in "substantial fear" (Heyman, Feldbau-Kohn, Ehrensaft, Langhinrichsen-Rohling, & O'Leary, 2001). Langhinrichsen-Rohling (2010) suggests that a typology with fear as a determining factor may underestimate the prevalence of IPV experienced by men due to men being socialized not to express vulnerability. To some extent, though, the CASI methodology may counteract social desirability bias.

It may be argued that our method for creating a typology is less robust statistically than that employed by Johnson and Leone (2005). As Dutton et al. (2006) point out, however, statistical validity does not guarantee "ecological validity," whereby a measure is "built from the narratives of the lives of people for whom it is intended to be used" (p. 7). Part of what has confounded the gender symmetry debate as it relates to prevalence has been the widespread use of statistically valid measurement tools that do not adequately capture the context, meaning, and impact of IPV. We therefore chose to use the two variables from the CSEW closest to aspects of coercive control as it is experienced.

*Physical injury.* In contrast to the NVAWS data reported by Johnson and Leone (2005), the CSEW collected information on all physical injuries sustained during the previous 12 months, enabling the creation of a summated index of injuries sustained. Respondents were asked whether they had suffered: minor bruising or black eye; scratches; severe bruising, or bleeding from cuts; internal injuries or broken bones or teeth; other physical injuries. Scores on the physical injury scale ranged from 0 to 5 with a mean of 0.69 ( $SD = 0.96$ , Cronbach's  $\alpha = .52$ ).

*Emotional injury.* A single binary indicator was used to measure whether victims had suffered any emotional injury. Victims were asked whether, as a result of the abuse they had suffered, they had experienced "mental or emotional problems, such as difficulty sleeping, nightmares, depression, or low self-esteem."

*Help-seeking behavior.* Victims of IPV were asked whether, in the past 12 months, they had told a range of agencies about the abuse they had suffered. A summated scale for help seeking was generated for contact with the following agencies: health professional (e.g., doctor, nurse, health visitor), police, specialist support services (e.g., women's refuge), Victim Support, social services, housing department, Benefit Agency, legal professional, counselor or therapist, National Domestic Violence Helpline, any other helpline (e.g., a rape crisis line, a men's helpline, a lesbian, gay, bisexual, transgender, queer [LGBTQ] helpline). Scores on the help-seeking scale ranged from 0 to 7 with a mean of 0.67 ( $SD = 1.07$ , Cronbach's  $\alpha = .55$ ).

*Other single-indicator measures and sociodemographics.* We used single-indicator categorical variables to measure the frequency and duration of physical abuse, whether victims said they had taken time off from work in the past 12 months as a result of the abuse they suffered, stated reasons for the desistence of abuse, and whether or not abuse had continued after the breakup of the relationship.

All multivariate analyses controlled for victims' age and level of education (post-high school, high school, no qualifications). Educational attainment was chosen above other relevant sociodemographic indicators as being the most stable. If a victim was recalling abuse in a relationship some months or even years ago, it is quite possible that relevant proxy variables, such as housing tenure and household income, would have changed. Though respondents may have gained additional qualifications, we feel this possibility is less likely than a change in other sociodemographic characteristics.

## Results

We attempted to test, with CSEW data, hypotheses similar to those examined by Johnson and Leone (2005) in their study of NVAWS data. The majority of follow-up questions in the 2008-2009 survey concerned victimization in the past 12 months. Instances where findings are generated from victims with one abusive relationship since age 16 are highlighted.

**Hypothesis 1:** Among IPV victims, coercive control will be experienced overwhelmingly by women.

The CSEW data showed very strong support for Hypothesis 1. Among IPV victims who had experienced only one abusive relationship since age 16, almost a quarter (24%,  $n = 843$ ) of the abuse was classified as coercive control. When abuse type was broken down by victim sex,<sup>6</sup> coercive control appeared to be highly gendered. While almost a third (30%,  $n = 791$ ) of the abuse reported by female respondents could be classified as coercive control, only 6% ( $n = 52$ ) of the abuse reported by male respondents fit our definition of coercive control ( $\chi^2 = 226.858$ ,  $df = 1$ ,  $p < .001$ ).

**Hypothesis 2:** Coercive control involves more severe and more frequent physical violence, and is less likely to desist.

Stark (2007) argues that physical violence may not be the most significant characteristic of most abusive relationships, but sporadic or sometimes severe violence makes control effective. Though some victims of coercive control may never experience physical violence (Stark, 2007), there is no doubt that in many relationships physical violence is the ultimate sanction and associated threat that makes nonviolent control tactics more effective (Johnson, 2008).

The data showed support for Hypothesis 2. We estimated a linear regression model predicting the association between type of abuse and the violence scale. Relative to victims of situational violence, coercive control significantly predicted higher scores on the violence scale at zero order (Model 1) and after controlling for victim sex and education (Model 2;  $B = 2.12$ ,  $p < .001$ ). In fact, this effect was somewhat large: the conditional mean for victims of coercive control was more than two standard deviations above that of victims of situational violence.<sup>7</sup> Victim education was also a significant predictor in the model: Controlling for type of abuse, victims with no qualifications scored on average 0.34 points higher on the violence scale than victims with a post-high school education (Table 1).

Victims of coercive controlling abuse also appeared to have experienced more frequent physical violence. Multinomial logistic regression showed that experiencing coercive control raised the odds of having experienced more than five physical assaults in the past year by more than 6 times (Table 2).

Finally, victims with one coercive controlling relationship since age 16 were almost twice as likely as people with a relationship containing situational violence to say that the abuse they suffered had lasted for longer than 1 year (69% vs. 36%;  $\chi^2 = 102.262$ ,  $df = 2$ ,  $p < .001$ ). For victims of situational violence, the abuse was said to have lasted less than a week in one third (34%) of cases, suggesting that in some cases it may have been a “one-off” incident. In a small number of cases classed as coercive control ( $n = 16$ ), respondents said that the abuse lasted less than 1 week, suggesting that the method used to create the typology of abuse is not perfect. An alternative explanation might be that some of these acts were early incidents in a developing pattern of abuse.

**Table 1.** Linear Regression Predicting Physical Violence Score, by Type of Abuse.

	Model 1		Model 2	
	B	SE	B	SE
Coercive control (ref: situational)	2.14	.06	2.12	.06***
Female (ref: male)			0.02	.06
Age			0.00	.00
Education (ref: post-high school)				
High school			0.18	.05***
No qualifications			0.34	.07***
Constant	1.16	.03	1.07	.06
R <sup>2</sup>	.30		.30	

Note. Unweighted  $n = 3,544$ .

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

**Table 2.** Multinomial Logistic Regression Predicting Frequency of Violence, by Type of Abuse in the Past 12 Months.

				95% CI for Exp(B)	
	B	SE	Exp(B)	Lower	Upper
Two to five times versus once					
Intercept	0.47	0.40			
Coercive control (ref: situational)	0.56	0.41	1.75	0.78	3.91
Age	-0.00	0.01	1.00	0.98	1.02
Education (ref: post-high school)					
High school	-0.61	0.24*	0.54	0.34	0.87
No qualifications	-0.41	0.38	0.66	0.31	1.41
More than five times versus once					
Intercept	-0.93	0.43*			
Coercive control (ref: situational)	1.82	0.38***	6.19	2.95	13.01
Age	0.03	0.01	1.03	1.01	1.05
Education (ref: post-high school)					
High school	-0.49	0.26	0.61	0.37	1.01
No qualifications	-0.17	0.39	0.84	0.40	1.82

Note. Unweighted  $n = 485$ ; pseudo  $R^2 = .11$ . CI = confidence interval.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

**Hypothesis 3:** Coercive control results in greater damage to victims' physical health.

**Table 3.** Linear Regression Predicting Physical Injury in the Past Year, by Type of Abuse.

	<i>B</i>	<i>SE</i>
Coercive control (ref: situational)	0.51	0.11***
Age	-0.01	0.01**
Education (ref: post-high school)		
High school	0.16	0.09
No qualifications	0.05	0.13
Constant	0.96	0.14***
<i>R</i> <sup>2</sup>	.06	

Note. Unweighted *n* = 546.

\**p* < .05. \*\**p* < .01. \*\*\**p* < .001.

Hypothesis 3 was also supported by the data. A linear regression model (Table 3) showed that, relative to victims of situational violence, victims of coercive control had higher average scores on the injury scale ( $B = .51$ ,  $p < .001$ ). Again, this difference is noteworthy: the conditional mean for victims of coercive control is half a standard deviation above victims of situational violence.<sup>8</sup>

It is important to emphasize, as do Johnson and Leone (2005), that these findings do not mean all violent acts in relationships not involving coercive control are unlikely to result in physical injury. Some situational acts of violence can be both severe and injurious. Conversely, it is also the case that not all coercive controlling relationships involve escalating physical violence (Stark, 2007). It appears to be the case, though, that, on average, relationships with coercive control are characterized by more frequent and severe violence, and that this violence results in greater physical injury to the victim.

**Hypothesis 4:** Coercive control results in greater damage to victims' emotional health.

Although experiencing both situational violence and coercive control can result in emotional injury, the ongoing nature of the latter, with its use of multiple emotionally and psychologically controlling tactics, would be expected to affect victims' mental health to a greater degree. A binary logistic regression model showed support for Hypothesis 4. Being a victim of coercive control increased the odds of having experienced mental or emotional problems by more than 2.5 times compared with having experienced situational violence (Table 4). The model controlled for scores on the physical violence scale, which was not statistically significant.

**Hypothesis 5:** Coercive control affects the ability of victims to undertake paid work more than situational violence does.



**Table 4.** Binary Logistic Regression Predicting Emotional Injury in the Past Year, by Type of Abuse.

	B	SE	Exp(B)	95% CI for Exp(B)	
				Lower	Upper
Coercive control (ref: situational)	0.98	0.28***	2.67	1.54	4.63
Age	0.04	0.01***	1.04	1.02	1.06
Education (ref: post-high school)					
High school	-0.27	0.19	0.76	0.52	1.11
No qualifications	-0.21	0.31	0.81	0.45	1.47
Violence scale (high scores = more)	0.07	0.07	1.07	0.93	1.24
Constant	-1.79	0.34	0.17		

Note. Unweighted  $n = 546$ ; pseudo  $R^2 = .10$ . CI = confidence interval.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

The domestic violence literature is replete with examples of how a controlling abuser may seek to disadvantage a victim in terms of employment (see, for example, Coy & Kelly, 2010; Johnson, 2008; Stark, 2007, 2012). The erosion of confidence and self-worth that characterizes coercive control, sometimes linked to an abuser's desire for a "stay at home" partner, disadvantages victims in terms of applying for and succeeding in paid employment.

Once again, we were able to go further than Johnson and Leone (2005) as the CSEW, in contrast to the NVAWS, which focused only on the most recent incident, asked victims whether they had missed work as a direct result of the abuse they had suffered. We estimated a binary logistic regression model predicting the odds of victims having had to take time off from work in the past year. Victims of coercive control had odds of taking time off from work 2 times greater than victims of situational violence, controlling for scores on the physical violence scale (Table 5).

It would appear, then, based on this sample of victims at least, that the simple number of different violent acts experienced has no bearing on the ability of victims to undertake paid work; rather, it is the web of controlling tactics that is most salient.

**Hypothesis 6:** Victims of coercive control are more likely to seek help and leave their partners.

Past-year victims were asked whether or not they had told a range of agencies about the abuse they had suffered. Based on the theory that agency samples, especially those derived from women's refuges, tend to contain primarily victims of coercive control, we expected to see an association between type of abuse and whether victims had contacted a range of agencies for help. A much greater proportion of victims of coercive control (61%,  $n = 49$ ) than situational violence (36%,  $n = 168$ ) had contacted one

**Table 5.** Binary Logistic Regression Predicting Time off Work in Past Year, by Type of Abuse.

	B	SE	Exp(B)	95% CI for Exp(B)	
				Lower	Upper
Coercive control (ref: situational)	0.70	0.32*	2.01	1.08	3.72
Age	0.00	0.01	1.00	0.98	1.02
Education (ref: post-high school)					
High school	-0.40	0.25	0.67	0.41	1.10
No qualifications	-1.06	0.50*	0.35	0.13	0.93
Violence scale (high scores = more)	0.15	0.09	1.16	0.98	1.37
Constant	-1.79	0.44	0.17		

Note. Unweighted  $n = 546$ ; pseudo  $R^2 = .05$ . CI = confidence interval.

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

or more agencies for help ( $n = 546$ ;  $\chi^2 = 18.103$ ,  $df = 1$ ,  $p < .001$ ). Linear regression on a summated help-seeking scale suggested that victims of coercive control ( $B = .43$ ,  $p < .001$ ) were more likely to seek help than victims of situational violence, even when controlling for scores on the physical violence scale (Table 6).<sup>9</sup>

Simple bivariate analysis provided a degree of support for the second part of Hypothesis 6. Although the relationship ending was the primary stated reason for the cessation of abuse in all abusive relationships since age 16, this reason was cited proportionately more often by victims of coercive control (84%,  $n = 638$ ) than victims of situational violence (77%). Victims of situational violence (5%,  $n = 127$ ) were also more likely to say that the abuse stopped for no specific reason than were victims of coercive control. In fact, only 10 victims of coercive control (1%) said that the abuse stopped without specific action either by themselves, the perpetrator, or an outside agency ( $n = 1,777$ ;  $\chi^2 = 36.977$ ,  $df = 6$ ,  $p < .001$ ).

**Hypothesis 7:** Coercive controlling abuse is more likely to continue after the breakup of the relationship.

It is well established in the literature that separation is a risk factor for IPV (Walby & Myhill, 2001). The CSEW data provided support for Hypothesis 7. Victims of coercive control (33%) were almost twice as likely as victims of situational violence (17%) to say that the abuse had continued after the relationship ended ( $\chi^2 = 100.105$ ,  $df = 2$ ,  $p < .001$ ). Women may continue to be abused if, for example, they are required to see their abuser due to child contact. Alternatively, the abuse may change to stalking and harassment.

**Table 6.** Linear Regression Predicting Help Seeking in the Past Year, by Type of Abuse.

	B	SE
Coercive control (ref: situational)	0.43	0.13***
Age	0.01	0.00*
Education (ref: post-high school)		
High school	0.02	0.09
No qualifications	-0.12	0.15
Violence scale (high scores = more)	0.21	0.04***
Constant	-0.01	0.16
R <sup>2</sup>	.13	

Note. Unweighted  $n = 546$ .

\* $p < .05$ . \*\* $p < .01$ . \*\*\* $p < .001$ .

## Discussion

Despite the publication of more than 200 articles reporting the findings from innumerable surveys, it is difficult to escape the conclusion that there is yet to be, at a national level, a wholly satisfactory, let alone definitive, survey on IPV. The VAWSs that began in the mid-1990s were a considerable improvement on generic crime surveys and family violence surveys in terms of both estimating the true prevalence of IPV and beginning to consider the nature and context of abuse (Walby & Myhill, 2001). Despite their superiority, the VAWSs were designed at a time when making distinctions between different types of domestic abuse was not an established approach. As a consequence, attempts to categorize victims in these data sets as having experienced either situational violence or coercive control can be regarded as speculative, at least to some extent. Nevertheless, secondary analyses of the largest, nationally representative, VAWSs have come to similar conclusions regarding the nature of the two principal types of domestic abuse. Specifically, the coercive controlling abuse that characterizes intimate terrorism is more frequent and more severe than situational violence, more likely to result in physical and emotional injury, and less likely to desist. In addition, coercive control is more likely to have an impact on victims' working lives and its survivors are more likely to have sought help from a range of agencies.

The present study was able to bring nationally representative data to bear on the issue of gender symmetry in the prevalence of IPV. Laroche (2005) found a prevalence rate for intimate terrorism, especially among men, that would appear high to many researchers and practitioners. We suggest that this finding was a result of the way the typology of abuse was operationalized: not recognizing the ongoing nature of abuse risks classifying people erroneously as having experienced coercive control by summing individual controlling acts. In our sample, specifying that abuse be ongoing, denigrating, and generative of fear suggested that coercive control was highly gendered. This finding is consistent with the experiences of many frontline practitioners. There remain persuasive structural explanations for the female "batterer" being anomalous

(Pence & Dasgupta, 2006). In terms of exerting coercive control, an abuser's demands have to be accompanied by a credible threat of sanction, and the credibility of threats are contextually dependent (Dutton & Goodman, 2005). Patterns of socialization, including traditional gender roles relating to work and child care, as well as the typical physical advantages that men have over women, all mean that "it is exceptional for [a woman] to achieve the kind of dominance over her male partner that characterizes [coercive control]" (Pence & Dasgupta, 2006, p. 6; see also Stark, 2010).

In-depth work with male victims of IPV (see, for example, Gadd et al., 2003; Hines & Douglas, 2010), however, does support our finding that it is possible for women to exert coercive control over men in certain circumstances. Examples might be when a woman enjoys an advantage over a man based on income or social class (Stark, 2012). To be able to accurately assess the prevalence of coercive control and the proportion of male and female victims, surveys of IPV need to include a wider range of questions. While the CTS has proven reliable in quantifying the frequency of specific acts of abuse, scales specifically designed to measure a fuller range of tactics employed by controlling abusers, such as those designed by Dutton et al. (2006) and Beck and colleagues (2009), should be employed alongside it in nationally representative surveys. Questions should also be included that more specifically address the consequences of ongoing abuse that have been identified in in-depth work with survivors of coercive control. These consequences include generalized fear; degradation; objectification; loss of confidence, self-esteem, and the will and ability to resist; self-blaming; and the distortion of a victims' subjective reality (see, for example, Johnson, 2008; Kirkwood, 1993; Stark, 2007). National-level surveys further require better measures of what Michalski (2005) calls "sociological" variables: for example, degrees of financial dependency and social isolation. If in this way coercive control can be accurately distinguished in population survey samples, it may then be possible to use the statistical methods employed by Johnson and Leone (2005) and others to summate both levels of controlling behaviors *and* impact on victims to place them on a continuum from low to high control.

Although surveys will always be a somewhat blunt tool for exploring the dynamics of intimate relationships, large, nationally representative surveys provide the best means of accurately estimating the prevalence of different types of IPV. Large-scale government surveys, such as the CSEW, though, can be extremely long. It is unrealistic to expect comprehensive attitudinal scales to be included on a yearly basis. A module specifically exploring different types of IPV, however, could be a one-off exercise. Trend data for current CSEW measures of prevalence suggest there is little change from year to year (see Britton, 2012). Although the headline prevalence measures generated from national-level surveys have been useful in highlighting that IPV is a relatively widespread public health issue, such figures reveal little beyond, for example, one in four women in England and Wales aged 16 to 59 years having experienced one or more discrete acts of IPV in their lifetime. And when this "one in four" statistic is presented alongside definitions of IPV emphasizing domination and control, it can be misleading. It may also be detrimental to the cause of addressing violence against women as it prompts some to doubt the validity of the statistics and the research that underlies them.

The purpose of robust, nationally representative surveys focused on estimating the prevalence and understanding the dynamics of different forms of domestic abuse should not be to settle, once and for all, one aspect of a debate that has consumed a considerable amount of scholarly time and effort (although this purpose would be served). Rather, national-level estimates of the prevalence of coercive controlling and other forms of domestic abuse would help with targeting policy and practice to the needs of victims. Several authors have suggested that, if it is accepted that different forms of IPV have different causes and dynamics, it follows that different approaches to treatment and support are required, both reactive and preventive (see, for example, Johnson, 2008; Straus, 2010). For instance, while it is widely accepted that mediation is an inappropriate response in relationships where there is coercive control, some forms of mediation or relationship counseling may be appropriate and effective where there is situational violence. Until there are realistic estimates of the prevalence of different types of IPV, however, it is difficult to know what level of resource is required in terms of, for example, the provision of refuge and emergency accommodation for those seeking protection from coercive controlling abusers.

### *Limitations*

We have highlighted several potential limitations to this study. The principal limitation is that although VAWSs can be used to explore the nature of different types of abuse, they were not designed specifically for this purpose. The CSEW, for example, does not attempt to quantify key variables such as frightening threats to establish whether victims are experiencing individually frightening acts or whether they have a pervasive and generalized sense of fear. We had only one variable that attempted to measure the impact of abuse (the fact that it was ongoing and degrading) and no measures that tapped into key sociological variables such as financial dependency and social isolation. Consequently, the method that we chose to create a typology of violence almost certainly categorized a number of relationships as “coercive control” that in fact contained only situational violence. Similarly, it is also likely that a (perhaps smaller) number of relationships were classed as containing situational violence when there was in fact an element of control, as the current CSEW does not have robust scales to measure controlling behaviors or victims’ perceptions and feelings about the abuse they have suffered. One of the aims of this article, however, was to highlight these deficiencies in methodology.

Another limitation of this study concerned the need to restrict the sample for analysis to victims with only one abusive relationship. The structure of the CSEW module makes it impossible to discriminate between multiple abusive relationships (and, indeed, between different episodes of violence in discreet relationships). We cannot be sure that the nature of the relationships of people with multiple abusive partners is not qualitatively different from those of people who have had only one abusive partner. Our findings, therefore, should not be generalized to the population of victims in England and Wales.

Finally, our data were cross-sectional and taken from only one person in each abusive relationship (the victim). With cross-sectional data, it is difficult to examine the duration of abuse unless victims are asked specifically about its onset, and several

commentators have highlighted the benefits of dyadic study designs in situating abusive acts in context.

## **Concluding Comments**

Considerable advances were made over a number of years in relation to measuring IPV. Successive generations of surveys increased the accuracy of generic estimates of prevalence and began to measure some aspects of context to explore the nature of abuse. Since the emergence of fourth generation VAWSs, however, progress has stalled, and the state of the art has regressed. Dedicated surveys were either one-off exercises (in the cases of the U.S. NVAWS, and the multicountry World Health Organization and International VAWSs) or have been reduced in scope and/or subsumed into national crime surveys (as with the CSEW and Canadian VAWS). That national surveys have not evolved further is regrettable, as there appears to be a developing consensus in the IPV literature that different types of abuse, with different motivations and underlying dynamics, require different strategies for both prevention and intervention. The CSEW approach, coupled with robust measurement scales for coercive control, may be a way to advance the field, as the CASI methodology appears to be a way of achieving adequate disclosure in the context of a generic crime survey and thereby negating the costs associated with a dedicated survey. Progress is essential, as without robust estimates of the prevalence of different types of abuse, it is extremely difficult for policy makers and practitioners to allocate and target resources appropriately or have an informed understanding of why gender still matters.

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## **Notes**

1. Johnson's article referred to "patriarchal terrorism" and "common couple violence." These terms were changed to reflect the possibility that men could be victims of intimate terrorism and that "common" might semilegitimate situational acts of IPV (see Johnson, 2006).
2. Straus (2011) cites Straus and Gozjolko "in press." We have not found a final published article and refer instead to a 2007 conference paper. Similarly, Straus cites Prospero (2006), a conference paper that appears to have been published (Prospero & Kim, 2009).

3. Although generally referred to as violence against women surveys (VAWSs), the U.S. National Violence Against Women Survey (NVAWS), the CSEW self-completion module, and subsequent iterations of the Canadian VAWS all interviewed men as well as women.
4. For comprehensive methodological information, see Bolling, Grant, and Donovan (2009).
5. The self-completion module was asked only of respondents aged 16 to 59 years.
6. As the majority of our study was of victimization in the past year, we were not able to include gender breakdowns in subsequent analyses.
7. Our scales are derived from count as opposed to interval data. As the violence scale was heavily skewed—with a low mean reflecting the fact that a quarter of victims experienced no physical violence—we estimated a binary logistic regression model with a dichotomized variable as the dependent. This variable was coded “0” if the respondent had experienced no physical violence and “1” otherwise. Results were consistent with our linear model. Being the victim of coercive control raised the odds of experiencing physical violence by 7 times,  $\text{Exp}(B) = 6.97$ ;  $p < .001$ , controlling for respondent sex, age, and education. Full results are available from the lead author.
8. Binary logistic regression suggested that being a victim of coercive control increased the odds of sustaining a physical injury by almost 3 times,  $\text{Exp}(B) = 2.81$ ;  $p < .001$ , controlling for respondent age and education.
9. Binary logistic regression suggested that being a victim of coercive control raised the odds of seeking agency help by more than 1.5 times, though this result only verged on statistical significance at the conventional level,  $\text{Exp}(B) = 1.70$ ;  $p < .06$ .

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## Author Biography

**Andy Myhill** worked at the U.K. Home Office for 8 years, first on the British Crime Survey and subsequently in a team specializing in police research. He then spent 4 years at the U.K. National Policing Improvement Agency, where he undertook research on community policing, attitudes to the police, and procedural and organizational justice. He now works for the College of Policing, a newly formed professional body for policing. He has published both government reports and academic journal articles on topics including survey methodology, public attitudes to the police, intimate partner violence, and rape.

## **Paper 2**

**Myhill A and Hohl K (2016) The ‘golden thread’: Coercive control and risk assessment for domestic violence. *Journal of Interpersonal Violence*, doi: 10.1177/0886260516675464**

### **Introduction**

Paper 1 suggested that feminist conceptions of coercive control are accurate in that, in the general population, coercive control was found to be a) experienced overwhelmingly by women and b) more harmful to victims than discrete acts of violence that occur outside of an ongoing pattern of abuse.

While these findings will be useful to policy-makers in terms of better framing the national debate around domestic violence, they may also be useful for frontline practitioners tasked with interpreting and responding to domestic violence. If all frontline police officers were aware of, and accepting of, the gendered nature of coercive control, it may help to address the tendency of some to view domestic violence as (a series of) discrete incidents, or to assume that ‘both are as bad as each other’.

Yet to make that argument to frontline officers, we would need to be sure that the majority of incidents of domestic violence to which they are called are part of a wider pattern of coercive control. Paper 2 addresses this question, putting to the test whether, as feminist writers contend, it is more harmful coercive and controlling abuse that is primarily reported to the police.

# The “Golden Thread”: Coercive Control and Risk Assessment for Domestic Violence

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## **Abstract**

Research on risk assessment for domestic violence has to date focused primarily on the predictive power of individual risk factors and the statistical validity of risk assessment tools in predicting future physical assault in sub-sets of cases dealt with by the police. This study uses data from risk assessment forms from a random sample of cases of domestic violence reported to the police. An innovative latent trait model is used to test whether a cluster of risk factors associated with coercive control is most representative of the type of abuse that comes to the attention of the police. Factors associated with a course of coercive and controlling conduct, including perpetrators' threats, controlling behavior and sexual coercion, and victims' isolation and fear, had highest item loadings and were thus the most representative of the overall construct. Sub-lethal physical violence—choking and use of weapons—was also consistent with a course of controlling conduct. Whether a physical injury was sustained during the current incident, however, was not associated consistently either with the typical pattern of abuse or with other context-specific risk factors such as separation from the perpetrator. Implications for police practice and the design of risk assessment tools are discussed. We conclude that coercive control is the “golden thread” running through risk identification and

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assessment for domestic violence and that risk assessment tools structured around coercive control can help police officers move beyond an “incident-by-incident” response and toward identifying the dangerous patterns of behavior that precede domestic homicide.

**Keywords**

domestic violence, coercive control, risk assessment, police

**Introduction**

Extant studies relating to domestic violence risk assessment have focused overwhelmingly on the validity of risk assessment tools in predicting further physical assaults. This bias in the literature toward predictive validity exists despite a lack of consensus as to whether a risk-based approach to addressing domestic violence should focus on (one-time) predictions of the likelihood of revictimization or on managing and reducing the risk of further abuse (for a discussion see Bennett Cattaneo & Goodman, 2007). Proponents of a “risk management” approach argue prediction is problematic because the abuse in many intimate relationships is a process, as opposed to a series of discrete acts, and revictimization a virtual given in respect of a majority of cases that come to the attention of, for example, criminal justice agencies. In addition, being correct about the likelihood of further abuse does not necessarily equal being helpful to the victim (see Bennett Cattaneo & Goodman, 2007). The goal of risk assessment, it is suggested, should be to identify sources of risk and match them to interventions; the output of the process a safety plan, as opposed to a statistical measure.

Research on practitioners’ use of risk assessment tools has suggested assessors frequently use only a sub-set of the available information when classifying the level of risk (see Robinson & Howarth, 2012). This finding is problematic, as it raises the prospect of inconsistency in the absence of robust narrative to help guide practitioners’ judgments. Curiously absent, then, from much of the literature on the development of risk assessment instruments for domestic violence is the application of theories of abuse in intimate relationships. Although existing risk assessment tools draw on what Kropp (2008) suggests is a well-established set of empirically validated risk factors, there is little sense, even for tools that require assessors to apply “professional judgment,” of how these factors can or should be prioritized, particularly in combination (see also Robinson, 2010).

There is evidence that cases involving “coercive control” are more likely to result in serious harm, including domestic homicide, than cases that involve

discrete acts of physical violence (see Campbell et al., 2003; Dobash & Dobash, 2015; Myhill, 2015; Stark, 2007). Stark (2013) defines coercive control as “a strategic course of oppressive conduct that is typically characterized by frequent, but low-level physical abuse and sexual coercion in combination with tactics to intimidate, degrade, isolate, and control victims” (p. 18). While acts of physical violence may be present, they are not required in all cases to instill the level of entrapment Stark (2013) contends should be the principal calculus of harm. For police practitioners, however, the narrative that has developed around risk and harm appears, perhaps not surprisingly, to have coalesced around a “violence model” (Stark, 2007, p. 11) of discrete acts of (injurious) physical violence, as opposed to patterns of abusive behavior that may or may not involve injurious violence.

Using data from risk identification interviews with victims in an English police force area, the study presented here tested whether physical assault with injury or coercive and controlling behavior was most indicative of cases of domestic violence that came to the attention of the police. The remainder of this article is structured as follows. First, we briefly outline the types of risk assessment for domestic violence and evaluate them against the backdrop of two competing theoretical approaches: coercive control and the “violence model.” Then, we test a set of hypotheses that derive from this theoretical discussion using a random sample of cases reported to a police force in England. We conclude with a discussion of the findings and their implications.

## **Types of Risk Assessment for Domestic Violence**

Kropp (2008) recognizes three types of risk assessment for domestic violence: unstructured clinical judgment, actuarial methods that employ statistical algorithms to make “one-time” predictions, and structured professional judgment (SPJ) models that allow the assessor to apply specialist knowledge to overrule scores obtained by summing established risk factors in cases where they may simply “know otherwise” (Walklate & Mythen, 2011, p. 110).

Risk assessment tools for domestic violence specifically began to appear in the 1980s and 1990s. Starting with the Danger Assessment (DA; see Campbell, 1986), there are now a number of actuarial tools, such as the Ontario Domestic Assault Risk Assessment (ODARA; see Hilton et al., 2004), and SPJ tools, such as the Spousal Assault Risk Assessment (SARA; see Kropp, Hart, Webster, & Eaves, 1995). The majority of research studies on risk assessment for domestic violence have focused on the accuracy with which specific tools can predict future assaults. A meta-analysis by Messing and Thaller (2013) concluded broadly that existing risk assessment tools had

moderate levels of predictive validity and that it was difficult to advocate one over another due to methodological variability in the validation studies and the different stated purposes of the tools themselves.

## **Risk of What?**

Coercive control has become in recent years a prominent theory relating to violence and abuse in intimate relationships. Though notions of power and control have been reflected in feminist theories of intimate violence since the 1970s, the concept of coercive control as a distinct form of domestic violence has only recently influenced directly public policy in England and Wales. Evan Stark (2007, p. 198) presents a theory of coercive control as a course of conduct comprising multiple abusive behaviors and tactics, and distinguishes it from the low-level and bi-directional physical “fighting” and psychological aggression that others have termed “situational” violence (see Johnson, 2008).<sup>1</sup>

Though some elements of coercive control are analogous to multidimensional measures of psychological and emotional abuse that have been tested (see, for example, Murphy & Hoover, 1999), coercive control goes beyond psychological aggression in several key respects. While both men and women in ostensibly healthy relationships may from time to time engage in verbal abuse or some degree of monitoring of their partner’s activity, coercive control involves the continuous “micro-regulation” of everyday life (see Stark, 2007). Coercive control often involves physical violence and sexual coercion to some degree, and is more likely than situational couple violence to involve severe forms of violence and have harmful consequences for victims (Myhill, 2015). Severe acts of violence may not always be present, however, at least initially. Previous studies have suggested psychologically abusive behaviors are predictive of future physical abuse (see, for example, Murphy & O’Leary, 1989), and, crucially, the everyday process of surveillance, threats, and low-level but routinized coercion is sometimes sufficient for an abuser to maintain control without recourse to injurious physical assaults. The impact on the victim however of this continuous form of abuse is cumulative and ultimately devastating.

Perhaps the crucial difference between coercive control and situational violence is that, whereas the latter is perpetrated to some degree by both men and women, and with many of the same motivations (see Johnson, 2008), coercive control is highly gendered (see Myhill, 2015). Though it may be possible for men to suffer coercive control at the hands of female partners (see, for example, Hines & Douglas, 2010), according to Stark (2007) much of the abusive behavior that characterizes coercive control operates through sexual inequality. So while situational fighting may arise from attempts to reconcile disputes that arise in intimate relationships, coercive control, notwithstanding victims’

defensive or retaliatory violence, is a unilateral attempt at denigration and denying a person their basic human rights, and it most often occurs through constructions and deconstructions of gender identities.

What is apparent then from extant research is that there are different forms of domestic violence that have different underlying dynamics and represent different levels of harm. The challenge of risk assessment for the practitioner is to identify accurately which form of domestic violence he or she is presented with, and recognize the degree of harm it is likely to represent.

## **A Critique of Risk Assessment Tools for Domestic Violence**

The theory of coercive control, which recognizes the importance of multiple abusive tactics and behaviors beyond physical assault, raises questions for a literature on risk assessment that has focused thus far primarily on the statistical precision with which specific tools can predict future physical assaults. Most tools were developed following literature reviews to identify factors proven empirically to be associated with committing or experiencing domestic violence (see, for example, Kropp et al., 1995), which those in the field suggest are now widely accepted (Kropp, 2008; Robinson, 2010). Correlation does not necessarily equal causality, however, and “when factors become too numerous . . . we are in the hopeless position of arguing that everything matters” (Matza, 1964, as cited in Wikström, 2012, p. 53).

The developers of some risk assessment tools have, consequently, used statistical modeling techniques such as logistic regression to reduce the number of items and/or create scoring criteria to “upweight” specific risk factors (see Campbell, Webster, & Glass, 2009; Hilton et al., 2004). Such analysis has tended to prioritize factors associated with physical violence. Regression models have identified specific risk factors that are associated with (physical) victimization “controlling for” or independent of other factors in the model. This approach cannot, however, identify clusters of factors that might represent an underlying pattern of abusive behavior. Coercive control theory, rather than focusing on individual risk factors operating independently of one another, is based on the notion that the perpetrator employs a range of abusive tactics that, in conjunction, serve ultimately to entrap the victim.

An additional issue with extant research is that regression models require an objective measure of risk of future harm. The samples that have thus far been used to identify factors that predict revictimization have, however, been drawn from a sub-set of cases where the abuse has likely already escalated, such as cases known to the police where physical violence has occurred previously (Hilton et al., 2004), cases where victims are engaged with specialist

support services (Robinson & Howarth, 2012), and cases of domestic homicide that are small in number relative to the volume of domestic violence in the population (Campbell et al., 2009). This issue would be less problematic if risk assessment for domestic violence was undertaken only in such “clinical” settings. Some tools have though been designed or adapted for use by frontline police officers, who respond to a much wider variety of incidents. These tools also follow the violence model to a large extent. Messing et al. (2014) reported findings from an evaluation of the “Lethality Assessment Program,” an element of which is a “lethality screen”—a shortened 11-question DA for use by frontline police officers. Victims are screened in as “high danger” if they respond positively to any of the first three questions, concerning use of weapons and threats to kill. They are also considered high danger if they respond positively to four of the subsequent eight questions, only two of which relate to coercive and controlling behavior. The ODARA, also designed to be administered by frontline police officers, follows broadly the violence model in prioritizing current and previous physical assaults (see Hilton et al., 2004).

This bias toward physical violence would not pose a problem for police risk assessment if the typical profile of abuse that comes to the attention of the police is characterized by injurious physical assaults. If, however, the typical profile of abuse is coercive control that may or may not involve regular physical assaults, then existing risk assessment tools may contribute to a proportion of high risk cases staying “under the radar” (Robinson, Pinchevsky, & Guthrie, 2016a). Also of concern would be the issue of “false positives.” It is likely that some proportion of incidents attended by the police involve situational couple violence—disputes that become “violent enough or public enough that either the victim or bystanders call” (Johnson, 2008, p. 76). Such incidents likely present little or no ongoing risk, but may be prioritized by existing risk tools over cases that involve little injurious physical violence but high levels of entrapment.

## **The Present Study**

The focus of the present study is to evaluate individual items on a risk assessment to see which represent most consistently domestic violence as experienced by victims whose situation comes to the attention of the police. As our goal is to examine the interaction of individual risk factors for domestic violence, as opposed to the independent association between individual items and an outcome variable, a latent variable or factor analysis approach is required. Assuming some relationship between established individual risk factors and domestic violence as a broader construct, a latent variable



approach permits identifying not only whether a particular cluster of factors is most representative of domestic violence that comes to the attention of the police, but also which factors are associated most strongly with other risk factors across the construct—factors that may represent abusive behavior less consistently or, perhaps, only in a specific context.

The present study tests specifically the theory that risk factors indicative of coercive control will be most representative of a latent construct of domestic violence that comes to the attention of the police. While numerous behaviors and tactics comprise coercive control, certain elements are central to a course of conduct. Stark (2007) breaks the concept into four key sets of behaviors: violence, intimidation, isolation, and control. Degrees of confinement and isolation are essential elements in all scenarios that involve coercive control and “the restriction of the battered woman’s free movement is probably the most important technique” (Okun, 1986, p. 116). We expect therefore to find perpetrators’ jealous, controlling, and stalking behavior and victims’ sense of isolation to be key indicators. Similarly, we expect to find sexual coercion and intimidation through threats to be important. We also expect victims’ perceptions of the abuse they are suffering be key indicators (see Wheller & Wire, 2014). Victims’ sense that the abuse is getting worse is indicative of an escalating course of conduct, as is the presence of the generalized sense of fear that distinguishes victims of coercive control from those engaged in situational conflict.

We also expect acts of severe or sub-lethal physical violence, such as choking and use of weapons, which are not consistent with situational “fighting,” to be consistent with a coercive and controlling course of conduct. Sub-lethal (and ultimately lethal) violence is present in many cases of coercive control, especially if the victim has attempted to separate from the abuser, or indicated that they intend to. We expect, however, the simple presence of physical injury during the current incident not to be indicative of the typical pattern of abuse, due to extant research suggesting first that physical violence is not prominent in all cases of coercive control, and, second, that where present it frequently takes the form of low-level but repeated coercion (see Stark, 2013).

The present study advances the literature on risk assessment for domestic violence in three key respects. First, we bring to bear existing theories of abuse in intimate relationships to explore whether risk factors representative of a course of coercive and controlling conduct are most representative of abuse to which the police respond. Second, we use a random sample of incidents that came to the attention of the police, as opposed to a sub-set of cases containing only criminal offenses, domestic homicides, or higher risk cases drawn from support services. And third, we believe this study is the first to apply a latent trait model in an attempt to identify clusters of, as opposed to

individual, risk factors that might be prioritized in relation to risk identification, assessment, and management. Our analysis tests the following specific hypotheses:

**Hypothesis 1 (H1):** Defining features of coercive control—isolation, threats, control, sexual coercion, fear—will be most indicative of domestic violence that comes to the attention of the police.

**Hypothesis 2 (H2):** Severe acts of physical violence at some point in the relationship, such as choking/strangulation and use of weapons, will be consistent with a pattern of coercive and controlling behavior.

**Hypothesis 3 (H3):** The simple presence or absence of physical injury at the current incident will be less consistently representative of a pattern of coercive control in a random sample of cases reported to the police.

## **Method**

### *Sample and Sampling Process*

In England and Wales, attending officers are required to undertake a 27 question risk identification interview with victims of domestic violence using the national “Domestic abuse, stalking and harassment risk identification, assessment and management model” (DASH). As well as a positive or negative response to a question, officers are expected to record explanatory and contextual information in freetext boxes on a DASH risk assessment form. Based on victims’ responses, officers are required to submit a DASH form, using their professional judgment to allocate a grade of “standard,” “medium,” or “high” risk. The DASH is therefore an SPJ tool, sharing most in common with the DA and SARA, and the risk factors represented by the questions are consistent with those established in the literature (see Robinson, 2010). It is a tool for identifying and managing immediate and future risk of harm; it is not a tool intended simply to predict the likelihood of future discrete acts of abuse.

The data used in the present study are a sample of completed DASH forms held on the Information Management System (IMS) of a medium-sized police force in the south of England. To generate a random probability sample of DASH forms, a list of all incidents “flagged” as “domestic-related”<sup>2</sup> during the police financial year 2011 to 2012 was extracted from the IMS and represented the sampling frame ( $n = 22,156$ ). Although the best possible sampling frame available, it was not immune to human error. Police officers may, for example, have failed to classify an incident as “domestic-related,” resulting in some relevant incidents not being included the sampling frame.

The lead author selected a random ( $n = 600$ ) sample of incidents from the sampling frame, stratified by calendar month to avoid potential seasonality bias. The lead author and a colleague accessed the DASH forms of the sampled cases and transcribed victims' binary yes/no responses to the DASH questions to a data set. The researchers also interrogated the history of each case—examining case files and risk assessments from previous incidents—to identify whether any DASH forms in the sample had been completed for a “primary perpetrator” rather than the primary victim (for which the DASH interview is intended). A total of 15 such cases were excluded from the sample. The authors further screened the sample for repeat victims. In our sample, only six cases were identified where the police had been called on two occasions in the yearlong sampling period (other cases may have involved repeat calls outside the sampling period, or repeat victimization that had not been reported to the police). Incidents “clustered” in victims could lead to biased standard errors in the analysis; thus, only the most recent incident for each victim was kept in the sample, resulting in five incidents being excluded (in one repeat case, no DASH form was completed). Finally, a further 92 cases (15.7%) in which officers had submitted either no or a blank DASH could not be analyzed. The total number of cases suitable for analysis was  $n = 488$ .

## Measures

The DASH risk assessment comprises 27 items derived from questions asked of the victim at the scene. Responses to the DASH questions included in the sample were coded binary as 1 = *yes, risk factor present* and 0 = *no, risk factor not present*. All but one item are included in the analysis. The excluded item (Question 3—“What are you afraid of?”) is an open-ended follow-up to Item 2 (“Are you very frightened?”). The 26 remaining items include risk factors representative both of coercive control and physical violence. It should be noted though that the DASH form was not designed to represent different “perspectives” on domestic violence. Freertext data on DASH forms shows coercive control can be evident from responses to questions ostensibly measuring physical violence (consistent with Stark’s theory), and from “circumstantial” factors such as conflict over child contact. The DASH items can be grouped, however, into those *most* representative of coercive and controlling behaviors, those most representative of physical violence, items that represent the victim’s subjective assessment of the abuse, and items capturing what might be termed circumstantial risk factors.

**Coercive control.** This includes seven binary items: isolation from family and friends, the perpetrator controlling everything the victim does and displaying

excessive jealousy, threats to kill the victim, threats to kill the children/dependents, constant texting, phoning, stalking, or harassing, sexual humiliation or abuse, and the perpetrator threatening to commit suicide.

*Physical aggression/violence model.* This includes six binary items: physical injury in the current incident, past perpetrator attempts at choking, strangulation, suffocation, or drowning the victim, the perpetrator hurting the children; the perpetrator hurting someone else, use of objects/weapons to hurt the victim, and the perpetrator mistreating animals/family pets.

*Victim's subjective assessment of the abuse.* This includes four binary items: whether the victim feels the abuse is happening more often, whether the victim feels the abuse is getting worse, the victim feeling very frightened, and the victim feeling depressed or having suicidal thoughts.

*Circumstantial factors.* This includes nine binary items: children/stepchildren living in the household, current pregnancy or recent birth, conflict over child contact, financial issues, attempts to separate in the past/current separation from perpetrator, whether the perpetrator has been in trouble with police, whether the perpetrator has breached bail or an injunction, whether the perpetrator has problems with alcohol/drug abuse or mental health, and whether there are other persons threatening the victim/who the victim is afraid of.

### *Statistical Analysis*

A latent trait model was used to test the hypotheses. The measurement level of the observed DASH items is categorical, more specifically binary, which precludes standard factor analysis that requires the measurement level of the observed items to be continuous. A latent trait model provides an analogous analytical method for categorical variables. The resulting item loadings can be interpreted similar to factor loadings, the latent trait similar to a "factor" in factor analysis (Bartholomew, Knott, & Moustaki, 2011). The software program Mplus was used to fit the model, and results are presented as standardized item loadings. The significance of item loadings was assessed by examining *p* values and standard errors of the estimates. Goodness of fit was assessed using the fit statistics available within Mplus, specifically the comparative fit index (CFI; Bentler, 1990) and the Tucker–Lewis index (TLI; Bentler & Bonett, 1980). CFI and TLI values above 0.9 indicate satisfactory model fit.

Multidimensionality of the DASH was explored by fitting a two latent trait model in LatentGold. LatentGold provides Akaike information criterion

(AIC) and Bayesian information criterion (BIC) fit statistics to assess whether goodness of fit is improved by adding a further latent trait. BIC suggested adding a second latent trait did not improve model fit (BIC = 11,461.3 [one-trait] vs. BIC = 11,502.4 [two-trait model]). However, the AIC statistic suggested a two-trait model had a somewhat better fit (AIC = 11,243.4 [one-trait] vs. AIC = 11,176.6 [two-trait model]). AIC tends to favor bigger models, sometimes overfitting the data, while BIC penalizes complexity more harshly, favoring simpler models (Kuha, 2004). Inspection of item loadings suggested that adding a second trait did not alter the interpretation of the results; no meaningful grouping of items emerged on the second trait, suggesting the DASH can be summarized adequately by a one-trait model.

## Results

Table 1 shows the item wording together with basic frequencies, percentages, and the standardized item loading coefficients of a latent trait analysis with one latent trait. The CFI and TLI goodness-of-fit indicators suggest a satisfactory model fit (CFI = 0.921; TLI = 0.914).

The most frequently mentioned and thus most prevalent risk factors in the sample were the victim stating that the perpetrator had been in trouble with the police previously (64.3%), and the perpetrator having alcohol, drug, or mental health problems (53.5%). These perpetrator characteristics were followed in prevalence by a range of characteristics describing the victim–perpetrator relationship: the victim having separated or previously attempted to separate from the perpetrator (52.9%), the victim being very frightened (43.4%), the perpetrator controlling everything and being excessively jealous (35.2%), and the abuse getting worse (34.2%).

Items with low prevalence in the sample concerned mainly violence and threats to children and others: the perpetrator threatening to hurt or kill the children/other dependent (2.5%), the perpetrator having hurt the children or other dependents (4.7%), the perpetrator having mistreated an animal or family pet (5.3%), and the presence of another person who has threatened the victim (5.3%). Sexually abusive behavior was also not especially prevalent (9.8%).

As we turn to the results of the latent trait analysis, it is important to note that these base rates don't determine the item loadings; item loadings are in fact largely unrelated to the percentage of cases in which a particular risk factor is present. Instead, the model "up-weights," on the latent trait, items where the response is consistent with the responses to the other items in the scale, and down-weights items where the response is not consistent with the responses to other items in scale. The item loadings thus enable an

**Table 1.** Latent Trait Model.

Items	Yes		Item Loading	
	Frequency	%	<i>b</i>	<i>SE</i>
Is the abuse getting worse?	144	29.5	0.842	0.031
Do you feel isolated from family and friends?	93	19.1	0.785	0.039
Does the perpetrator try to control everything you do and/or is he or she excessively jealous?	172	35.2	0.782	0.033
Are you very frightened?	212	43.4	0.772	0.038
Has the perpetrator ever threatened to kill you or someone else and did you believe it?	91	18.6	0.719	0.043
Is the abuse happening more often?	167	34.2	0.714	0.039
Has the perpetrator ever attempted to choke/strangle/suffocate/drown you?	98	20.1	0.700	0.044
Does he or she constantly text, call, contact, follow, stalk, or harass you?	120	24.6	0.645	0.047
Do you know if the perpetrator has hurt anyone else?	112	23.0	0.607	0.051
Does the perpetrator do or say things of a sexual nature that makes you feel bad or physically hurt?	48	9.8	0.580	0.060
Has the perpetrator ever breached bail/injunction/[. . .]?	65	13.3	0.527	0.065
Has the perpetrator ever threatened to hurt or kill the children or a dependent?	12	2.5	0.505	0.119
Has the perpetrator ever used weapons or objects to hurt you?	66	13.5	0.502	0.062
Are you feeling depressed or having suicidal thoughts?	119	24.4	0.495	0.057
Are there any children or stepchildren in the household?	85	17.4	0.485	0.071
Has the perpetrator ever hurt the children or dependents?	23	4.7	0.485	0.085
Has the perpetrator ever threatened or attempted suicide?	118	24.2	0.473	0.055

*(continued)*

**Table 1. (continued)**

Items	Yes		Item Loading	
	Frequency	%	<i>b</i>	SE
Do you know if the perpetrator has ever been in trouble with the police [. . .]?	314	64.3	0.444	0.057
Has the perpetrator had problems in the last year with drugs, alcohol, or mental health?	261	53.5	0.407	0.056
Has the perpetrator ever mistreated an animal or the family pet?	26	5.3	0.403	0.092
Is there any other person that has threatened you or that you are afraid of?	26	5.3	0.391	0.082
Is there conflict over child contact?	94	19.3	0.369	0.067
Are there any financial issues? For example, are you dependent on them for money?	152	31.1	0.349	0.059
Have you separated or tried to separate from your abuser within the past year?	258	52.9	0.343	0.057
Has the current incident resulted in injury?	124	25.4	0.242	0.064
Are you currently pregnant or have you recently had a baby?	92	18.9	0.125 <i>ns</i>	0.074

Note. Sample size:  $n = 488$ . *ns* = not significant at  $p < .10$ . All others significant at  $p < .001$ .

assessment of each item in terms of how informative or indicative it is as to the case's overall location on the latent trait. In turn, the items with high item loadings define the latent trait and are suggestive of its interpretation.

The results showed support for H1. The items with the highest loadings were the victim perceiving the abuse getting worse ( $b = 0.84$ ), the victim feeling isolated from family and friends ( $b = 0.79$ ), the perpetrator controlling everything the victim does and being excessively jealous ( $b = 0.78$ ), the victim feeling very frightened ( $b = 0.77$ ), and the perpetrator making believable threats to kill ( $b = 0.72$ ). The victim reporting they had suffered sexual abuse of some type was also consistent with coercive and controlling behavior ( $b = 0.58$ ), as was the perpetrator ever having breached an injunction ( $b = 0.53$ ). Items with the highest loadings give clues as to the interpretation of the underlying latent trait: perpetrators' coercive and controlling behaviors formed the consistent response pattern to the DASH that resulted in high item

loadings. Furthermore, the findings suggested police officers should heed victims' instincts: the victim feeling unsafe—stating they are very frightened, and that the abuse is getting worse/happening more often—had high loadings. This finding is consistent with recent reviews of the literature (see Wheller & Wire, 2014).

The results also showed support for H2. Risk factors representative of severe acts of physical violence had medium to high item loadings: past attempts of the perpetrator to strangle, choke, suffocate, or drown the victim ( $b = 0.70$ ), and the perpetrator using weapons/objects to physically hurt the victim ( $b = 0.50$ ). Responses to items relating to physical violence alone did not, however, form in this sample a separate and consistent response pattern that was associated with the presence of other risk factors, and also did not form a second latent trait (a latent trait model with two latent traits did not significantly improve model fit, see above).

Finally, the results showed support for H3. The presence of physical injury during the current incident had one of the lowest item loadings ( $b = 0.24$ ), suggesting it was not indicative consistently of a coercive and controlling situation, or the presence of other risk factors across the latent construct. This is an important finding as it suggests that the “objective” indicator that may be most apparent to police officers at the scene—physical injury—is less useful in discriminating a course of conduct than both non-physical coercive behavior and the “subjective” indicator of the victim feeling unsafe.

## **Discussion**

Analysis of risk assessment data from a random sample of cases showed a number of risk factors indicative of coercive control were present consistently in cases of domestic violence attended by the police. Not only did perpetrators' jealous, controlling, threatening, and sexually coercive behaviors, and victims' sense of isolation, fear, and escalation, form a consistent cluster of factors at the heart of a latent construct of domestic abuse, these factors were associated most consistently with other factors across the construct, such as separation from the perpetrator and conflict over child contact. This analysis also showed that indicators of sub-lethal physical violence—such as choking and use of weapons—were consistent with the typical pattern of coercive and controlling abuse. Physical injury at the current incident, however, was at the periphery of the latent construct, suggesting it was associated much less consistently with the typical pattern of coercive and controlling abuse.

This study has implications for both the design and implementation of risk assessment tools, and the police response to domestic abuse more widely.



Previous research has shown that police officers tend to prioritize indicators of physical violence when assessing risk, and in particular whether there has been injurious violence during the incident to which they have been deployed (Robinson et al., 2016a; Robinson, Pinchevsky, & Guthrie, 2016b). A major inspection of the police response to domestic violence in England and Wales also concluded that officers struggled frequently to identify patterns of abusive behavior in the absence of overt physical violence, and suggested that “officers need to see beyond the incident they are dealing with and look at the wider context of the situation they find” (Her Majesty’s Inspectorate of Constabulary, 2014, p. 55). This situation may in part be explained by physical assault being one of the traditional crime categories with which the police are familiar, but Stark (2013) suggests risk assessment tools following the violence model may exacerbate this process of “rendering the typical pattern of abuse invisible in plain sight by disaggregating the ongoing pattern into discrete episodes . . . rather than grasping them in their interrelated whole as victims and their children are experiencing them” (p. 20).

To date, it appears the focus in developing risk assessment tools has been on individual risk factors and their summation and/or weighting, as opposed to applying theories of abuse in intimate relationships to understand how combinations of factors may represent particular patterns of abusive behavior. Indeed, Kropp et al. (1995) suggested “the task of clinical prediction invites evaluators to *isolate* key variables that might accentuate or diminish the possibility of violence” (p. 2, emphasis added), and “critical items” may be “sufficient on their own” to conclude there is risk of harm (p. 20). There is no sense of how a group of related risk factors might comprise more than the sum of its parts, representing a dangerous pattern of behavior that should be “upweighted” when applying professional judgment to the level of risk. Where specific risk factors are upweighted for risk assessment, it tends to be those associated with the violence model. The revised version of the DA is scored; specific risk factors are upweighted, but not groups of factors. Specifically, factors associated with extreme physical violence (perpetrator’s access to a gun and weapon use; threats to kill) are upweighted, but the perpetrator exhibiting a more general pattern of controlling behavior is not.

While a focus on physical violence will no doubt identify many cases where there is a risk of current and future harm, domestic homicide reviews have identified numerous cases where the context preceding the homicide event was characterized not by frequent injurious assaults, or even sub-lethal violence, but by high levels of coercion and control (Dobash & Dobash, 2015; Monckton-Smith, Williams, & Mullane, 2014; Regan, Kelly, Morris, & Dibb, 2007). This finding has significant implications for practice in England and Wales, where frontline officers’ initial assessments of risk can have a direct

bearing on whether a case is referred to specialist police teams and/or victim support services. Furthermore, an emphasis on physical assault, and especially injury during the current incident, may lead to cases being put forward for intervention where violence was in fact a “one off” or sporadic, and where there is no course of (escalating) conduct suggesting risk of serious harm.

Coercive control, by contrast, may be seen as the “golden thread” running through risk identification, assessment, and management. A focus on patterns of controlling behavior permits early identification prior to the onset of physical violence, or escalation to lethal or sub-lethal violence. It also gives an indication of the level of entrapment and consequent potential risk posed to a victim who attempts to escape their situation. Knowledge of the level and frequency of physical violence is clearly crucial to any assessment of risk. As important, however, is knowledge of the full range of tactics employed by an abuser, and the current level of entrapment of the victim. In the present study, it was controlling behavior rather than physical injury that was associated with other risk factors across the construct. Our findings support those of Campbell et al. (2003) in suggesting coercive control provides the context in which circumstantial risk factors such as separation from the perpetrator are likely to be triggered. This finding is important, as our study suggested such factors—including conflict over child contact, and the perpetrator’s mental health and substance abuse issues—are prevalent in a representative sample of incidents. Prioritizing such risk factors out of context again risks generating false positives.

Crucially, a focus on coercive control may help frontline officers move beyond taking an “incident-by-incident” approach to domestic violence. In-depth work with victim-survivors (see Kelly, 1999) has shown that many take a long time to name what they are experiencing as abuse, and that they frequently deploy coping strategies of minimizing the actions of the perpetrator while modifying their own lifestyle and behavior. Minimization by the victim, and manipulation of the situation by the perpetrator, can make it difficult for a first responding officer to see beyond the current incident and recognize the pattern of abusive behavior that underlies it. It will be of increasing importance for frontline officers in England and Wales to recognize such a course of conduct as in December 2015 a new criminal offense of “coercive and controlling behavior in an intimate or family relationship” was introduced. While officers have traditionally been restricted by working only with traditional crime categories such as assault and criminal damage, police in England and Wales now have the power to arrest and lay charges against a perpetrator for a course of (non-violent) abusive conduct.

Kelly (1999) proposed a model for police intervention in domestic violence that recommended officers encourage victims to recognize and

acknowledge how they are limiting their own lives in response to the perpetrator's patterns of behavior. A risk assessment tool that focuses on coercive control may help officers to achieve that goal and raises also the possibility of risk assessment as an intervention in and of itself; one that helps victims to recognize and name their experiences as abuse (see Robinson, 2010). It is likely, however, that, without such specific direction, police officers will continue to focus on risk factors with which they are most familiar and regard as most serious—specifically, those relating to (injurious) physical violence.

There are limitations to the present study, concerned primarily with the suitability of the DASH data for quantitative analysis. The accuracy and completeness of data from victim interviews depends both on the victim's willingness to disclose and the officer's ability to elicit and record the information. It is likely victims are less comfortable disclosing certain aspects of the abuse they are suffering, particularly to frontline police officers. Sexual coercion, for example, is a relatively common tactic of coercive control (Stark, 2007), yet was not prevalent in this sample. Perhaps most important is that we could not distinguish accurately whether specific items were not present or not disclosed. If largely blank DASH forms resulted from victims withholding information, as opposed to officers not recording the information, and such withholding was systematically linked to certain cases, bias may have been introduced to some degree.

As discussed, a key problem with this type of research more generally is the absence of a robust benchmark of risk that is broader than homicide/no homicide. A latent trait model is a useful first step in suggesting that a cluster of factors representing coercive control may be helpful in identifying risk in cases of domestic violence that come to the attention of the police. What is required beyond that is an objective measure of risk across a random sample of cases, alongside accurately measured risk factors. That would permit regression analysis with interaction effects to determine how specific factors (such as conflict over child contact, or the presence of stepchildren) and index measures (such as coercive control) operate in combination and in context.

## Concluding Remarks

Flexibility is an advantage of a structured judgment model of risk assessment. Yet without a clear, evidence-based narrative to guide structured judgments, it runs the risk of practitioners making inconsistent decisions based on their own preferences and biases, akin to unstructured clinical judgments. The findings of this study suggest coercive control is the “golden thread” running through risk identification and assessment in cases of domestic violence. “Male sexual proprietariness and female attempts to escape male control” have long been

recognized as underlying domestic homicide (Daly & Wilson, 1998, as cited in Campbell, Sharps, & Glass, 2000, p. 136). Identifying the “jealous surveillance” that characterizes coercive control would allow resources to be focused more sharply on early intervention (Regan et al., 2007, p. 6). A focus on coercive control does not, however, mean physical violence is unimportant. Physical violence is a key tactic of coercive control, and many victims of controlling abusers experience severe physical abuse. Yet others experience little physical violence, and many experience the type of low-level but repeated violence that fails to register on existing risk assessment tools (Stark, 2013). A focus on acts of physical violence to the exclusion of patterns of abusive behavior more widely will condemn many victims to years of abuse characterized not by injurious physical assaults but by entrapment and continuous coercive bullying. Coercive control, as well as being harmful in and of itself, also provides the context for assessing when other more circumstantial risk factors are more likely to be triggered, to devastating effect.

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### Notes

1. In Michael P. Johnson’s (2008) typology of domestic violence, “intimate terrorism” is similar to Stark’s conception of coercive control. Indeed, Johnson argues that coercive control is “the key to understanding the differences among the basic types of partner violence” (p. 13). Johnson also suggests intimate terrorists correspond broadly to the borderline/dysphoric and antisocial personality types identified in research with perpetrators (see Holtzworth-Munroe & Stuart, 1994).
2. Incidents are classified as domestic-related if they involve violence or abuse between intimates.

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### **Paper 3**

**Myhill A and Johnson K (2016) Police use of discretion in response to domestic violence. *Criminology and Criminal Justice*, 16(1): 3-20.**

#### **Introduction**

Paper 2 suggested coercive control may be the most helpful frame of reference for police officers in respect of interpreting domestic violence. Yet in order to apply the concept in a practical sense, officers would need a) to have a thorough understanding of the dynamics of coercive control, and its impact on victims, and b) be afforded the discretion to apply critical thinking to the circumstances with which they are confronted.

It has been suggested by some writers that policies, processes and systems for communicating risk have severely curtailed the discretion that classic studies of policework identified when observing frontline response officers. Paper 3 revisits the issue of officer discretion by examining in-depth the processes through which officers identify (or not) incidents as domestic-related, and the process by which those incidents are recorded (or not) as crimes.





# Police use of discretion in response to domestic violence

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## Abstract

This article addresses the issue of police officers' use of discretion when responding to domestic violence. With reference to Ericson and Haggerty's theory of risk-oriented policing, we collected data direct from information management systems in an English police force and conducted field observations with attending officers to explore the degree to which officers used discretion to interpret the national definition of domestic violence. We also considered how officers applied national standards for recording incidents and crimes. We found that considerable discretion was required to interpret the official definition of domestic violence, and that decision making in relation to recording or otherwise incidents and crimes of domestic violence was variable. Specifically, we found examples of domestic-related incidents not recorded as such, and examples of crimes either not or incorrectly recorded. The implications of these findings for policy and practice are discussed.

## Keywords

Coercive control, discretion, domestic violence, police

## Introduction

The issue of officer discretion has been a recurring theme in academic research on the police since the first ethnographic studies of police work in the 1960s. Goldstein's classic

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(1963) account of police discretion contrasted the 'ideal' of full enforcement of the law with the 'reality' that both police managers and frontline officers are required to use considerable discretion in discharging their roles. Klockars (1985) illustrated how laws are sufficiently broad to require interpretation by practitioners, and frequently overreaching, such that they must be applied with common sense in order that the legitimacy of the police role is preserved. The need for discretion is, then, in part a consequence of the frontline officer being in reality 'primarily a "peace officer" rather than a "law officer"' (Banton, 1964: 127).

Use of discretion can sometimes, of course, have a negative impact on police legitimacy, if the law is under or selectively enforced, or if procedures are not followed correctly. Indeed, contemporary discussions of police culture have tended to focus on the potential negative consequences of officer discretion; the concept of 'cuffing', whereby officers screen out crimes from official records or figures, 'concealing the truth up [their] sleeves or cuffs' (Young, 1991: 324), is a prime example. These largely negative connotations stand in contrast to how discretion is viewed in fields such as medicine, where use of professional judgement by practitioners is rarely questioned (Klockars, 1985: 94).

Nowhere has the question of police discretion been more hotly contested than in relation to domestic violence. Authors who studied police responses to domestic violence from the 1970s onwards (see, for example, Edwards, 1989; Kelly, 1999; Stanko, 1985) documented the problems posed by the interaction of police discretion and the uninformed, sexist attitudes of officers. Classic ethnographic studies of police work also revealed that many officers regarded domestic violence as a civil matter and not something that the police should be involved with, or at best as 'rubbish' work to be afforded a low priority alongside 'real', crime-focused activity (see, for example, Holdaway, 1983).

Changes to the administration of police work introduced since these studies have, however, had the potential to curtail the discretion of both police agencies and individual officers. Drawing on the work of Ulrich Beck (1992), Ericson and Haggerty (1997) applied the concept of the 'risk society' to policing in western democracies, suggesting demands, often from outside agencies, for knowledge around risk, and the development of systems to quantify, classify and communicate risk, had become the key principles around which police work was defined and organized. According to this thesis, police work has undergone a process of 'Fordization', making it similar in character to Weber's conception of 'bureaucratic "dehumanized" labour' (Ericson and Haggerty, 1997: 37).

Alongside a greater focus on risk, public services including the police have been subject in the last 25 years to 'new managerialist' policies, characterized by target-driven performance cultures. In recent years, some commentators and police practitioners have suggested that a culture of 'risk aversion' has developed in UK policing (see Cockcroft, 2012; Heaton, 2011), which a major review of policing commissioned by the then Labour government suggested can 'seriously dilute, or at worst remove, discretion or professional judgement' (Flanagan, 2007: 8). This culture, it has been suggested, has developed in part as a result of ever more extensive scrutiny and inspection regimes by bodies such as Her Majesty's Inspectorate of Constabulary (HMIC) and the Independent Police Complaints Commission (Heaton, 2011).

There may be some merit in the suggestion that risk and managerialist cultures have shaped the way police respond to domestic violence. Police forces in England and Wales work to an agreed definition of ‘domestic violence and abuse’, initiated by the Home Office: ‘Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality’ (<https://www.gov.uk/domestic-violence-and-abuse>). Computerized systems of call logging, dispatch and incident recording have replaced more easily circumvented paper records. Perhaps most significantly, in England and Wales police forces have adopted ‘prima facie’ national standards for recording crimes, limiting potentially the scope for officers to cuff criminal offences committed in intimate relationships, and standards for recording incidents, restricting scope for ‘squaring away’ (taking no action in response to) behaviour that is abusive in nature but does not constitute a criminal offence. Yet recent ethnographic study of police work in England and Wales discovered themes relating to aspects of police occupational culture that were remarkably consistent with those that emerged from classic studies from the 1960s onwards. As well as the persistence of a masculine, crime fighting ethos (see Westmarland, 2001), Loftus (2009) witnessed examples of frontline officers minimizing the importance of reports of domestic violence and taking little or no action in response.

Domestic violence is currently a high profile policy issue in England and Wales, exemplified by the Home Office’s announcement of legislation to criminalize ‘coercive control’, an insidious form of domestic violence that involves multiple controlling and abusive behaviours and has the greatest impact on victim well-being (see Myhill, 2015; Stark, 2007). Such a law could pose a challenge to frontline officers in terms of recording accurately a ‘course of conduct’, much of which may not fall into traditional categories of crime. The present study used field observations and data collected direct from force systems to explore the degree of discretion that exists in relation to classifying incidents as ‘domestic-related’ and recording offences as crimes. Following a review of literature on aspects of police occupational culture that may shape officers’ use of discretion, and the literature on police response to domestic violence, we present the finding that in practice considerable discretion is required to interpret the official working definition of domestic violence, and that decision making in relation to recording or otherwise incidents and crimes of domestic violence was variable. The implications of these findings for policy and practice are discussed.

## **Police Occupational Culture and Use of Discretion**

Classic accounts of police work suggested officers exercised considerable discretion in their day-to-day role, and that frontline officers, in particular, were proficient at taking new policies and systems and adapting them to reflect prevailing cultural norms and ways of working (for reviews see Cockcroft, 2012; McLaughlin, 2007; Reiner, 2010). Classic studies also suggested a core set of characteristics shared by frontline officers. Though there has been considerable debate in the interim around the extent to which these core elements of police culture influence officers’ work and their interactions with the public (see Cockcroft, 2012; Waddington, 2012), it is possible factors associated with

occupational culture may influence frontline response to domestic violence. Specifically, such factors could be seen as favouring a limited response.

Skolnick's (1966) description of the police officer's 'working personality' emphasized constant reference to danger, authority and efficiency. Domestic incidents are, first, viewed by officers as inherently dangerous, in terms of the potential for both physical confrontation and 'in the job trouble' (Waddington, 1999: 302), should an apparently innocuous incident escalate to a homicide. Second, victims of domestic violence may, for a number of valid reasons, choose not to engage with the police, and officers who expect members of the public to defer to their authority may view them as 'uncooperative'. Finally, linked to this issue of cooperation is the issue of clear-up rates. Rightly or wrongly, many officers perceive that victims of domestic violence are particularly likely to withdraw a complaint, resulting in an undetected crime.

Other core characteristics of police occupational culture might be seen to influence officers' responses to domestic violence. An over-focus on crime fighting and law enforcement may afford domestic violence a low priority, as much of the intimidation and controlling behaviour that characterizes more serious forms of abuse has not historically been criminal in a legal sense (see Stark, 2007). The masculine ethos that remains in policing may cause officers to perceive ambiguous situations from a male perspective, and Westmarland (2001) described a tendency for male officers to attempt to exert control over their female colleagues. Suspicion and cynicism are also regarded as core elements of police occupational culture, and an officer's sceptical mindset combined with a tendency to deal with the scene as presented to them does not favour victims who are being systematically controlled and manipulated. Additionally, officers' tendencies to differentiate between the 'respectable' and 'rough' elements of society (Shearing, 1981, cited in Loftus, 2009: 14) may lead victims with lower socio-economic status to be seen as 'deserving' of the abuse they suffer (Stanko, 1985: 114).

It is clear then that aspects of police culture described in classic accounts of police work have the potential to result in a poor response to domestic violence, if officers are able to exercise discretion.

## **The 'Scientization' of Domestic Violence**

Developments in policing over the past 30 years have, however, had the potential to restrict the exercise of discretion by frontline officers and, by extension, any potential malign influence of occupational culture. In a process they termed 'scientization', Ericson and Haggerty (1997) proposed that police organizations sought technological solutions to problems associated with identifying and managing risk. These 'risk communication systems', they argued, curtailed use of discretion by frontline officers, who were required to defer to prescribed processes. Several such processes could impact on police response to domestic violence.

The first studies of police response to domestic violence highlighted, among other things, the poor standard to which domestic incidents were recorded. Although studies found outright cuffing of crimes or incidents such that they were never formally recorded to be 'exceedingly rare ... but not unknown' (Edwards, 1989: 109; see also Hoyle, 1998),

the downgrading or trivialization of domestic-related incidents was commonplace. In particular, incidents that involved physical violence were classified frequently as 'disputes' as opposed to assaults (Edwards, 1989: 110).

In response to significant variations between forces in recording practices more generally, National Policing leads in England and Wales developed, with assistance from the Home Office, a protocol for recording incidents as crimes. The National Crime Recording Standard (NCRS), adopted by all police forces in 2002, was based on the principle that a victim report will be recorded as a crime, in line with the Home Office 'counting rules' for recorded crime, if, on the balance of probability, '(a) the circumstances as reported amount to a crime defined by law ... and (b) there is no credible evidence to the contrary' (Home Office, 2014). This standard is particularly relevant to domestic violence as, in the relatively common situation of a victim calling the police to report an assault by their partner and subsequently retracting the allegation, a crime should be recorded based on the initial report; the retraction, very possibly made under fear or duress, should not be regarded as 'credible evidence' that an offence had not occurred.<sup>1</sup> The NCRS was followed in 2006 by the National Standard for Incident Recording (NSIR). The NSIR provided a structure for classifying the wide range of non-crime incidents reported to the police, and contained a closing code for 'domestic incident' (Home Office, 2011). Finally, in 2009, National Policing leads endorsed a standardized risk model, which required attending officers to complete a risk identification form at every domestic incident they attended.

At face value, then, it would appear there are parallels between the current arrangements for policing domestic violence in England and Wales and Ericson and Haggerty's description of risk-oriented policing. Police and partner agencies work to an agreed definition of domestic violence, officers' recording of incidents and crimes is computerized and defined by national standards, and their response prescribed in part by a standardized national risk model. If Ericson and Haggerty's thesis were correct, officers' ability to use their discretion in defining and responding to domestic violence would be severely circumscribed.

## The Present Study

This study concerns the scope for police officers to use discretion when classifying and recording incidents of domestic violence. We used data gathered from force systems to provide a snapshot of the recording and classification of domestic violence calls for service in a single week in a specific division of an English police force. Field observations were utilized to shed light on the processes that might influence whether specific cases are recorded as incidents or crimes. In particular, we considered how systems and/or the discretion of individual actors influenced the construction of occurrences as constituting domestic violence or otherwise, and as criminal offences or otherwise. This study addresses two key gaps in the literature. Barring work examining narratives used by officers in case construction (see Hester, 2012; Lea and Lynn, 2012), there has been little recent focus on how the police construct and administer domestic violence. There has also been a dearth of recent empirical work on police use of discretion, in the UK context at least.

## **Research Methods**

The data presented herein were collected in 'Southshire police', a medium-sized police force in the south of England that covers a mixture of rural and urban areas. Domestic violence accounts for 6 per cent of calls for assistance in Southshire, and 8 per cent of recorded crime, which is in line with national averages (see HMIC, 2014a). Risk assessment by attending officers is compulsory for all incidents of domestic abuse, and completed risk forms are reassessed by central unit. Cases classified as 'medium' or 'high' risk are referred to a specialist unit for intervention.

Data were collected as part of the evaluation of a pilot project commissioned by the National Policing Reducing Bureaucracy Programme Board and evaluated by the College of Policing. In recognition that the standardized risk model may not be appropriate for some incidents classified as domestic violence under the official definition, frontline officers in a specific division ('K') were, for a six-month period, permitted to use their professional judgement as to whether to submit a risk identification form. The pilot did not extend to crime or incident recording – officers were expected during the pilot period to write up incidents and record crimes according to existing practice. Fieldwork for the pilot did, however, provide the opportunity to examine officers' use of discretion more generally.

Data collection took two forms: field observations conducted while accompanying first response officers, and the transcription of information direct from the force's 'computer-aided despatch' (CAD) and information management system (IMS).

### ***Data collected from force records***

When a call comes in to the Southshire police force control room, the call-taker attempts to ascertain what has happened<sup>2</sup> and deploys a unit to the scene if required (it is force policy that all domestic incidents are deployed to). A CAD log is created containing the call-taker's transcription of what is reported to them by the caller, as well as a summary of what the attending officer(s) report from the scene. There may be some negotiation between the call-taker and attending officer(s) if their report differs from the nature of the original call. The incident is given an NSIR code. Incidents are transferred ('dropped in') to the IMS if they are crimes, or require further investigation or action by the police. As well as writing a record of what happened for incidents that are recorded on the IMS, attending officers in Southshire police are responsible for 'criming' – applying where necessary a crime code to an incident, in accordance with the NCRS.

All CAD logs generated in K division for a seven-day period from 17 February to 23 February 2014 ( $N = 511$ ) were screened to see whether they were domestic-related. This week was selected as it was the first week of the wider pilot project and close monitoring of officers' actions was required. Any domestic-related logs that had not been dropped into IMS were interrogated to see whether they had been allocated a 'domestic incident' closing code.

Data were collected from IMS for the same period. All occurrences ( $N = 432$ ) were interrogated by the authors to identify cases that either definitely or could possibly have

involved domestic violence, under the official definition. Some incidents were more equivocal than others. In such cases, the IMS history of the individuals or addresses involved was examined, and the original CAD log re-examined for evidence suggesting the present occurrence was likely to have involved domestic violence. Such cases were appraised by both researchers and incidents deemed relevant were included in the final sample, coded as 'possibly domestic-related'. The first 24 hours' occurrences were screened by both researchers to ensure inter-rater reliability for the remainder of the data collection.

*Data analysis.* Data were interrogated for emergent themes using the principles of grounded theory, a method where analysis is undertaken inductively and iteratively to produce theoretical inferences rooted in the phenomena observed (see Charmaz, 2014; Glaser and Strauss, 1967). We were interested particularly in incidents that were possibly domestic-related, the extent to which frontline officers applied discretion in determining whether these cases were inherently abusive, and whether they were recorded as such. Several coherent categories relating to use of discretion emerged; these are presented and discussed below.

In accordance with the 'non-linear' nature of grounded inquiry (see Charmaz, 2014), cases identified as domestic or possibly domestic-related in the initial data collection period in February were re-examined periodically over subsequent weeks. The purpose was twofold. First, this process of revisiting the data allowed emerging categories to be developed and refined. Second, the data evolved over this period; if further investigation occurred, or cases were reviewed by supervisors or specialist teams, the force's own classifications of occurrences changed. A final review of occurrences was conducted in July 2014.<sup>3</sup>

### *Data collected from field observations*

As categories relating to officers' use of discretion emerged from the data collected from force systems, field observations provided the opportunity to see whether the same phenomena could be recognized in practice. Fourteen shifts were observed between 3 March and 23 July 2014. The observed shifts were primarily late shifts, as these tend to have the largest volume of domestic incidents. The shifts were spread evenly across the five teams of response officers in the division, to ensure 'range and diversity' in respect of practice observed (McNaughton Nicholls et al., 2014: 254). The researchers took the role of 'observer as participant' (McNaughton Nicholls et al., 2014: 247), accompanying officers to all incidents – domestic-related or otherwise – to which they were deployed, observing and recording notes as unobtrusively as possible.

The data collected were a mixture of descriptive and focused observation. In the time between deployments, officers were probed on their general views towards domestic violence and responding to domestic incidents. Fieldnotes were recorded during the shifts. Detailed narrative accounts, comprising description, observer comments and subjective reflections (McNaughton Nicholls et al., 2014: 260), were written the following day.

## **The Influence of Officer Discretion on the Construction of Domestic Violence**

There are several possible outcomes for calls to Southshire police which might comprise domestic violence, under the official definition. Such incidents may or may not be classified as a 'domestic incident', and may or may not be dropped into IMS. If they are dropped into IMS, they may or may not be classified as a crime. When interrogating the data for examples of discretionary decision making, four main categories emerged. The largest of these comprised cases where officers had used legitimately their discretion to interpret the official definition of domestic violence. The other themes related to traditional conceptions of officers' use of discretion to in effect 'square away' or downgrade particular incidents.

### *Negotiation of definition and context*

When responding to reports of potential domestic violence, call-takers and attending officers were required to interpret and sometimes negotiate the meaning and applicability of the official definition of domestic violence. Put simply: did the people involved fit the definition in terms of their relationship to each other, and was the behaviour reported inherently abusive? There were several cases where the dynamics turned out not to be abusive, such as teenagers play fighting, or driving their parents' cars without being qualified to do so; low-level civil disputes related to property; and false or malicious allegations made by people with mental health issues. There were also cases involving for example disputes between 'in-laws' in very recent relationships, or nuisance communications between individuals' current and former partners.

As the following example illustrates, some of these incidents may or may not have been abusive in nature:

A member of the public called the police to report a man and woman 'having a domestic' in the street, with 'lots of pushing and shoving'. CCTV showed a woman on the ground and then being held up against a wall by the male. Attending officers found 'one very drunk female and husband trying to get her home'. They reported: 'This is not a domestic. Female is very much in drink, and keeps falling over. Checked PNC [Police National Computer] and IMS for both male and female; no trace for either. Female unable to stand due to her intoxication and her husband was struggling to hold her up. On leaving the area, the female vomited and fell to the ground again. The husband was loving and supportive and showed a great deal of understanding to her plight'.

Fieldnotes from observations with frontline officers described the following incident. It is illustrative of a relatively common situation that reflects a 'family dispute' as opposed to a domestic violence dynamic as traditionally conceived. Additionally, as the individuals delivering/receiving threats were neither related directly or in an intimate relationship, the officers decided the incident was not covered by the official definition of domestic violence:

A man called the police to report that his eldest son, while on the phone to him, had threatened to kill his other adult son's girlfriend. When we arrived it became evident the family were in



dispute over a number of different things and that the father had phoned the police more out of irritation that he had been pulled into the argument than because he felt the threats to be real. No one at the address was distressed, and the woman subject to the threats appeared unfazed. She confirmed she and her boyfriend's brother do not like each other because they 'rub each other up the wrong way', but stated confidently she did not take his threat seriously.

That the negotiation and definition of context category was most prevalent is significant, as it suggests that officers are required to use discretion when responding to cases of domestic violence.

### *Incident cuffs*

The cuffing of domestic-related incidents was observed as having possibly occurred at both the call-taking and first response stages. Cuffing is seen traditionally as downgrading the seriousness of a criminal offence, or concluding that the offence did not take place or is not worthy of police intervention. Although regarded primarily as a means for keeping crime rates artificially low, there is also an incentive for officers to cuff incidents that do not involve criminal offences. In Southshire, incidents for which there is no imperative to make further enquiries can be 'filed at first submission'; the attending officer(s) are not required to write an enquiry log or, in the case of domestic violence, submit a risk identification form. The incentive for a call-taker to cuff a domestic-related incident is less clear, but could stem either from a lack of understanding of the dynamics of domestic violence, and/or an organizational imperative not to carry too many 'open' CAD logs.

Five CAD logs were discovered which, in the opinion of the researchers, may have been domestic violence and should have been dropped into IMS and investigated further, but were not. Two of these involved dropped 999 calls from addresses with warning markers for domestic violence and where the explanation on call-back was that children had made the call by accident. Another incident involved a report by a neighbour of a disturbance and a male threatening physical harm to a female. Attending officers reported that the male had been shouting at the dog. By coincidence, the lead author observed subsequently the female relating to this incident reporting for the first time the significant abuse she had suffered, and stating that, on one occasion, the police had attended. The remaining two incidents were treated as disputes over property. In one of these, there was a significant history of coercive and controlling abuse.

Certain characteristics of cases where no action was taken – such as a significant history of domestic violence, and/or disparities between the CAD log and the attending officer(s)' account of the incident – were taken as indicative of an incident having possibly been cuffed. Among 30 domestic-related or possibly domestic-related incidents that were dropped into IMS, the authors felt that seven were either definitely or potentially cuffed. The following case shows how officers exercise discretion in relation to the amount of effort invested in following up an initial report:

A neighbour reported a disturbance outside a specific flat; he had made previous reports of domestic abuse involving a couple and been told to call again if there were further incidents. A

search of IMS for the address showed a female at high risk of domestic violence from a male. The attending officers reported that the flat was in darkness. No attempts were made seemingly to locate the occupants, and the incident was closed as 'antisocial behaviour'.

During the shift observations, researchers observed directly one incident that might be described as a cuff:

Officers were deployed to a report of a potential criminal damage. A man had come to collect some clothes from his ex-partner's house while she was out; she had left them in a wheelie bin. This action had angered the male and he had emptied the bins and thrown them across the front lawn. One attending officer spoke with the woman by telephone, and it appeared she was asking about restraining orders. The officer advised her that was a civil matter and she should contact the Citizens Advice Bureau. When conferring, the officers clearly did not regard the incident as of any significance. One commented that he too would have been upset if his clothes had been left in a bin. No attempt was made to locate the woman and complete a risk identification form. This incident was not dropped into IMS. A subsequent search for the CAD log showed that the incident had been given a 'for information' NSIR closing code.

A review of IMS showed the woman in this case reported subsequently a history of very serious abuse leading up to this incident. It should be noted though that the observer did not regard the cuffing of this specific incident as malicious; rather, it appeared the attending officers simply did not regard it as serious, or appreciate the potential for 'low-level' incidents to form part of a wider pattern of harassment and abuse. It would appear though that there remains scope for domestic incidents to be cuffed 'at source' by some combination of the call-taker and attending officer(s).

### *Crime cuffs*

The authors identified 10 incidents for which a crime might have been recorded according to the NCRS, but was not. Based on a re-examination of the original CAD logs and crime reports, the Southshire police crime registrar agreed that four of these cases should have been recorded as crimes (one assault occasioning actual bodily harm, two common assaults and a Section 2 harassment). The national crime registrar felt a further three crimes should have been recorded (two assaults and a harassment), illustrating that there is scope for differing interpretations of the NCRS and the counting rules (see also HMIC, 2014b).

These cases illustrated multiple ways in which discretion can be applied in the investigation and classification of incidents. One of the unrecorded assaults was observed by officers at the scene:

A man and his adult daughter were arguing in the street. Officers on patrol observed the man push his daughter in the back of the head; he claimed this action was out of frustration. The officers stated the contact was very minor and that the woman said she did not feel as though she had been assaulted. The incident was classified as 'other incident – non-crime', but in accordance with the NCRS should have been recorded as a crime of common assault.

In three other cases, assaults were not recorded despite a clear report of assault being made in the initial call. In these cases, the information presented to negate the initial

report amounted to no more than the victim retracting the allegation when questioned by the attending officer(s). This rationale is clearly inadequate in relation to cases of domestic violence, where victims are frequently under duress to retract their complaint.

Harassment appeared to be an area where practice was particularly variable. The lead author observed officers deal very thoroughly with an allegation of harassment which was the first report from a long-term victim of coercive control. Abusive voicemails were transcribed and Facebook pages photographed to make out a 'course of conduct'. Officers appeared happy in other cases to record a first report as 'non-crime first stage harassment', again with little verifiable evidence to negate a victim's initial description of a course of conduct.

A further two incidents involved reports by third parties. In these cases, the force took a literal interpretation of the NCRS, concluding that if the victim was not aware that the person making the report was acting in their interest and/or did not confirm the report, then a crime would not be recorded. In one of these cases, a woman said she heard banging in the next room and her friend emerged and told her that she had been assaulted by her partner; the friend told attending officers she had not been assaulted and that a cut in her mouth had been caused by braces on her teeth. A review of the history of this case showed the man involved was a prolific offender and there was a considerable history of violence against the female, suggesting that 'on the balance of probabilities' an assault had occurred. In all of these instances, discretion appeared to have been used to the end that crimes were not recorded when they might have been.

The field observations also revealed instances of crimes that might have been classified differently. In the report of harassment mentioned above, and despite the officers dealing sensitively with the victim and initiating appropriate safety planning and specialist intervention, a crime of 'putting people in fear of violence' was recorded under Section 4 of the Protection from Harassment Act when, during the course of her interview, the victim revealed she was regularly assaulted physically and in one case choked by the male until she almost blacked out. In accordance with the NCRS, as these offences had not been reported previously the more serious offence of assault should have been recorded.

### *Quasi-cuffs*

The category 'quasi-cuffs' describes cases where officers dealt – often thoroughly and satisfactorily – with one component of an incident, but ignored or failed to identify and address a possible domestic abuse element. Five quasi-cuffs were identified during the week-long data collection period. The following case was representative of those where there appeared to be an overlap between domestic violence and abuse of children:

A female called the police in great distress to report that she had discovered her partner had been having sexual intercourse with her 16-year-old daughter without her knowledge, and throughout their relationship. While officers were interviewing the daughter, she disclosed that the male had subjected her mother to extensive domestic violence. Despite this disclosure, the sole focus of the investigation appeared to remain on the child abuse element, with no evidence to suggest that a risk assessment was conducted for the mother, or appropriate support offered.

The following fieldnotes were taken on the final shift of observations, and show officers squaring away an incident where domestic violence may have been present:

A man called at 1am to report a disturbance outside the house opposite; one man was heard to say to another man 'I will bite your throat out.' On attendance, we found a woman and her neighbours sitting outside. The woman's son had come home drunk, burnt some toast and set off a smoke alarm. When his neighbour offered to help get his mother, who had health problems, out of the address, the man became aggressive. The officers established there had been no physical violence between the neighbours. The caller also stated that the man had been aggressive towards his mother, but there was little attempt made to ask the woman about abuse from her son. A subsequent search of IMS showed two previous incidents involving the mother and son; the son was a heroin user who had also abused his ex-partner. When I asked the officers whether the incident might have been domestic-related, they replied emphatically 'no'.

Taken together, our findings show that police officers are required legitimately to use discretion in the investigation and classification of incidents that may constitute domestic violence. While sensible and positive use of discretion was observed in several cases, there were also numerous examples of domestic-related incidents not being investigated thoroughly, or being misclassified or downgraded.

## **Discussion**

This study found that police officers used considerable discretion when responding to incidents of domestic violence. Consistent with HMIC (2014a, 2014b), our data showed, in a single week, a dozen or more examples of domestic-related incidents that were 'squared away'; a lack of thorough investigation of some reports of abuse, both current and historic; and under-recording of an average of one domestic-related crime per day. These findings are consistent with those of previous studies of police response to domestic violence, and also with research on sexual assault, whereby officers have frequently been shown to be sceptical of victims' accounts and to 'no crime' initial reports without adequate supporting evidence (see Hohl and Stanko, 2015). In line with previous research, the present study suggests it is still possible for officers to minimize the seriousness of domestic-related incidents, or even make them disappear altogether. And in that sense, frontline officers, in particular, influence to some degree what domestic violence is and, consequently, how the police and their partner agencies respond to it.

Ericson and Haggerty (1997) painted a picture of police work in western democracies governed primarily by restrictive rules and formats for communicating risk. This account questioned traditional sociological accounts, which emphasized the primacy of the frontline officer in determining both what gets done and how. There are, however, several reasons why discretion remains integral to police and particularly frontline officers' handling of domestic violence. The official definition of domestic violence, for example, is extremely broad and perhaps overreaching (for a critique, see Kelly and Westmarland, 2014). Indeed, some officers in the study area appeared to differentiate between 'genuine' domestics and those that 'hit the definition', an example of the latter most often being 'two brothers having a fight'. The Home Office acknowledges the need for forces

to interpret this non-statutory definition,<sup>4</sup> and HMIC (2014a: 37) suggested, following an inspection of forces' handling of domestic violence, that officers require 'greater discretion' to ensure that the police response is 'targeted to address the particular risk that they find'. These official positions stand in contrast to notions of officers as process-driven automatons, and demonstrate the difficulties associated with squeezing discretion out of practice through rules and systems.

Additionally, although the NSIR and NCRS are prescriptive, they, as well as the official definition of domestic violence, are open to interpretation; and the greater the number of rules and processes, the less likely they are to dovetail. An example concerns 'civil disputes', which NSIR guidance (Home Office, 2011) suggests should be given a domestic closing code if they occur *within a relationship*. Research has shown consistently that civil issues such as child contact are used as a means of continuing to exert control by coercive *ex*-partners (Coy et al., 2012). Officers and staff should realize that in this instance the official definition of domestic violence overrides the NSIR guidance,<sup>5</sup> but our data suggested that in some instances call-takers and officers focused on the nature of the specific incident, and failed to situate it in a wider pattern of abuse.

Clearly, then, there is a requirement for police officers and staff from the control room, through the frontline and up the supervisory chain to use their discretion when interpreting and classifying cases of domestic violence. Our study suggests this discretion is not always used in an appropriate way. This situation is deeply problematic, and not primarily in relation to the ethical issue of the accurate recording of crime. The way in which domestic incidents and crimes are classified has a direct impact on the level of intervention that a victim can hope to receive: Southshire police uses the number and severity of previous occurrences as one criterion for assessing risk and referring cases for specialist intervention. Inconsistent and inadequate investigation and recording of incidents and crimes prevents robust documentation of the context and history of abuse. Opportunities for early intervention and ongoing management of risk will be missed.

Having established that discretion is not always used in a desirable way, the pertinent question becomes 'why?' We feel it is too simplistic to point solely to domestic violence being a crime committed primarily by men against women and investigated primarily by men. Indeed, many officers in K division displayed highly risk-averse attitudes to dealing with domestic abuse, stating that nobody wants to be seen to 'drop the ball' in such a high risk area. It is likely, then, that wider systemic and organizational factors are also at play (see also Hoyle, 1998).

One issue is the relative priority afforded to domestic violence at the organizational level. As Klockars (1985) notes, in addition to individuals, discretion is sanctioned and exercised by administrations through their policies and allocation of resources, which influence police behaviour and decision making. Loftus (2009: 129) suggested domestic violence was still 'marginal to what many celebrated as meaningful police work' in the force she observed, and HMIC (2014a) highlighted the low priority domestic violence continues to be afforded relative to 'acquisitive' crime. Domestic violence is an area where it can be difficult to get a 'result', as many victims, for a variety of reasons, do not support a prosecution. HMIC (2014b) did not rule out targets for reducing and detecting crime as one explanation for forces' under-recording of crime.

The issue of resourcing should also be considered. On more than one occasion, the authors saw frontline officers writing up incidents long after their shift had finished. Now that officers are not paid routinely for overtime, there is little incentive for them to investigate and document thoroughly a case they, perhaps erroneously, regard as 'low risk'. Officers have always been acutely aware that 'making something into a crime requires work' (Sumner, 1994, cited in Cockcroft, 2012: 19), and making something into a domestic incident also creates work, in the form of a 27 question risk identification form that most officers we spoke to felt was not appropriate for some incidents (see also Loftus, 2009).

Perhaps, though, the most important factor shaping the way officers exercise discretion in relation to domestic violence is their knowledge of the issue. It was evident that some lacked the nuanced understanding of the dynamics of coercive controlling abuse that would enable them to respond consistently and effectively. The term 'cuff' is generally used in a pejorative way, but our data suggested much of the poor practice relating to recording domestic violence was not malicious. In some instances, it appeared the officers involved simply regarded a particular incident as being of no risk. While in certain cases that might be true, in other cases such apparently minor incidents are symptomatic of a course of conduct, the impact of which is cumulative for the victim.

Some officers had an overt focus on criminal offences and physical violence, and although some recognized non-criminal and non-physically violent forms of abuse, it was not clear this knowledge stretched to how these behaviours might affect the behaviour of victims over the course of a relationship, and, consequently, how they 'present' at the scene. This finding is consistent with HMIC (2014a: 9), who concluded 'officers are often ill-equipped to identify dangerous patterns of behaviour ... in particular where there is no overt physical violence but instead there is psychological intimidation and control'. There was, both in officers' written narratives and in what we observed on patrol, too frequently a tendency to respond to what they were presented with, as opposed to considering the wider context. Waddington (2012) highlights how this 'incident-driven' approach is partly a response to what is required by the wider criminal justice process.

What, then, is the solution to the problem of inaccurate or inappropriate use of discretion? Ericson and Haggerty suggest police agencies' initial response to continued uncertainty is to introduce ever more complex and prescriptive systems and processes. But even in describing such systems, they hint at problems inherent in their thesis. Specifically, 'the rush for technological solutions to problems of uncertainty often has the ironic consequence of increasing uncertainty' (Ericson and Haggerty, 1997: 34). The definition of a problem might be too broad to permit focus on cases of greatest risk; systems for classifying information may require interpretation and be in conflict with one another. Ultimately, 'the fact that communication formats are scientized to effect closure and certainty does not mean that they are always fully understood and accepted by the police officers who use them' (Ericson and Haggerty, 1997: 385).

The latter point is crucial. According to Ericson and Haggerty (1997: 83), 'discourse' is 'the institutional construction of knowledge which takes place within a social organisation of ... people, rules, formats, and technologies'; it provides a 'shared understanding' and knowledge of an issue. The wider policy discourse around domestic violence is,

however, complex, with even academic experts disagreeing on its prevalence and how best to respond. In part, these disagreements are bound up in debates about how to define 'domestic violence'. We suggest that if officers had a better understanding of coercive control specifically, they would be better placed to exercise discretion in a positive way. While training clearly will not solve all the issues surrounding police response (Waddington, 2012), until officers are able to see beyond a 'verbal only argument' to the continuous and cumulative nature of coercive control they will fail to recognize the importance of identifying and recording accurately apparently low-level incidents of domestic violence.

As the sample size used for this research ( $N = 511$ ) was limited to the workload of one specific division in one police force over the course of a single week, the results cannot be taken to be representative of practice across even the Southshire police force area. Rather, the data are used to exemplify the complexity involved in responding to domestic incidents and the requirement for officers to use discretion. The findings concerning the under-recording of crimes are however consistent with much broader examinations (see HMIC, 2014b). As with all research that uses qualitative and especially observational methods, there was a degree of subjectivity involved in data collection and analysis. The potential for personal attitudes and orientations to affect the interpretation of data was minimized by having only two researchers working closely on all aspects of the data collection and analysis, and reviewing each other's interpretations and decisions.

## Concluding Remarks

The issue of discretion remains pivotal to understanding the way police work is operationalized. Consistent with Goldstein's classic discussion, police leaders and managers continue to perform a 'double shuffle', accepting universal and officially imposed processes while recognizing that those processes are unworkable without the application of discretion. Frontline police officers are and always have been the embodiment of this contradiction, their operational terrain continually contested. Discretion does not sit comfortably with 'one-size-fits-all' processes, and this notion may help explain why many frontline officers we observed expressed the view that their discretion had been removed, despite retaining the scope to make discretionary judgements.

In England and Wales, the advent of the College of Policing has given fresh impetus to the development of a professionalized model of policing. Under such a model, Klockars (1985: 119) suggests discretion should be recognized as an inherent and desirable element of police work whereby 'we ... trust police and train them to use their power wisely in the same way we ... train and trust other professionals in whom we have no choice but to entrust equally impressive powers'. To that end, further in-depth study of police discretion is required to underpin a professionalized model, to tease out the likely complex set of individual, organizational and external factors that shape police decision making as ethical, unethical, informed or uninformed.

Research in the health sector has underpinned nuanced debate around the issue of discretion. Cheraghi-Sohi and Calnan (2013) showed that a centrally imposed care quality framework was welcomed by doctors as it was evidence-based and allowed them to retain 'task discretion'. Many police practitioners are broadly sceptical of research

evidence and guidance, at least initially, and the challenge for police policy-makers will be to develop standards that allow officers to feel trusted to make professional decisions based on robust evidence and practice. Ultimately, and in line with research on 'organizational justice' (see Bradford et al., 2014), well-trained, knowledgeable officers who are empowered to make professional judgements are likely to internalize the desire to respond appropriately more than officers beholden to processes they perceive in some instances as disproportionate and unfair. A truly professionalized model of policing would, then, have discretion as the ideal, as well as the reality.

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## Notes

1. Personal correspondence with the National Crime Registrar.
2. It should be noted that classic studies of police call handling suggest there is frequently ambiguity in callers' initial reports (see, for example, Ekblom and Heal, 1982; Meehan, 2000). Although, in relation to domestic violence, there are cases where initial reports that describe abusive behaviour very clearly are retracted when officers attend the scene, there are other cases where it is difficult or impossible to establish clearly what has happened or, in some cases, is happening.
3. As Southshire police undertakes a rolling audit of occurrences, it is possible that crime classifications could have altered even after this date.
4. Personal correspondence with Home Office Domestic Violence and Abuse Team.
5. Personal correspondence with the National Crime Registrar.

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## **Paper 4**

**Myhill A (2017) Renegotiating domestic violence: Police attitudes and decisions concerning arrest. *Policing and Society*, doi: 10.1080/10439463.2017.1356299**

### **Introduction**

Paper 2 suggested that domestic violence that comes to the attention of the police most often follows a pattern of coercion and control. While sub-lethal violence – choking; attacks with weapons – was identified as a useful indicator of this wider pattern of coercion, the simple presence or absence of a physical assault at the current incident was a much less reliable indicator. These findings support the view that, in order to provide an adequate response, frontline officers must look beyond the circumstances of the specific incident to which they have been called. They need to probe the wider context of the abuse, in order to situate the circumstances of the current incident in context.

Paper 3 revealed that frontline officers retain considerable discretion over how a call for service is interpreted, whether it is classified as domestic-related, whether it is regarded as an infraction of the criminal law, and, if it is, under what category of crime it is recorded. Paper 4 explores the factors that inform officers' decisions to take action at the scene of an incident of domestic violence, and in particular their decision-making around whether to arrest a suspect.

Policy intervention in relation to arrest and wider 'positive action' has been much more significant than in relation to crime and incident recording. Paper 4 examines whether the introduction of a presumptive arrest policy, alongside other changes to policy and practice, has influenced 'working rules' that favoured arrest only in circumstances where there was clear evidence of a criminal offence.

## **Renegotiating domestic violence: Police attitudes and decisions concerning arrest**

### **Introduction**

This paper presents findings from a comparative study of police decision-making. Data collected from in-depth interviews with officers is used to revisit the findings of research undertaken two decades previously. In 1998, Carolyn Hoyle published a landmark study on how the police respond to domestic violence. Hitherto, the study of police response to domestic-related calls for service had been concerned with officers' attitudes, and especially their perceived patriarchal views on the family and men's violence towards women within that context. Numerous studies revealed a tendency for the police not to involve themselves in what they regarded as largely civil disputes. Indeed, as recently as 1995 it was suggested that the police still had not 'overcome their doubts that domestic violence is a real crime' (Stanko 1995, p. 33).

Hoyle argued that by focussing on negative aspects of police culture, and potentially underplaying organisational and legal influences, police 'misogyny' as an explanation for decision-making relating to domestic violence 'achieved the status of fact' (Hoyle 1998, p. 7). By utilising in-depth interviews with officers, focused on their response to a specific incident, Hoyle proposed that police decision-making in the field is in fact 'a dynamic interaction between structure and culture' (Hoyle 1998, p. 82). Officers hold certain 'working assumptions', formed through an interaction between external social conditions, culture, and organisational policies and processes, which inform 'working rules' that help guide decision-making at the scene. Further, Hoyle recognised that 'cop culture' itself is not static; rather, police cultures, and by consequence working assumptions and rules, 'emerge from the current socio-political context' (ibid), leaving open the possibility that police decision-making and response changes over time.

In the two decades since Hoyle's fieldwork, there has been considerable change in the landscape of policing in England and Wales, both generally, and in relation to policing domestic violence specifically. Officers are now required to record both crimes and non-crime incidents in line with national guidelines, making it easier to identify patterns of abusive behaviour. Legislation has been enacted creating a power of arrest for all criminal offences (including common assault), and the Home Office has put forward, and National Policing leads<sup>1</sup> and police inspection bodies have endorsed, a policy of presumptive arrest for offences committed in a domestic-related context. Specialist domestic violence officers and units have become embedded in police organisations, and a national model for identifying, assessing and managing risk in cases of domestic violence has been implemented. Forces have become an integral part of multi-agency partnership approaches to addressing domestic violence, and the Home Office has introduced additional powers such as Domestic Violence Protection Orders (DVPOs), which permit the removal of an offender from the home address for a specified period of time. All these developments tend towards a more proactive, or at least reactive-interventionist approach to the policing of domestic violence.

A re-examination of police officer attitudes and actions in this altered context is timely, for a number of reasons. There appears to have been little recent study, in a UK context at least, of officers' decision-making in relation to arrest and other actions taken in response to domestic violence, and a thematic inspection of police response to domestic violence in England and Wales by Her Majesty's Inspectorate of Constabulary (HMIC) found in 2014 significant variations between forces in rates of arrest for domestic abuse crimes. This variable practice may have implications for police use of a new law of 'controlling or

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<sup>1</sup> National Policing leads are senior officers who take responsibility for specific areas of policing in England and Wales on behalf of the National Police Chief's Council.

coercive behaviour in an intimate or family relationship', a course of conduct offence enacted in England and Wales in 2015.<sup>2</sup> Yet while the coercive control law may require officers to be more proactive in their use of existing powers of arrest, there have been calls from some criminologists for a move away from presumptive arrest policies (see Sherman 2014).

This paper first reviews briefly the literature on police decision-making in relation to domestic violence, and outlines the findings from Hoyle's study. Findings from analysis of in-depth interviews with officers are compared and contrasted with those of previous studies. Finally, potential implications for current debates around the utility of arrest are discussed, alongside those for the development of police practice.

### **Police actions in response to domestic violence**

Historically, police response to domestic violence, in the UK, US and elsewhere, was seen as characterised by a reluctance to intervene unless the violence employed was regarded as very serious (see Cross and Newbold 2010). As Robinson (2000, p. 606) indicates, this non-interventionist approach was seen to be associated with the perceived sanctity of the family:

Officers were trained to handle these calls with the main goal of settling the parties down and restoring order ... arrest was thought to be the antithesis of these directives and was to be used only as a last resort because it had dangerous repercussions for the family unit.

Some authors recognised traditional and/or misogynist views about women as prevalent in police agencies, suggesting officers used 'common sense about men's behaviour towards women to assist them in their decision-making' (Stanko 1985, p. 104). Ethnographic study of police response has also suggested domestic violence falls into the category of social service-related jobs frontline officers have regarded traditionally as 'rubbish' (see for example Holdaway 1983, Westmarland 2001). Observational data has also suggested, however, that officers' attitudes may vary at the individual level. De Jong *et al.* (2008) found that while some officers attending domestic violence calls for service reflected patriarchal attitudes, others had more progressive attitudes that recognised the complexity of abuse and the barriers to leaving abusive partners. And data from controlled experiments using vignettes has suggested that male officers display different levels of 'hostile' and 'benevolent' sexism that are associated with different law enforcement preferences when responding to domestic violence (Gracia *et al.* 2014, p. 1205).

Research has, however, questioned this direct link between officers' attitudes and their actions at the scene of domestic-related calls for service, primarily through examining decisions relating to arrest of the perpetrator. Numerous studies, primarily in the US, have attempted to identify both legal/situational characteristics of incidents, and extra-legal characteristics of victim and offenders, that either favour or disfavour officers making arrests. Though there are some variations between studies, Johnson and Dai (2016) concluded that the strongest and most consistent predictors of arrest have been legal factors: whether there are (serious) criminal offences, whether there is evidence (especially physical injury), and whether the victim is prepared to make a complaint. The characteristics of the people involved have been shown to have smaller and less consistent associations.

Interest in the correlates of arrest, in relation to domestic violence and more widely, has been prompted by the considerable level of discretion frontline officers have traditionally enjoyed (see for example Holdaway 1983). Prompted by feminist activism, high profile lawsuits, and to a lesser extent the publication of findings from the original Minneapolis

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<sup>2</sup> Serious Crime Act 2015 (s76). Available from <http://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted>

arrest experiment (Sherman and Berk 1984), many US states introduced mandatory or presumptive arrest laws and policies. Such policies were an attempt to force officers to take a more interventionist approach to domestic violence, ensuring that an arrest took place where there was probable cause. Though it is clear that even in jurisdictions with 'mandatory' arrest laws officers still retain considerable discretion in relation to making arrests (Eitle 2005), there is evidence that such policies have had some effect on officers' propensity to arrest (Johnson and Dai 2016).

### **Negotiating domestic violence**

In a UK context, Hoyle's (1998) study remains, at the time of writing, one of the only in-depth considerations of officer decision-making in relation to domestic violence. Hoyle sought to take a different approach from previous studies, recognising that simply asking officers about their general views on (responding to) domestic violence tends to elicit 'canteen culture' narratives that frequently are pejorative and reflective of the frustrations associated with frontline response work. By asking officers to focus on a specific incident to which they responded, Hoyle found that more nuanced attitudes were present. Drawing on the work of Smith and Gray (1983) and Waddington (1999) Hoyle suggested that the link between officers' attitudes and actions should not be regarded as clear-cut. Officers' underlying attitudes are but one ingredient in the formation of 'working assumptions' that influence behaviour in the field. Other influences are prevailing societal norms and conditions, the procedural law, and force policies and wider organisational factors such as resources and training.

Informed by in-depth interviews, Hoyle suggested officers' responses to domestic-related calls for service were informed by 'working rules', themselves derived both from situational and contextual factors (information relating to the offence, the perpetrator and the victim) and officers' working assumptions regarding the seriousness of the incident, the demeanour of those involved, whose wishes should be respected, and the probable outcome of courses of action. From officers' application of these working rules, alongside 'evidential rules' concerning application of the law, Hoyle (1998, p. 131) suggested an 'explanatory' model of officer decision-making. Though not applicable to all cases even in her own sample, Hoyle suggested officers tended to favour arrest if there was sufficient evidence of a crime, the offence was serious in nature, the victim favoured an arrest, the suspect was aggressive and/or the victim visibly upset, and there appeared to be a risk of further violence in the immediate future. Cases where no further action was taken tended to involve the reverse set of circumstances: where there was little evidence of a crime, or only minor offences; where victims were not supportive of an arrest; where victim and suspect were rational and calm; and where there was no or minimal perceived risk of further violence.

Through this model of officer decision-making, Hoyle painted a picture of a police response that was largely incident-focused and concerned with physical violence and injury; information relating to the history of the case did not affect the decision to arrest in the absence of evidence of harm at the current incident, and physical assaults with injury provided officers with the strongest evidence that an offence had taken place. In addition, officers tended to focus 'not on the long-term problems of disputants but on identifying immediate conflicts and facilitating their resolution' (1998, p. 105). Risk of further harm, then, was defined very much as ensuring there was no further violence in the immediate future, and especially not prior to the end of the officers' shift. In relation to perpetrator demeanour, Hoyle (1998, p. 116) suggested people who were initially belligerent were sometimes 'given a chance' to adapt their behaviour before being arrested, or threatened with arrest, if they persisted.

Hoyle further elicited organisational issues that may contribute to officers' working assumptions around responding to domestic violence (and therefore their decisions around arrest). These issues were concerned primarily with how positive action taken at the scene of an incident was rewarded or otherwise. In Hoyle's sample, the police were less likely to investigate an incident thoroughly, and suspects were less likely to be arrested, if the victim refused to make a formal complaint, or support a prosecution (1998, p. 111). Hoyle suggested this finding may be explained in part by organisational preferences recognising the value of police work. Specifically, 'the Police Service measures its efficiency principally by ... the extent and type of recorded crime, the proportion of that crime detected and the number of cases prepared for prosecution' (1998, p. 96). It follows that if the officer suspects a victim will not support a prosecution – and in Hoyle's sample 42% of women whose partner was arrested withdrew their statement at some stage – there is little organisational incentive to arrest. Furthermore, officers had little faith that the Crown Prosecution Service (CPS) would proceed with 'evidence-led' prosecutions in the absence of support from the victim. This combination of organisational and other factors suggested 'negotiating a solution satisfactory to the majority of actors involved' including presumably the police themselves, 'can mean that officers choose not to arrest when there is clear evidence of a criminal offence' (Hoyle 1998, p. 104).

### **The altered context of policing in England and Wales**

To set the Hoyle study in context, fieldwork was undertaken during the mid-1990s at a time when government policy in England and Wales had only recently begun to advocate a more proactive police response to domestic violence. The Home Office issued in 1990 a circular to forces which, while falling short of a firm presumptive arrest policy, encouraged chief officers to ensure all officers were 'aware of their full powers under the criminal law', and to consider issuing a force policy statement a central feature of which should be 'the use and value of powers of arrest' (Home Office 1990: 2/4). The circular also referred indirectly to research that showed arrest could act as a 'powerful deterrent' against reoffending (likely the Sherman and Berk study). Hoyle acknowledged that such policies had not had much time to influence officers' actions, but suggested 'changing attitudes will slowly alter the cultural currency of officers, which should mean, in theory, that working assumptions can gradually adapt to new policies' (1998, p. 83).

Since publication of the Hoyle study, numerous pieces of legislation, policies and changes to police practice have occurred which could potentially have affected officers' responses to domestic violence. Perhaps most relevant to the present study, the Home Office issued in 2000 a 'revised' circular which this time stated a clear position of presumptive arrest:

Where a power of arrest exists, the alleged offender should normally be arrested. An officer should be prepared to justify a decision not to arrest in the above circumstances.

This presumptive arrest position has since been both highlighted and reinforced by HMIC (2004, 2014), and National Policing leads (ACPO/NPIA, 2008; College of Policing, 2015). The 2000 circular also introduced a specific (since discontinued) performance indicator relating to the 'percentage of reported domestic violence incidents where there was a power of arrest, in which an arrest was made' (Home Office, 2000: 4). Officers' scope for arrest was then widened considerably following the Domestic Violence Crime and Victims Act 2004, which created the provision for 'common assault' and breach of a non-molestation order to be arrestable offences. Various government strategy documents in the 2000s also focused

heavily on criminal justice responses to domestic violence (Matczak *et al.* 2011). In 2005, the 'National Report' on domestic violence referred to the position set out in the 2000 circular as a 'positive arrest policy', and suggested that while officers retained discretion over the decision to arrest there was a 'clear expectation' that they would do so (Home Office 2005).

In 2002, National Policing leads in England and Wales adopted a national framework for recording crimes: the National Crime Recording Standard (NCRS)<sup>3</sup>. The NCRS was followed, in 2006, by the National Standard for Incident Recording (NSIR), which meant that any matter reported to the police, criminal or otherwise, had to be recorded. As the NSIR has a 'closing code' to classify an incident as domestic violence, and the NCRS provides specific guidelines for what should be recorded as for example a physical assault, it is now in theory more difficult for officers to dismiss cases of domestic violence than it may previously have been (though see XXXX and XXXX 2016). Finally, in 2009, National Policing leads introduced a risk model for domestic violence which requires officers to undertake a risk identification interview with all victims to inform both a formal risk assessment and multi-agency response, as well as immediate safeguarding activity at the scene.

Taken together, these changes to policy and practice tend towards a more proactive police response to domestic violence. Indeed, Rowe (2007) suggested presumptive arrest policies had gained considerable traction in England and Wales, based on observations with officers on patrol as part of a wider study of officer decision-making. Yet it should be noted that the academic and activist literature is not united in its support for presumptive arrest, or indeed for 'evidence-led' or 'no drop' prosecutions. Hoyle's own work suggested such policies can be 'disempowering' and run counter to the victim's wishes and, in some cases, her strategies for managing the abuse (see Hoyle and Sanders 2000), and US studies have revealed how presumptive arrest policies have led frequently to 'dual arrests', or even the arrest of the primary victim (see Dempsey 2016). Dempsey (2016) suggests there may be a number of reasons for arresting somebody other than the primary perpetrator, including honest attempts to implement presumptive arrest in a literal way, active attempts to undermine the policy, and genuine difficulties in differentiating victims from perpetrators. An inspection of police response to domestic violence in England and Wales by HMIC in 2014 suggested 'confusion' among officers as to what constituted taking 'positive action' in response to domestic violence, and identified 'unacceptable variation in the extent to which police officers arrest those suspected of a domestic abuse crime' (HMIC 2014: 12). Revisiting Hoyle's model of police decision-making is therefore timely, especially in light of the original suggestion that changes in policy will, over time, result in changes to officers' working rules.

### **The present study**

This study sought to examine police officers' attitudes and responses to domestic-related calls for service through asking them to recall and deconstruct during in-depth interviews a specific incident they had attended. In so doing, the intention was to revisit Hoyle's (1998) model of police decision-making to assess its utility in the wake of the considerable attempts in the past two decades to shape the police response to domestic violence through legislation and policy. The paucity of research on police response to domestic violence, in the UK context at least, means it is not clear what effect these legislative and policy changes may have had on police officers' decision-making at the scene of a domestic-related call for service. This exploratory study is a first attempt to address this gap in the research evidence. Analysis of both in-depth interviews with officers and their written incident reports seeks to

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<sup>3</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/566188/count-general-nov-2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/566188/count-general-nov-2016.pdf)



identify themes consistent with Hoyle's analysis two decades on, whether those themes appear to have the same prominence, and fresh themes to have emerged.

### *Data and methods*

This study utilised in-depth interviews with frontline police officers in a medium-sized force in the south of England alongside administrative data collected direct from the force Information Management System (IMS).

#### *In-depth Interviews*

In-depth interviews (n=32) were conducted with frontline response officers between April and June 2012 as part of the exploratory phase of a research project on police officers' understanding of risk relating to domestic violence. Fieldwork took place in two divisions of a single police force. Respondents represented a convenience sample of officers on duty on the days on which researchers visited, but shift Sergeants were requested to provide as far as possible officers representative of the shift in relation to sex and length of service. Interviews were conducted by the author and two colleagues using a structured topic guide intended to maximise the consistency of the data collected (see Boyatzis 1998, p. 147). As with Hoyle's study, officers were asked about their general attitudes to (responding to) domestic violence, and then about their response to a specific incident. In relation to the target incident, officers were asked to describe the circumstances and the people involved, what decisions they had made in relation to risk assessment, and what specific actions they had taken to respond to or resolve the incident; they were also asked about their rationales for these actions. Most interviews lasted between forty-five minutes and an hour; all interviews were, with the permission of the respondents, tape recorded and professionally transcribed.

The majority of interviews (n=25) were undertaken within 10 days of the specific incident discussed, which represented the most recent domestic-related incident attended by that officer. For a variety of reasons, including training and other abstractions, five officers recalled incidents that occurred four to six weeks prior to the interview, and two around twelve weeks prior to the interview. Respondents did not appear to find it difficult to recall the circumstances of the incident, or the rationale behind their decisions and actions. The two cases where the recall period was longest were retained for the analysis as they were particularly memorable to the officers concerned – one involved extremely high-levels of control and physical violence; the other involved firearms. All respondents were given the opportunity to access the IMS prior to the interview to refresh their memory of the circumstances of the incident, but only a handful felt it necessary to do so. Finally, all interviews were conducted in private and respondents guaranteed anonymity in order to minimise the potential for social desirability bias (see Sinden and Stephens 1999).

#### *Administrative data*

The author was given direct access to the force IMS for the duration of the fieldwork period. The IMS contained all incidents and crimes of domestic violence that were deemed by call-takers and attending officers to require some form of investigation. In order to check and contextualise information provided by the officer during interview, details of the target incident were accessed directly from the IMS, matched by the unique incident number. Documentation reviewed for each case in the sample included: the call taker's transcript of the original call to the police<sup>4</sup>; the attending officer's incident/crime report; subsequent reports written by supervisors, secondary risk assessors, specialist domestic violence officers or investigators; witness statements; risk assessment forms. The author also, in order to

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<sup>4</sup> In two cases, the victim attended a police station as opposed to making contact by telephone.

situate the sampled incident in context, reviewed key documentation for any previous incidents between the people involved, and also researched any previous (domestic-related) offending by perpetrators. Key data was transcribed and collated in a summary report for each case to aid the analysis process.

The Hoyle study also analysed police records, but only for cases which resulted in an arrest. Due to advances in (electronic) police record keeping, the present study likely constructed a more complete history of cases, at least as documented on police systems. Hoyle did conduct one hundred and six hours of patrol observations, in order to check whether what was observed was consistent with officers' interviews and 'write-ups' which are both to some degree 'constructed'. Interviews were also conducted with a sample of thirty-nine victims. The present study did not involve patrol observations of officers, or interviews with victims.

### *Data analysis*

Data from the officer interviews was analysed using the 'framework' method (Ritchie and Lewis 2012). A coding frame was developed, and interview transcripts were coded by the author. Thematic charts were created based on the coded data.

The development of the coding frame was informed both by prior research and inductively through the data (see Boyatzis 1998). Hoyle's working assumptions and explanatory model formed the basis of the coding frame. Further concepts were added to the framework as they emerged from the data.

Data from force systems was used to corroborate and further illuminate the data from the officer interviews. This data permitted confirmation of whether or not a perpetrator had been arrested, and showed the outcome of the case. The transcript of the original call to police was especially helpful as it gave insight as to whether an officer's incident report (and interview) reflected a negotiation of events and outcomes that was not consistent with the nature of the original complaint.<sup>5</sup> Though analysis of police data that is also to some degree constructed does not constitute a perfect check on the reliability of the accounts provided by officers in interviews, this process of triangulation resulted in a greater level of confidence in the data than would have been the case if relying solely on the officer interviews (see Hoyle 1998, p. 36).

### **Findings**

Of the thirty-two incidents discussed with officers during interviews, all bar three were classified as having a female victim and a male perpetrator. Of the three cases in which men made the initial call to the police, two were clear malicious reports/counter allegations by a male primary perpetrator. The remaining case involved a dispute over property in which both parties called the police. The male party was causing a disturbance outside the female party's address and was subsequently arrested. All incidents involved current or former partners in heterosexual intimate relationships.

[Table 1 about here]

In nine of the thirty-two incidents, officers recorded a criminal offence or offences. All these incidents involved physical assaults, and four also involved other offences such as threats to kill, criminal damage, harassment, and breach of a non-molestation order. In a further nine cases, officers either could have potentially, or should have definitely, recorded a

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<sup>5</sup> This outcome is not unusual in relation to domestic violence as a call may be made in response to a perceived crisis only for the victim to minimise or deny what has happened to the attending officer (see for example Kelly, 1999).

crime in line with the NCRS<sup>6</sup>, but chose not to do so. In four of these nine incidents, there was possibly insufficient evidence to record a crime. Two related to complaints of harassment, but where the victim had communicated with the perpetrator at some point (leading to the interpretation that it was not a 'one-sided' course of conduct); another was a third party report of assault in which a neighbour had heard but not witnessed directly the attack. In the other five incidents, officers chose not to record a crime despite clear reports of offences by the victim either to a call taker or to the officer(s) themselves. These five incidents comprised three physical assaults, one non-recent physical assault, and a threat to kill. In the remaining fourteen incidents, there was no evidence of a criminal offence having been committed.

Of the nine incidents involving criminal offences, the perpetrator was arrested in eight. In the remaining case, the victim returned to the perpetrator and withdrew her complaint prior to an arrest being effected. Of the twenty-three incidents where no criminal offence was recorded, the perpetrator was arrested in only one. This was the aforementioned incident where a man was arrested after causing a disturbance outside his ex-partner's house.

At face value, the findings of this study are consistent with Hoyle's model of police decision-making: offenders were arrested where there was demonstrable evidence of physical assault and where the officer(s) regarded the incident as non-trivial. Further analysis illuminates other themes identified in Hoyle's study, and suggests themes that have either emerged or changed emphasis in the intervening years.

### ***Officers' general attitudes***

The officers in Hoyle's study claimed to take domestic violence 'very seriously' (1998, p. 109), and a study conducted at a similar time in the US also found that officers did not conform to the stereotype of not regarding responding to domestic violence as "'real" police work' (Sinden and Stephens 1999, p. 324). Indeed, while historically the law was seen to prioritise 'the principle of non-interference in family life' (Edwards 1996 cited Hoyle 1998, p. 10), some officers in the present study suggested the pendulum had swung the other way, and that the wide-ranging definition of domestic violence to which they worked, coupled with 'positive action' policies, meant they were required to intervene in disputes that were not worthy of a police response.

There were a few examples in the interviews of what might be described as more traditional attitudes. A couple of officers referred to the potential for arrest to 'aggravate' family dynamics. In addition, there were a couple of examples of officers 'privileging the male account' (Carolyn-Stewart *et al.* 2013, p. 281), and of officers appearing to express some degree of sympathy for men in situations where their perception was that the people involved were 'both as bad as each other' (in two cases, a thorough check of the history on force systems revealed these men to be prolific primary perpetrators).

On the whole, however, and in accordance with Hoyle's findings, officers in this study had broadly positive general attitudes to responding to domestic violence. Although many recognised the seemingly intractable nature of some cases, at least in relation to what they as first responders were likely to be able to achieve, and expressed scepticism about the seriousness of some incidents they were required to attend, the view that domestic violence is a core aspect of their work was evident. Indeed, some very experienced officers were keen to highlight that, in their view, the police now respond to domestic violence in a far more proactive way than when they joined the service.

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<sup>6</sup> The Home Office 'counting rules' for recorded crime, contained within the NCRS, are fairly prescriptive, but there remains some room for interpretation. Where it is suggested that a crime might or should have been recorded, this is the author's interpretation of the counting rules, drawing on previous conversations with the National Crime Registrar.

### ***Evidential rules***

In accordance with Hoyle's findings, 'evidential rules' appeared to play a key role in arrest decisions. Officers were clear that arrest was more likely to occur when there was tangible evidence of a criminal offence having been committed and, conversely, less likely in the absence of such evidence and/or a complaint by the victim:

I could go to a domestic with Mr and Mrs Bloggs and they go, no, everything's fine, he's the perfect husband, and she's got a massive black eye, and she says she fell down the stairs two days ago ... you can't arrest someone because their kids are crying on the floor, and you can't arrest someone because you think they may have done something, you need evidence. You need some sort of evidence.

This finding is consistent with US research that utilised in-depth interviews: officers in Sinden and Stephens (1999) study also expressed the view that it was necessary to have firm evidence of a criminal offence prior to arrest. It is also consistent with a recent study of victims' perceptions of police response: Carolyn-Stewart *et al.* (2013, p. 285) concluded that 'until a chargeable offence is identified, police regard 'verbal violence' as a verbal dispute with neither offender nor victim.'

In England and Wales, this position of arrest only being possible where there is demonstrable evidence of a criminal offence is not defensible. In order to justify the decision to arrest, an officer need only have 'reasonable grounds' to believe an arrest is necessary for one of the reasons detailed in section 24(5) of the Police and Criminal Evidence Act 1984. These reasons include preventing the suspect from causing injury, and protecting a child or vulnerable person. Considering what is known about the short and long term impact of coercive control (discussed in more detail below), it is likely that an officer could justify the arrest of a perpetrator if they suspected a pattern of abusive behaviour, even if there is no (disclosed) assault or other offence underlying the present call for service. Thus a series of 'verbal only' incidents might constitute grounds for arrest if an officer suspects serious abuse is underlying these calls. No officer in the present sample indicated they would arrest under such circumstances. Hoyle (1998, p. 110) suggested such arrests would not be considered 'good arrests', as the likelihood of being able to mount a successful prosecution was low.

### ***What is 'serious'?***

The strong association between evidence and arrest may in part be explained by what officers regard as 'serious' in relation to domestic violence. When asked in general terms what makes them more likely to arrest a perpetrator, most officers mentioned the likelihood of further abuse occurring. Though in a handful of instances officers referred, as in Hoyle's sample, specifically to the possibility of them being called back 'that evening', for the majority it appeared their concern was with recurrence of abuse at any point in the future.

This focus on ongoing threat of harm was encouraging; officers' almost exclusive focus on evidence of physical assault and injury as presenting that threat less so. When asked in general terms about what drives their decisions to arrest, officers also reflected two other themes prominent in Hoyle's data: evidence of criminal offences, and the seriousness of those offences. Within these themes, officers most often mentioned, prompted and unprompted, physical assaults and injuries, as opposed to for example ongoing harassment or breach of a non-molestation order, as serious offences and as constituting credible evidence that an offence had occurred. This prioritisation of physical assault with injury was reflected also in officers' actions at the scene of the incidents they had attended. The perpetrator was arrested in all but one of the incidents that involved physical assaults the officers regarded as serious;

no perpetrator was arrested where there was no evidence of physical assault with injury, but where there was for example some suggestion of ongoing harassment or threats.

The strength with which this assault with injury focus was both expressed in general terms and manifested in officers' actual decision-making is potentially problematic for an effective police response to domestic violence. There is evidence that domestic violence that follows a pattern of coercive control results in greatest physical and psychological harm to victims (XXXX 2015); that injurious physical violence is frequently not the most prominent manifestation of coercive control (Stark 2013); and that, even where it may be present, evidence of physical harm and other abuse is likely to be withheld from attending officers to varying degrees (Kelly 1999). In fact, recent analysis of data from risk identification interviews with victims showed physical violence with injury *disclosed to officers at the current incident* was one of the least reliable indicators of a pattern of coercive and controlling behaviour (XXXX and XXXX 2016).

### ***Whose wishes should be respected?***

The officer interviews suggested that 'negotiation' was still a fairly common approach when responding to domestic-related calls for service, at least for incidents that were regarded as less serious or as a 'dispute' between equally aggrieved parties. Some officers reflected the view that it was not appropriate to 'take sides' in such cases, and said they tried to find solutions that were palatable to, or in the best interests of, all parties.

I can be quite practical, to try and deal with the situation in the best means possible and to get, to kind of get the best outcome for everybody involved.

Hoyle's study suggested victims' preferences were a strong factor in decisions around whether to arrest a perpetrator. The present study found this not to be the case. Though some officers spoke of trying to achieve the best outcome for the victim, they most often mentioned their actions having achieved this result in cases where the victim's preference was in accordance with their intended course of action. Most officers suggested they would override the victim's wishes and arrest if there was an imperative to arrest, suggesting that, as in the US where Kane (1999) found that victim preference was not associated with decisions to arrest, presumptive arrest policies may have had some degree of impact on propensity to arrest. That Hoyle found victim preference to have a stronger influence may be explained by presumptive arrest policies having been introduced earlier in the US.

### ***Criminal justice outcomes***

Hoyle found that the officers in her sample were much less likely to arrest if a victim was not prepared to make a statement or support a prosecution. Officers in the present study largely reflected the opposite view. Most said that the likely criminal justice outcome would make no difference to their decision, though some did suggest this view may be mediated somewhat by the perceived seriousness of the offence. So for example while generally supportive of the policy position of taking decisions around arrest and prosecution out of the hands of victims in more serious cases, where it was acknowledged that the victim may be under considerable pressure from the perpetrator not to support a prosecution, they questioned whether it would be 'in the public interest' to arrest in cases where there was no support from the victim and only a minor offence.

This position was borne out in one of the sampled incidents in which an officer described a woman as having received 'harassing-type texts' from her ex-partner. Though they acknowledged a criminal offence of malicious communications could probably have been made out, the officer described it as 'very low level'. The officer noted that the victim

did not want to make a formal complaint, and suggested arrest and prosecution would not have been in the interests of anybody as the man had apologised and insisted that he was only concerned for the welfare of his children as he had heard rumours that his ex-partner's new boyfriend was a paedophile. Whether this explanation was true, or an example of a perpetrator manipulating an officer, is not clear; what is clear is that the officer's view of the incident as minor, coupled with the victim not supporting a prosecution, steered the officer away from arrest.

### ***Citizen demeanour***

Using logistic regression analysis, Hoyle found that in her sample the odds of an arrest increased significantly if the perpetrator was aggressive or uncooperative. The present study found some evidence that suspect demeanour may still influence arrest decisions in certain cases. Though some officers suggested they try not to let citizen's behaviour influence their decisions, a majority suggested that suspects who were uncooperative or 'anti-police' did not 'do themselves any favours' and were more likely to have action taken against them. A handful suggested perpetrators who were seen to be 'manipulative' would also fall into this category.

An example of suspect demeanour influencing the arrest decision involved a man causing a disturbance outside his ex-partner's family home as he wanted to retrieve some of his possessions. Officers attempted to negotiate a solution, but when the man continued to be belligerent, he was arrested:

We'd got all the property for this gentleman ... and we thought, at that point, he was going to leave. Mum didn't want to make a complaint regarding him, there was no damage to the door. They just wanted the chap to leave. However, he then said there was money in the house belonging to him so it soon became obvious he wasn't going to leave; he was just going to be a pain. And we felt the only way to minimise the risk of any further violence or anything like that was to take positive action and we had an offence so we arrested him.

Though the man was arrested for 'using violence to gain entry', this incident did not appear to be recorded as a crime following the man's release with no further action.

In common with Hoyle's study, officers suggested that they would use, or threaten to use, powers of arrest relating to 'breach of the peace' if they needed to remove somebody from an address in the absence of a clear criminal offence having been committed. In one incident, an officer persuaded a man with mental health issues to move out of his ex-partner's house (the man having convinced himself, erroneously, that he was entitled to a notice period). When asked what action he would have taken if the man had been obstructive and refused to leave, the officer said: 'Then I would have been left with having to arrest him for breach of the peace, but he left so the breach of the peace was averted.'

Only one officer mentioned the use of arrest as 'summary justice' for particularly unpleasant perpetrators who have committed offences for which there is little or no evidence and no complaint by the victim.

### ***Policies and processes***

There was evidence from the present study that policies and processes around presumptive arrest may have had time to bed-in and gain greater traction in recent years. Officers were acutely aware of the force's 'positive action' policy, though interpretations of it differed somewhat. Some officers felt a presumptive arrest policy restricted their options and that it was easier to arrest than justify not making an arrest, even in cases where they felt arrest was

not the most appropriate or proportionate option. This finding is consistent with Johnson and Dai (2016), who suggested officers in the US may feel pressured into arrest by dominant norms. Others felt, however, that the policy required them simply to do something proportionate to address the situation. Some officers who took the former view further felt that the policy had ‘gone too far’, and a couple even suggested it was open to abuse from citizens seeking to ‘use’ the police for malicious ends.

Interestingly, some officers were critical of the policy whilst suggesting it did not determine their decision-making; rather, it was other, less experienced, officers who felt they had to arrest at every incident. Yet officers also spoke of ‘pressure’ from ‘management’ to arrest. It is possible this pressure arose from organisational risk awareness relating to observing force policy in an area where there is increasing scrutiny from bodies such as HMIC and the Independent Police Complaints Commission, and the Home Office via its statutory Domestic Homicide Review process.

Tellingly, the strength of general feeling around the presence and potential restrictiveness of force policies did not mean that arrests took place in all cases where ostensibly there were grounds for an arrest. There were examples of officers employing ‘craftsmanship’ (Stanko 1995, p. 32) in order to circumvent the perceived restrictive nature of official policy. Though officers appeared less concerned than previously about the low likelihood of a criminal justice outcome, there is no doubt that arresting a suspect creates extra work for the officer in relation to completing crime reports and time spent in a custody suite. And one failsafe way to avoid additional paperwork and time spent transporting a prisoner is for there to be no crime in the first place. The following exchange, relating to an incident where the officer acknowledged both during the interview and in their incident report that both parties had committed physical assaults by grabbing each other round the neck, illustrates this point:

- Interviewer: Can I just check, was there a crime or crimes committed at this incident?  
Officer: No, not in the end.  
Interviewer: How do you mean, not in the end?  
Officer: Well, speaking to him, he didn’t really want to make any complaint, and he decided to say he hadn’t been assaulted ... Even though she’s saying to me yes, I did push his neck, he’s then saying to my colleague well, I don’t class that as an assault. Because he was saying that, it was no crime.  
Interviewer: What about the other way round?  
Officer: Self-defence. He was trying to push her off.  
Interviewer: So there was no—  
Officer: That’s the way it was.

So, for some officers, force policies and procedures and national guidelines were seen to drive decision-making to some degree, especially in cases where there was demonstrable evidence of a criminal offence. For others, however, such policies were described as being ‘in the background’; useful if they supported a preferred course of action, but able to be circumvented if they did not.

### ***Risk aversion***

At the time of Hoyle’s work, studies in the US began to suggest a change in officers’ attitudes to the policing of domestic violence:

[T]here can be no doubt that a new culture has arisen within policing that domestic incidents are calls that may be potentially scrutinised by the public and/or supervisors, with higher liability for officers who continue to take actions other than arrest (Robinson 2000, p. 607).

This theme of 'risk aversion', or heightened awareness of policy directives around domestic violence, did not emerge in the Hoyle study. Again, a plausible explanation is that presumptive arrest policies were initiated and embedded earlier in the US than in the UK. The present study lends support to that notion. Risk aversion – both in relation to arrest decisions and undertaking risk assessments – was a very common theme in the officer interviews, as it was in Rowe's (2007) study. Officers were acutely aware that their decisions were scrutinised by supervisors and other senior officers (the 'nine o'clock jury'), and several expressed the view that they would not receive support from managers if they decided in good faith not to make an arrest and further harm resulted. Thus there was a sense that, for some officers, making an arrest was an easier option than having to justify not making an arrest; making an arrest meant officers had 'covered their back', irrespective of whether they thought it was in the best interests of the people involved:

[Officers] know that to arrest ... means avoiding the likelihood of a very uncomfortable conversation as to why that person wasn't arrested. So I think a lot of times the easiest solution is to arrest someone, but it's probably not always the best.

Interestingly, officers' opinions appeared at times contradictory in relation to using their discretion around arrest. The officer quoted above, who expressed one of the stronger risk-averse positions, said at another point they would consider not arresting if 'someone's shoved someone' and both people are saying it is a 'one-off' incident. So this apparent contradiction perhaps plays back into the narrative around the primacy of injurious physical violence and the current incident over identifying patterns of abusive behaviour.

## **Discussion**

There has been scant attention paid in recent years to police officers' decision-making in relation to responding to domestic violence, despite the issue being subject to concerted legislative, policy and practice interventions in England and Wales. This exploratory study suggests that a model of police decision-making presented by Hoyle some twenty years ago remains relevant. To summarise, the present analysis found that officers, in common with those in Hoyle's sample, tended to arrest if there was clear evidence of a criminal offence they perceived as serious, if they perceived there to be an ongoing risk of serious harm to the victim, and/or if the perpetrator's demeanour was aggressive or in some way confrontational or belligerent. Though officers in the present study were certainly more aware of organisational policies and expectations for them to take particular courses of action, in the absence of clear evidence or a complaint by the victim, and in cases where the overall risk of harm was perceived to be low, officers tended to negotiate a solution that did not involve invoking powers of arrest. That these findings were so consistent suggests such working rules may override differences in officers' individual attitudes. The findings of this study are consistent with Hoyle's conclusion (1998, p. 142) that the criminal law does not determine arrests, but it does facilitate them if the working rules point also to that outcome. These findings are also broadly consistent with a similar study of officers' arrest decisions in New Zealand (Cross and Newbold, 2010).

The present study did however suggest that some themes evident in the Hoyle study had become more or less prominent over time, and highlighted also fresh themes to have



emerged. In particular, officers in the present study appeared much more concerned with official policies on presumptive arrest, which were in their infancy at the time of Hoyle's fieldwork. There was at least some evidence of a change to the broader culture and working rules to reflect the policy of presumptive arrest. Officers were also acutely aware that their decision-making is now scrutinised more thoroughly by senior officers, and the consequences for 'dropping the ball' in relation to domestic violence, in the form of serious cases reviews and disciplinary action, can be serious. A similar trend has been identified in US studies. Johnson and Dai (2016) suggest that while presumptive arrest policies can provide a safety net for officers in cases where grounds for arrest are uncertain, there is equally a risk of disciplinary action for non-compliance. Thus they suggest such policies '[create] the unusual situation in policing where it is safer for the officer to make an arrest than show the suspect leniency' (Johnson and Dai 2016, p. 201).

Yet despite the apparent concern with adhering to presumptive arrest policies, there was strong evidence in this sample of the persistence of what has been called the 'craft' work of policing (Bayley and Bittner 1984, p. 35). In cases where the behaviour of the perpetrator fell into an evidential 'grey area' – and in some cases where it did not – officers appeared to craft their incident reports to reflect that no crime had occurred. It appeared that minimising the evidence for an offence was easier than justifying not arresting if there was clear evidence of a crime (if not arresting was what the officer felt was the most proportionate response). Indeed, one officer put forward this precise argument:

The problem is, officers become very good at being creative in their [incident reports] to try to not get themselves into trouble and having to arrest somebody for an offence if there isn't one or if there isn't any evidence.

Cross and Newbold (2010, p. 68) also observed officers omitting information from incident reports that may prompt criticism, and/or altering information to 'fit in with official expectations'; they concluded that practical difficulties with limiting officer discretion creates the conditions for them to 'fudge' reports (ibid, p. 70). Clearly, then, there is a contradiction between officers' awareness of official policies, and the consequences of not adhering to those policies, and their continued use of craft to circumvent such policies in practice. How might this contradiction be explained?

A plausible theory relates to officers' understanding of the dynamics of domestic violence, and their perceptions of what constitutes 'serious' abuse. In accordance with Hoyle's findings, officers in this study were more likely to favour arrest if they perceived the incident to be of a serious nature and if they perceived there be a risk of further harm to the victim. Also consistent with Hoyle's data, officers tended to view as serious incidents that involved physical assaults, and especially assault that resulted in (visible) injury. Assaults with injury were also identified as the most tangible in terms of evidence. Incidents that involved for example threats or harassment, and sometimes those involving non-injurious assaults, appeared more likely to receive negotiated outcomes short of arrest.

This physical violence mindset presents a problem for police response that is accentuated in the context of the coercive control legislation. Though physical violence is a tactic sometimes employed in coercive control, and assaults and resulting injuries can be severe, physical and indeed sexual violence frequently provides the context which 'reinforces the power' of non-physically violent forms of control (Pence and Paymar 1993, p. 2). And indeed, in some cases, the underlying threat of physical violence is sufficient to permit an abuser to exert high levels of control over a victim. Where physical violence is employed in coercive control, Stark (2013) suggests it is frequently 'low-level' but repeated; enough, in other words, to intimidate and coerce but to leave 'no visible injuries' (a phrase repeated

often in officers' incident reports). More than a year after the enactment of the coercive control law, few prosecutions had been mounted without the presence also of other criminal offences such as assaults.

Debates around the efficacy of arrest in cases of domestic violence have tended to focus narrowly on the presence or absence of a 'deterrent effect' on perpetrators' future abusive behaviour. Following the original randomised controlled trial in Minneapolis reported by Sherman and Berk (1984), replication studies in other US cities produced mixed results in relation to reoffending. What is apparent, however, is that these arrest experiments were premised on arrest in and of itself acting as a deterrent to future abusive behaviour (see Sherman and Berk 1984). Because the arrest experiments included only incidents involving 'misdemeanour' (less injurious) assaults, and in the absence of a 'course of conduct' law such as exists now in England and Wales, perpetrators received little punishment even when arrested. Increasing the risk of being caught in the absence of meaningful punishment is unlikely to deter a repeat domestic abuser, many of whom are not deterred by any intervention (including for example non-molestation orders).

Yet the absence of a consistent deterrent effect<sup>7</sup> does not mean that presumptive arrest policies are not appropriate, at least in cases where coercive control is suspected. In England and Wales, arrest permits the perpetrator's details to be added to the Police National Computer, making patterns of abusive behaviour easier to identify across force boundaries. Arrest also creates 'space for action' (see Kelly and Westmarland 2016) to intervene with a victim away from the direct influence of the perpetrator, and indeed Hoyle (1998, p. 141) identified the creation of 'breathing space' for the victim as a positive function of arrest. Considering that, for many victims, acknowledging and attempting to end abuse has been identified as a problematic and not straightforward (see Kelly 1999), it may be that police intervention in terms of arrest is required on more than one occasion. Arrest also provides the gateway to interventions such as DVPOs, that were not available at the time of Hoyle's work, and which have been shown to be effective in further opening up space for victims to assess their options and make choices that help to improve their situations (Kelly *et al.* 2013).

Such considerations are important in the context of recent calls for the testing in a UK context of alternatives to arrest (see Sherman 2014). The coercive control law means the context in England and Wales is considerably different to that in the US, both now and at the time of the arrest experiments. Previously, arrests at domestic-related calls for service may not have been regarded as 'good' arrests (Hoyle 1998, p. 96) due to the low likelihood of a prosecution. Now such arrests might be regarded as an essential stepping stone towards building evidence of a 'course of conduct' that may ultimately result in a term of imprisonment of up to five years for the abuser. Coercive control is ranked above grievous bodily harm by the Home Office counting rules for recorded crime, and may in time be perceived as a high status arrest and prosecution. Evidence from the US suggests officers are more likely to arrest if they perceive they will be recognised and rewarded in organisational terms for so doing (Johnson and Dai 2016).

Evidence from the present study suggests, however, that a focus on coercive control may involve a complete shift in mindset for some officers who, at present, reflect an incident-specific focus and place injurious physical assault at the top of a hierarchy of evidence. Though it might be argued officers require a much wider change in mindset, in relation to all work traditionally regarded as 'rubbish', domestic violence might be seen as different in the light of the criminalisation of coercive control. In addition, and unlike many other incidents and offences, victims tend to minimise the abuse they have suffered, while perpetrators

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<sup>7</sup> The most comprehensive meta-analysis of data from the arrest experiments actually suggested a modest deterrent effect, when pooling data across the sites (see Maxwell *et al.* 2002).

manipulate situations to their advantage. The key issue preventing presumptive arrest policies from having a greater influence may be that officers' understanding and conceptualisation of domestic violence is frequently at odds with the reality of coercive control: cases are regarded as serious only if the current incident involves injurious physical violence. The findings reported here do, however, provide some support for Hoyle's suggestion that officers' working assumptions will be influenced gradually by policies and training. Officers in this study expressed largely positive attitudes towards responding to domestic violence, and were aware of and to some extent influenced by official policies. They appeared happy to override victims' preferences in cases where the abuse was perceived as serious enough to warrant arrest, and appeared less influenced by the likelihood of achieving a prosecution. Thus, optimistically, it might be hoped that the new legislative context, coupled with training on coercive control such as that developed by the College of Policing, may in time influence officers towards a greater focus on dangerous patterns of abusive behaviour. Indeed, Johnson and Dai (2016) concluded in a US context that both policies and rewards can have a positive impact on officer behaviour in responding to domestic violence. One possible inhibitor to such positive progress in police understanding and response is the current context of austerity in England and Wales. Since the financial crisis of 2008, resources have been squeezed in public services and this may have affected police response in terms of, for example, the loss of experienced officers and the closing of custody suites.

As with all qualitative enquiry, the principal limitation of the present study is that the small sample size does not permit the findings to be generalised. In addition, the fieldwork was conducted prior to the HMIC inspection in 2014 which prompted reviews of police training and risk assessment. Yet HMIC's 2015 'progress report' noted that some officers still lacked 'knowledge, skills and understanding' (HMIC 2015, p. 15), and their most recent inspection found variation in arrest rates between forces (from 25 percent to 83 percent) to be 'unexplained and unacceptable' (HMIC 2017, p. 50). The themes identified in this study support these conclusions, and are remarkably consistent with recent comparable studies in the US and elsewhere. Arrest of the perpetrator may not be always the most proportionate or effective action to take at the scene of a domestic-related call for service, and may not suit the needs of victims even in some cases where the abuse is ongoing (Hoyle and Sanders 2000). Yet there remain compelling reasons to support the presumption of arrest, in order that abusers are held accountable for their behaviour and so that victims are given the space to make choices that are right for them, away from the control and intimidation exerted by their abusers. Given that officers appear still to exercise considerable discretion in relation to their response to domestic violence, systematic study of their knowledge and understanding of coercive control, and the impact this understanding has on their decision-making, might be regarded as the most pressing priority for further research in this area.

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## Discussion

*‘Identifying the problems surrounding domestic violence policing is easier than finding solutions’ (Cross and Newbold, 2010: 71).*

This thesis has addressed the issue of police response to domestic violence, a topic that has received intermittent attention from researchers since at least the 1970s. A unique contribution of the work presented here is to bring to bear data from a range of sources, including police risk assessments and a national population survey, on the key concept of coercive control – one that has thus far been examined largely through qualitative enquiry, or using small, non-representative quantitative samples. The thesis also drew on in-depth interviews with police officers, and official data from police systems and case-files.

### Summary of studies and findings

**Paper 1** used multivariate regression analysis of data from the nationally representative CSEW to reveal the gendered and harmful nature of coercive control.

**Paper 2** used latent trait analysis of data from risk identification interviews with victims undertaken by police officers at the scene of domestic violence incidents to show that coercive control is the most common profile of abuse reported to the police.

**Paper 3** drew on data from police systems to show that frontline officers have considerable discretion in relation to what is identified and recorded as domestic violence.

**Paper 4** used in-depth interviews with officers alongside police case-files to show that the police are more likely to take positive action in response to domestic violence where there is clear evidence of a violent offence.

The various studies undertaken for the thesis have permitted the following key conclusions on the nature of domestic violence and police response:

**Coercive control is both gendered and harmful, and it can be identified in a national population sample.** Certain authors, primarily Johnson (2008), have claimed that nationally representative population surveys and ‘agency’ samples measure qualitatively different forms of domestic violence. While population surveys, it has been suggested, measure primarily lower-level ‘situational’ violence, prompted by disputes that occur in many otherwise normally functioning intimate relationships, data collected from criminal justice or health agencies, and from specialist support services, captures coercive control. Paper 1 suggests that not only is coercive control present in national population samples, but that it is gendered, with women suffering at the hands of their male partners. The findings also substantiate the theoretical work of Stark and others, borne out of practice and the consistent narratives of survivors, that coercive control is more harmful than abuse that is not characterised by an ongoing pattern of denigration, both in terms of physical and psychological injury. This finding is in fact consistent with data from the Adult Psychiatric Morbidity Survey for England which suggests that people who had suffered ‘extensive physical violence and coercive control from a partner’ had ‘very high levels of common mental disorder’ (Scott et al., 2013: 3). It is also consistent with findings from secondary analysis of the Canadian General Social Survey (Ansara and Hindin, 2010) which showed, using latent class analysis, that a wider range of abuse types were present for women, including, importantly, a class that involved high levels of controlling behaviour and verbal abuse, but no physical violence. These abuse-type clusters were found using a slightly wider range of questions on controlling behaviours, but the Canadian survey lacked, as has the CSEW, an adequate range of questions relating to the impact of abuse.

**Coercive control is the form of domestic violence that most often comes to the attention of the police.** The question of the nature of domestic violence that comes to the attention of the police is a critical one. It is, after all, only possible to begin to assess the quality of police response to domestic violence if the nature of that violence and abuse is apparent. Police officers are frequently told, in training sessions and other events relating to domestic violence, that abuse typically is

repeated and situated in a context of coercion and control. Yet the experience of this author, gleaned over more than six years of research incorporating in-depth interviews and structured observations as well as informal conversations with officers, is that many remain sceptical of this ‘official’ position that domestic violence is gendered and follows an ongoing pattern of one partner dominating another. While some officers are aware of the misleading ‘one in four women’ and ‘one in six men’ headline prevalence estimates from the CSEW (see Myhill, 2017), for many the sceptical lens through which they view domestic violence appears to stem as much as anything from their practical experience, and in particular their perception that much domestic violence is prompted by (drunken) arguments and disputes.

While I have no doubt, having reviewed several hundred police cases files, that a wide variety of incidents end up labelled as ‘domestic violence’ under the wide-ranging national definition, my sense, in common with writers such as Stark (2007), was always that a clear majority of cases that come to the attention of the police and other agencies involve ongoing coercion and control, at least to some degree. The findings presented in Paper 2, based on analysis of data from police risk assessments, support this view. The dominant profile of abuse reported by victims during risk identification interviews was of an escalating pattern of controlling behaviour, harassment and threats, punctuated in some cases by severe acts of coercive violence, resulting in isolation and fear for the victims. Intuitively, this finding makes sense: people call the police at a point of crisis, when they are frightened and require protection. They are much less likely to call if they have simply argued with their partner, or even if the abuse they are suffering is at an early stage or has not yet escalated to the point where they feel unable to manage it (see Kelly, 1999).

**Despite attempts to regulate officer behaviour through nationally mandated policies and processes, police officers still exercise considerable discretion relating to a) what is defined and recorded as domestic violence, and b) what specific actions are taken in response to domestic-related calls for service.**

Interviews with first response officers, and extensive analysis of data from force systems, suggested police officers still enjoy considerable discretion in responding to incidents of domestic violence. Despite attempts to ‘scientize’ police response to



domestic violence through the development of ‘risk communication systems’ such as frameworks for recording incidents and crimes, a national risk model, and presumptive arrest policies, Papers 3 and 4 showed, in common with classic ethnographic accounts of police patrol work, that officers manage at least to some degree to use ‘craft’ to circumvent these processes when they believe them to be unnecessary, or contrary to accepted working rules.

Paper 3 showed frontline officers, and indeed call-handlers in the force control room, exercised considerable discretion in the identification and recording – or otherwise – of calls for service as domestic violence. Bearing in mind this discretion appeared to result in systematic *under*-recording of both the incidence of domestic violence and its severity, serious questions remain about both the processes to which the police are working and the knowledge and motives of the officers who use them.

Similarly, Paper 4 suggests that although officers are more aware of policies expecting them to take ‘positive action’ in response to domestic violence, and in particular the expectation that they arrest the perpetrator in cases where a criminal offence has been committed, positive action and especially arrest tends to occur when there is clear evidence of a crime and where the officer(s) perceive an ongoing risk of harm. It was also evident that for many officers such circumstances are defined primarily as incidents where there has been (injurious) physical violence.

### **Altered contexts?**

The bulk of the fieldwork for this thesis was undertaken from 2012 to early 2014. Since this period of data collection, there have been developments relating to the policing of domestic violence that are potentially significant. Specifically, HMIC have conducted thematic inspections on both crime recording and the police response to domestic violence, and legislation has been enacted that criminalises coercive control. The following paragraphs address each of these developments in greater detail.

#### *HMIC thematic inspections*

HMIC has conducted in recent years thematic inspections of forces that are related either directly or indirectly to the police response to domestic violence. A major

inspection of crime recording addressed the accuracy with which forces record criminal offences, including those relating to domestic violence, while further inspection work addressed directly the police response to domestic violence.

In April 2013, HMIC announced plans for a thematic inspection of crime recording, which the Home Secretary approved in June of that year.<sup>9</sup> The fieldwork for this inspection was carried out in tranches. An interim report was published in May 2014, with a final report published November 2014. The findings (HMIC, 2014b: 18) suggested that the police were ‘failing to record a large proportion of the crimes reported to them’; indeed the under-recording rate was estimated to be 19%. For victims of interpersonal crimes, however, the situation was more pronounced: the under-recording rate for violence against the person was estimated to be 33%, and for sexual offences 26%.

The audit for the force in which the data for this thesis was collected was undertaken in June 2014. The data collection for Paper 3, relating to crime recording, was undertaken in February 2014, so it might be argued that improvements will have been made between then and certainly the time of writing. Yet forces generally are aware of impending inspections, and it might equally be argued there was time for the force to make improvements prior to the inspection audit. In addition, subsequent research in which the author has been involved identified similar issues with frontline officers not recording domestic violence crimes and particularly incidents (Robinson et al., 2016). When I spoke informally in the spring of 2016 to a senior officer with a national role in crime recording, they suggested that although progress had been made in relation to the recording of crimes, the same could not be said for the standard of incident recording.

The second relevant tranche of inspection work related directly to domestic violence. In September 2013, the then Home Secretary, Theresa May, commissioned HMIC to undertake a major thematic inspection of police response to domestic violence. Fieldwork for this inspection involved in-depth work in forces, including analysis of case-files, alongside focus groups and surveys of victims, and a survey of domestic violence professionals. The principal finding, published in March 2014, was that police response to domestic violence was ‘not good enough’ (HMIC, 2014a: 6). The inspection found problems with almost all aspects of police response,

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<sup>9</sup> <https://www.publications.parliament.uk/pa/cm201314/cmselect/cmpubadm/760/76008.htm>

including frontline officers lacking the skills and understanding to empathise with victims and identify patterns of behaviour and gather evidence; a ‘tick box’ approach to risk assessment that failed to apply professional judgement; ‘unacceptable’ variation in the proportion of suspects arrested; and gaps in the capability and capacity of specialist units, which were sometimes ‘under-resourced and overwhelmed’ (HMIC, 2014a: 7-14). Lack of visible direction and leadership, poor management and supervision, and failure to prioritise action to address domestic violence were highlighted as issues that contributed to domestic violence being a priority on paper, but not in practice (HMIC, 2014a: 6-7).

In the wake of the 2014 inspection, the Home Office set up a national oversight group, to be chaired by the Home Secretary, to monitor progress against the various recommendations made by HMIC. HMIC also initiated its own reference group, attended by among others the National Policing lead for domestic abuse, the College, the CPS and representatives of support sector organisations. This reference group continues to meet, and HMIC has since published an ‘update’ report in 2015 following further inspection work (see below).

### *Legislation*

From August to October 2014, the Home Office conducted a public consultation on proposals to introduce a new law criminalising coercive and controlling behaviour in an intimate or family relationship.<sup>10</sup> Provision for the new law was added as Section 76 to the pre-existing Serious Crime Act 2015. The law was enacted in December 2015<sup>11</sup>, making England and Wales one of the only jurisdictions to have such an offence. In order to be convicted, an offender must engage ‘repeatedly or continuously’ in controlling and coercive behaviour that they know or ought to know will have a ‘serious effect’ on their partner (or another family member). A ‘serious effect’ is defined as fear on two or more occasions that violence will be used, or ‘serious alarm or distress’ which has a ‘substantial adverse effect’ on the victim’s usual day-to-day activities.<sup>12</sup>

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<sup>10</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389002/Strengthening\\_LawDomesticAbuseResponses.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389002/Strengthening_LawDomesticAbuseResponses.pdf)

<sup>11</sup> <https://www.gov.uk/government/news/coercive-or-controlling-behaviour-now-a-crime>

<sup>12</sup> <http://www.legislation.gov.uk/ukpga/2015/9/section/76>

The impact of the coercive control law on police response to domestic violence is potentially far reaching. In particular, the new law allows the police to consider a course of conduct, similar to that enshrined previously in legislation to address post-separation stalking and harassment, as opposed to prosecuting single incidents or acts of abuse. Further, the new law allows the police to consider abusive behaviours that fall outside traditional crime codes such as assault and criminal damage. The new law also has a relatively high status in the ‘hierarchy’ of offences set out in the Home Office counting rules (see below). Prior to the introduction of the law, attending officers may have felt somewhat impotent in criminal justice terms when attending a majority of domestic violence ‘incidents’. Even in cases where historical abuse was disclosed in the form of assaults, there would be no prospect of successful prosecution without corroborating evidence. The new law potentially brings a clear majority of incidents ‘in scope’ for criminal justice intervention.

In the Queen’s speech on 21<sup>st</sup> June 2017, the Government outlined plans for a Domestic Violence and Abuse Bill that will establish a Domestic Violence and Abuse Commissioner, define domestic abuse in law, consolidate existing protection orders, and allow aggravated sentences where abusive behaviour involves a child. At the time of writing, the Home Office are just beginning to consult on the precise content of the bill.

#### *What impact have these interventions had?*

It might be expected that the changes to policy and practice outlined above, alongside considerable attention and monitoring at a national level, might have impacted on the police response to domestic violence, even in the relatively short time between the fieldwork period for this thesis and the time of writing. It would appear, however, that many of the issues highlighted by HMIC in their 2014 inspection report remain.

In 2015, HMIC published a ‘progress report’ on police response to domestic violence, based on further inspection work undertaken since the 2014 inspection. HMIC concluded (2015: 10) that there had been ‘improvements’ in the police response to victims of domestic violence, but that there remain ‘areas where further improvement is required’. Forces appeared to have improved the standard of crime recording, but it was not possible to tell whether there were corresponding

improvements in incident recording. HMIC (2015: 11) were, on the whole, ‘impressed’ with chief officers’ attempts to drive improvements in service and with leadership in attempting to convey that domestic violence is a priority. Yet, in practice, it was found that many forces were at an early stage of understanding domestic violence in their area and in integrating it into force performance management frameworks. Some forces, it was suggested, were still poor at identifying and monitoring repeat callers, and, although there had been some improvements, more still needed to be done in relation to investigation and evidence gathering. HMIC (2015: 18) also found application of the DASH risk model to still be ‘inconsistent’, and that there remained concerning variations in rates of arrests and prosecutions. In addition, further in-depth work with victims suggested many officers still lacked knowledge of the dynamics of coercive control, and that some remained focused primarily on physical violence, displayed negative attitudes, and lacked understanding of the situations in which victims find themselves.

Following the 2014 inspection, HMIC recommended that the College assess the ‘sufficiency’ of the tools used for risk assessment in cases of domestic violence. Developing and extending some of the fieldwork that informed this thesis, the College, through the What Works Centre for Crime Reduction, commissioned Cardiff University to undertake a review of how the DASH risk model was operating in forces. The resulting research was undertaken in partnership between Cardiff and the College, and involved multiple methods and extensive fieldwork, including direct observations of officers attending domestic violence incidents, in-depth interviews, case-file review, and a survey of officers and staff. Key findings from the research confirmed many of the impressions from the HMIC inspection: risk identification and assessment was implemented inconsistently both between and within forces, and police practitioners frequently lacked an understanding of coercive control, focusing disproportionately on physical violence and injury at the current incident during both primary and secondary assessments of risk. Indeed, during the course of the fieldwork for the DASH review research, numerous specific examples were witnessed that reflected a lack of understanding of the dynamics of coercive control, and the persistence among some officers of negative attitudes towards at least some proportion of victims (see Robinson et al., 2016).

Further to issues identified through fieldwork post-2014, it is not clear at the time of writing how well forces are responding to the opportunities created by the

coercive control law. Ministry of Justice statistics show that in the first full year following the enactment of the law (January to December, 2016) just 155 cases were proceeded against. Of these, 59 resulted in a conviction, and of those convicted just 28 offenders received an immediate custodial sentence (Ministry of Justice, 2017). More recent data from the Office for National Statistics (ONS), based on the 38 (of 43) police forces that have moved to submitting data to the Home Office Data Hub, showed 4,246 offences of coercive control were recorded in the year ending March 2017. The ONS suggested this improvement may be driven in part by forces becoming more aware of the offence and how to recognise it, and in part by a change to the Home Office counting rules<sup>13</sup> from July 1<sup>st</sup> 2016 which made coercive control the ‘principal offence’ in all cases ‘flagged’ as domestic violence-related excluding rape and assault with intent to cause serious harm (see ONS, 2017: 31). Despite this apparent improvement, it is likely that forces are recording coercive control in only a fraction of the cases they could under a *prima facie* system of recording. Paper 2 suggested the dominant profile of domestic violence reported to the police involves risk factors indicative of coercive control, and a medium sized police force might expect to record as many as 25,000 domestic violence incidents in a single calendar year<sup>14</sup>.

### **National policy responses**

It appears, then, that further work is required to continue to tackle the issues that remain with police response to domestic violence. In response both to HMIC’s recommendations, and an increased national policy interest in domestic violence more widely, several initiatives have emerged at a national level that may impact positively on the police response to domestic violence. These initiatives have been prompted and informed in part by the research findings presented in this thesis.

#### *Measurement of domestic violence*

The ONS signed off, in early 2017, changes to the self-completion module of the CSEW that introduce, as recommended by this author, an additional suite of

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<sup>13</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627449/count-violence-jul-2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627449/count-violence-jul-2017.pdf)

<sup>14</sup> Two ‘medium sized’ forces that I have worked with both said they recorded on average approximately 25,000 domestic violence incidents per year.

questions on coercive and controlling behaviour alongside questions to measure the ‘impact’ of that behaviour. The ONS convened a ‘Domestic Abuse Statistics Steering Group’; I was invited to be a member of this group, and I remain a member. The new questions on coercive control were designed initially by a sub-group, convened by the author and comprising prominent academic researchers who have worked in the area of coercive control and surveys as well as representatives of the specialist support service Women’s Aid; they were revised in conjunction with ONS researchers and the wider steering group. The survey contractor responsible for the administration of the CSEW conducted cognitive testing of the questions with both survivors of domestic violence and participants recruited from the general population. The question set comprises nine questions on controlling behaviours covering core aspects of coercive control, including financial control, isolation, surveillance and micro-management of the victim’s daily life, intimidation, coerced sex and threats to harm children; and six questions on the impact of these behaviours, concerned primarily with ongoing fear and restricted space for action. These questions were introduced to the survey from April 2017, and will enable an estimate of the prevalence of coercive control in the general population, as well as a more accurate exploration of its nature and consequences.

### *Police training*

Following the 2014 HMIC inspection, the College commissioned SafeLives, a specialist support services organisation, to undertake a review of police training on domestic violence. Their report (Morgan, 2015) concluded that coercive control was not adequately covered by existing training products. In partnership, and drawing on the expertise of leading academic researchers and other specialist support sector organisations including Women’s Aid, the College and SafeLives designed a programme of training to plug the gap. The ‘Domestic Abuse Matters’ programme consists of a one-day classroom training input for frontline officers, supervisors and other officers and staff who may be involved in dealing with domestic violence (such as control room staff and neighbourhood officers). The programme also provides an enhanced training input for first responders and supervisors to act as ‘champions’ and play a role in mentoring and coaching other officers. At the time of writing, there has been only limited evaluation of the DA Matters programme, focusing specifically

on the training for first response officers. Evaluation in two forces (Brennan and Myhill, 2017) suggested the evaluation tool was able to detect a consistent pattern of improvements in indicators associated with knowledge and understanding of coercive control, but with very small effect sizes. Researchers at two universities are currently planning to evaluate the impact of the programme on outcomes associated with behaviour change, such as rates of recording of coercive control.

### *Risk assessment*

Following the review of DASH (Robinson et al., 2016), which suggested frontline risk assessment should focus more on identifying ongoing patterns of abusive behaviour, the author and colleagues at the College, with input from Amanda Robinson at Cardiff University, designed a revised risk identification tool for frontline police officers that has been piloted in three forces. The revised risk tool is intended to place greater emphasis on identifying coercive control by introducing questions relating to emotional abuse/degradation and ‘everyday’ threats, and replacing yes/no responses with a scale of response options that requires victims to assess how frequently they experience specific behaviours. At the time of writing, the pilot has run for three months in each pilot force, and data collection is being completed for an evaluation. If the evaluation suggests officers are able to better identify cases involving coercive control and assess the level of risk more consistently, the revised risk assessment may be recommended to be rolled out to all forces.

### **How can we further analyse and understand police response?**

Various frameworks have been proposed for helping to explain police officer behaviour in the field. Yet it is not clear that these frameworks are effective in helping to explain police response to domestic violence. It might be suggested that some of the contradictions inherent in the policing of domestic violence – minimisation by victims, (historically) inadequate coverage of the law, lack of consensus over the best tactical response, and so on – make the application of these frameworks problematic. I will illustrate this argument with reference to Herbert’s (1998) framework of six ‘normative orders’. I will also draw on Reiner’s (2010) ‘core characteristics’ of police culture.



*Law.* Paper 4 presented evidence that, in line with Herbert's (1998: 352) observation, 'the law may often be invoked ... to accomplish whatever goal officers deem necessary'. In other words, officers invoke the law when so doing facilitates their pre-determined course of action, but may choose not to enforce it in other circumstances. Indeed, Paper 4 showed that officers most often chose to arrest a suspect if they felt it was necessary to prevent further harm, and if there was sufficient evidence of an offence. Most discussions of officers' wider use of discretion have, however, focused on their *under*-enforcement of the criminal law. Domestic violence may be seen as an anomaly in this sense as it has, historically, not been the subject of specific criminal codes. Rather, officers have had to rely on traditional offences such as physical assaults and criminal damage. While that approach may be adequate in a proportion of cases, many of the behaviours that constitute coercive control are not covered by traditional criminal codes. Thus, in relation to domestic violence, the question has been not only under-enforcement of the law, but also lack of recourse to the criminal law in cases where there are high levels of coercion and control but little or no physical violence. It is possible that this historical lack of reach by the law contributed to the traditional police view that domestic violence was not core police business. Grimshaw and Jefferson (1987), based on observations of first response officers, proposed that while it is true that a majority of frontline policework does not involve 'crime' as such, the criminal law plays a significant role in structuring policework and, crucially, in determining the 'relevance' of specific incidents (Grimshaw and Jefferson, 1987: 112). In part, criminal offences are afforded greater relevance as they permit 'the authoritative use of legal powers to effect concise conclusions', and the opportunity to 'fulfil organizational criteria of relevance' (Grimshaw and Jefferson, 1987: 112). More ambiguous incidents that fall outside the structure afforded by the law, and indeed many minor offences and infractions, are more likely to be the source of frustration and involve negotiated responses that produce less tangible outcomes. Indeed, Grimshaw and Jefferson suggest further that activities associated with application of the criminal law – processing an offender, for example – are what give rise to 'continuity' in policework; upholding the law, therefore, turns otherwise disparate incidents into 'integrated episodes with their own sustained significance' (Grimshaw and Jefferson, 1987: 74). The introduction of a coercive control law in England and

Wales has the potential to change both attitudes and actions, and future research must determine how, when and why officers choose to enforce it.

*Bureaucratic control.* The normative order of bureaucratic control does appear to be very relevant to the policing of domestic violence. In England and Wales, policy makers have attempted to influence frontline officers' responses to domestic violence in two key ways: a national model for risk identification and assessment, and a policy of presumptive arrest. While, according to HMIC, these policies have not been wholly successful, they do appear to have curtailed officers' discretion to some degree. Implementation of the presumptive arrest policy accords with Herbert's (1998) suggestion that responses to bureaucratic controls vary somewhat by officers' position in the organisational hierarchy. From my fieldwork, there was a sense that frontline officers would ignore or circumvent the policy more often were it not for monitoring by and (implied) pressure from more senior officers. This finding makes sense in that senior officers will be exposed more directly to strategic performance frameworks and inspections by bodies such as HMIC. The presumptive arrest policy also provides a good example for Herbert's (1998) contention that normative orders can be internally inconsistent. While officers are encouraged to arrest in all cases of domestic violence where an offence, however minor, has been committed, they are also expected to apply a 'necessity test' when arresting a suspect, and some officers felt that in this respect the presumptive arrest policy frequently put them in conflict with custody Sergeants. The interviews that formed the basis of Paper 4 covered risk assessment as well as arrest, and it was notable that many officers appeared (largely) to comply with the policy of compulsory risk assessment despite feeling that the process was 'overkill' in many cases. Though some views were ultimately more nuanced, a common response when asked why they completed a risk assessment was 'because we have to', or because 'somebody will ask why I haven't'. As Herbert (1998) suggests, bureaucratic control likely conflicts with and by turns influences and is influenced by other normative orders, but its significance as an influence on police actions in response to domestic violence should not be downplayed.

*Adventure/machismo.* Herbert (1998) observed machismo and a sense of adventure as a key normative order for many officers, defined as actively pursuing both dangerous situations and the most threatening suspects. Domestic violence has

traditionally not fitted the police subcultural ideal of exciting, crime-focused work. Although many cases involve high levels of harm, this harm may not manifest itself in overt physical violence and injury at the current incident. In addition, many perpetrators present (themselves) as respectable individuals who are at worst equal disputants. Though most domestic incidents may never have the status of a ‘suspects on’<sup>15</sup> burglary, for example, the introduction of the coercive control law has the potential to elevate domestic violence in terms of its crime status. Highly coercive and controlling abusers are extremely dangerous individuals, and dealing with such cases may be the nearest many frontline officers get to dealing with or preventing very serious harm or homicide. There is no reason not to think that, over time, successfully prosecuting a serial domestic abuser may achieve the same status and reward as ‘taking out’ a high level drug dealer, for example. To the adventure and ‘thief-taking’ elements, Reiner (2010) highlights ‘sexism’ as a key element of police machismo that has emerged consistently from observational studies. Police officers may not, of course, as Waddington (1999a) points out, be any more or less sexist than others in male dominated environments, or indeed wider society. They are, however, and unlike individuals in other contexts, charged with arbitrating in cases of abuse involving intimate partners, abuse which I, and others before me, have argued is caused at least in part by sexual inequality. So the ‘sexism’ element of police machismo is particularly pertinent in the context of domestic violence as it is possible that sexist attitudes or beliefs may influence officers’ responses, at least in terms of viewing a set of circumstances from a ‘male’ perspective.

*Safety.* The issue of personal safety, and the safety of colleagues, remains a real one for police officers, and has been reflected to some extent in the wider observations of and discussions with officers that I have had. Yet I remain to be convinced that domestic violence incidents are among the more dangerous calls for service that an officer encounters. While there are of course domestic-related incidents that involve very serious physical violence, weapons and even firearms, I sense that incidents where officers arrive to find ongoing physical confrontation are more memorable than they are frequent. For one thing, many abusers are controlling and manipulative,

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<sup>15</sup> ‘Suspects on’ is informal police terminology for an incident that is ongoing and/or where suspects are reported still be at the scene.

and will seek in the time between a call to the police and police attendance to minimise the level of conflict that has occurred. Most common, in my experience, is for officers to report that the situation on arrival has ‘calmed down’, or that the perpetrator has left the scene. In the latter instance, perpetrators may assume – correctly – that they are less likely to be arrested if they have left the scene (see Hirschel and Buzawa, 2013). Officer safety, then, is less persuasive as a lens through which police response to domestic violence is filtered.

*Competence.* Herbert (1998: 358) suggests competence is the ‘least well defined’ of the normative orders. He suggests it relates broadly to ‘a sense of what constitutes doing a good job’ and ‘[pulling one’s] weight’. In relation to domestic violence, it is not entirely clear what ‘success’ looks like in terms of (the outcome of) police intervention. Is it the immediate safeguarding of victims and children following a call for service? Is it arrest and prosecution of perpetrators? Is it helping victims to manage the violence within the relationship (see Kelly, 1999)? It may, depending on the context, be one, two, all or more of those things. Officers are not helped by the fact that many of these questions remain unresolved among academic researchers and victim advocates. Whether the police should arrest a suspect, and the CPS press charges, against the wishes of the victim, for example, remains a contested issue. It should not be surprising, then, that officers feel sometimes unsure of the best course of action in response to domestic violence. Indeed, whilst on patrol with officers I have been questioned on more than one occasion as to whether I thought an officer had made an appropriate response, or whether they could or should have done more (or less). Resolving questions around what ‘good’ looks like in relation to the police response to domestic violence is important as otherwise it tends to be numerical indicators associated with Ericson and Haggerty’s (1997) risk communication systems that fill the void. Officers in England and Wales appear to be judged in part on whether or not they have completed a risk assessment, and/or made an arrest where there is an arrestable offence. There is a clear overlap here with bureaucratic control, and Skolnick’s (1966) notion of ‘efficiency’ as a measure of officer performance.

*Morality.* Herbert’s conceptualisation of morality in this context is analogous with Reiner’s (2010) sense of police ‘mission’. Herbert describes the police sense of

morality as that not only of upholding the law, but as a 'wider struggle between good and evil' (Herbert, 1998: 360). The police mission, then, is to protect victims, and indeed wider society, from dangerous criminals. Domestic violence is problematic in relation to this normative order in that domestic violence incidents, in the eyes of many of the officers that attend them, frequently do not feature a defined victim and obvious 'villain'. A better understanding of how coercive control operates may gradually alter these perceptions. For now, however, there is a sense that rather than, for example, recognising an abuser who continues to exert post-separation control, many officers would perceive two otherwise respectable people disagreeing over child contact arrangements. This tendency to view much of what is nominally domestic violence as at best very low-level abuse from one person to another or at worst petty disputes and fighting between people who are 'both as bad as each other' leaves officers in a moral vacuum of sorts. These perceptions also introduce a different element to traditional conceptions of police morality: questions of the 'public interest', and what constitutes proper and effective use of police time. When asked about their decisions concerning arrest, several officers I interviewed questioned whether it was in the public interest to arrest a suspect if there was a very low-level offence and little or no chance of a successful prosecution.

It should be clear, then, that existing normative frameworks and conceptualisations of police working culture are problematic when applied to the interpretation of police response to domestic violence. An alternative framework is required; one that takes into account the dynamics associated with this type of abuse, and the difficulties and contradictions it creates within police officers' frames of reference.

### **A normative framework for considering police response to domestic violence**

A re-examination of existing normative frameworks (Herbert, 1998) and analyses of officers' subcultural working rules and personalities (Reiner, 2010) suggests that they are less than adequate for explaining police response to domestic violence. I suggest below (see Figure 3 for a summary) an adapted normative framework that takes into account the contradictions inherent when applying domestic violence to existing frameworks, and adds the crucial element of officers' (lack of) basic

understanding of how coercive control operates, and how this lack of understanding, where present, may frame response(s) in inappropriate or ineffective ways.

*Law.* The way in which the criminal law frames police response to domestic violence is currently the most open to change. The coercive control law introduced in England and Wales in December 2015 has potentially far reaching consequences. Previously, officers could justify relatively easily taking little or no action in response to domestic violence by noting that there were ‘no offences, no complaints’. Paper 2 suggests, however, that domestic violence reported to the police is predominantly coercive and controlling in nature (see also Butterworth and Westmarland, 2015), and that, consequently, it is now in theory possible for the criminal law to be invoked in far more incidents than was previously the case. Indeed, a more positive spin on this argument is that the new law will allow officers to arrest and attempt to pursue a prosecution in cases where previously they may have been frustrated by the lack of an appropriate legal sanction. Whether the new law has this impact is of course contingent on several things: officers must understand the ongoing nature of abuse and how it influences the behaviour and responses of both victims and perpetrators; they must be able to empathise and create the atmosphere for victims to trust the police and be willing to disclose; they must have the skills to identify and document evidence; and they must perceive the work required to investigate and prosecute such cases as important and valued by the organisation. The fieldwork undertaken for this thesis, alongside more recent observational and in-depth work (Robinson et al., 2016), suggests this ideal situation may still be some way off. Further in-depth work looking at how officers engage with and use the coercive control law is required urgently. The issues surrounding the enforcement or otherwise of this law emphasise again the overlapping nature of the individual normative orders, and how they must be aligned for positive outcomes to be achieved.

*Bureaucratic control.* National and local policies and procedures likely play at least some part in determining the actions police officers take in response to domestic violence. Yet the two key bureaucratic controls intended to impact officers’ response to domestic violence in England and Wales – the DASH risk model, and the policy of presumptive arrest – both remain somewhat contested. Research published by this author alongside the fieldwork for this thesis (Myhill, 2016) illustrated that there are

numerous cases that fall under the wide-ranging national definition of domestic violence and abuse for which the DASH risk model is either disproportionate or inappropriate. The policy of presumptive arrest has been similarly questioned (Sherman et al., 2017), and officers in my own interviews maintained arrest was frequently a disproportionate and/or counterproductive response for ‘one-off’, low-level physical assaults; especially those incidents involving, for example, siblings as opposed to intimate partners. Rowe (2007) has illustrated how these bureaucratic controls can be perceived by officers as undermining their professionalism and forcing them to take action they regard as ethically wrong. And yet my own work examining officers’ use of discretion in relation to domestic violence suggests strongly that where discretion is exercised it is frequently in an inappropriate way. Bureaucratic controls are likely therefore to continue to play an important part in helping to frame officers’ responses to domestic violence, at least until a majority can be relied upon to exercise discretion in an appropriate way; a way that incorporates an understanding of coercive control.

*Efficiency/performance.* As stated above, domestic violence is an area of policework where it is not always clear what constitutes an appropriate response and therefore what constitutes ‘success’ or effective performance. HMIC has, in recent years, placed an emphasis on arrests, yet the simple arrest or otherwise of an offender may in actual fact represent a small part of what a victim might regard as a positive experience (Hoyle and Sanders, 2000). And, as previously stated, some victims do not seek or want a formal criminal justice intervention or sanction. Qualitative work with victims of crime more widely (Creative Research, 2007) has suggested that ‘process’ factors concerned with the police taking the matter seriously – being supportive and sympathetic, responding in a timely manner, undertaking some form of investigation – were the most important drivers of satisfaction with police response; a criminal justice outcome, by contrast, was regarded most often as a ‘nice to have’ (Creative Research, 2007: 26). These findings are consistent with a large body of work on ‘procedural justice’, which has shown, for example, that people are more likely to accept the decisions of legal authorities if they believe they have been treated fairly, regardless of the favourability of the outcome (see Tyler, 2009). It remains unclear what individual officers use to benchmark their own performance in relation to domestic violence – it may be the degree to which they follow processes

and/or achieve criminal justice outcomes; it may be the degree to which they meet the expectations and preferences of the victim and others involved; or it may be the degree to which they feel they have acted in a way that they believe to be morally and ethically appropriate. And the application of any one or a combination of those indictors may drive different forms of action (or non-action) in a range of different, context-specific scenarios. Such issues perhaps illustrate the difficulty with and potentially the undesirability of creating performance measures for police response to domestic violence – quantitative indicators such as numbers of arrest and convictions inevitably oversimplify the complexity of the balance between interpersonal treatment, fair processes and desired outcomes. A greater understanding of officers' (and victims') perceptions of what constitutes good performance in relation to domestic violence is required.

*Morality.* I have argued that, traditionally, officers have not, bar the most overt and serious cases, framed responding to domestic violence as part of their wider 'moral crusade' against evil and wrongdoing. There does appear, however, to be a moral dimension to how many police officers view (the people involved in) domestic violence, and the action they consider appropriate to take in response. In particular, officers appear to wrestle with moral questions around how much police time should be devoted to incidents they regard as (drunken) arguments, and victims they perceive as not willing to cooperate or 'help themselves'. Further work is required to explore further these moral dilemmas, and how officers reconcile their actions at the scene of a domestic violence incident. An officer's personal morality, in particular, might be expected to interact (uncomfortably) with other normative orders, particularly bureaucratic control.

*Adventure/machismo.* Due to the nature of many calls for service relating to domestic violence, they are unlikely ever to fit the traditional frontline response stereotype of immediate, action-oriented work. The extent to which this fact influences officers' actual responses to domestic violence remains moot. It is possible, of course, for officers to prefer particular types of incidents, but still do a professional job at any incident they are required to attend. A preference for attending different types of incidents may even reflect simply the fact that domestic violence incidents are the most commonplace in a frontline officer's experience (several officers have



described them to me as their ‘bread and butter’). Of greater salience, perhaps, is the persistence of machismo and sexism in the police subculture. I believe, based on my own fieldwork over a number of years, that historical accounts of widespread misogyny among rank and file officers are now overstated (though note that HMIC have examined recently numerous reports of officers conducting inappropriate relationships with vulnerable victims, and research in the US has explored the extent to which police organisations are prepared to tackle domestic abusers within their own ranks (see Goodmark, 2017)). It is less clear, however, the extent to which a male-dominated sub-culture leads to officers taking a ‘male’ perspective in response to domestic violence. To what extent, in other words, do male officers’ experiences *as men* influence their interpretations and therefore responses to abuse in intimate relationships? Not all frontline police officers are male, of course. But female officers have to operate also in this highly male-dominated culture, itself situated in a wider society that remains to large degrees male-oriented. Some writers have advocated increasing the numbers of female officers as a means of improving police response to domestic violence (see Silvestri, 2015), yet I have witnessed, both during interviews and on patrol, several examples of female officers with both a lack of understanding of coercive control and a largely sceptical and apparently unsympathetic attitude to victims. Cases involving child contact bring the issue of sexism into sharp focus. Cases in which the perpetrator is using child contact arrangements to facilitate post-separation control are, in my experience, frequently not recognised as such by attending officers; rather, there is an underlying assumption that the perpetrator simply wants to see his children and has their best interests at heart, and that those involved simply cannot agree with each other and expect the police to ‘referee’ the situation. Several officers said in interview that they felt ‘used’ in such situations by individuals looking to ‘score points’ off each other for the family court. The issue of how sexual inequality and gender stereotyping may influence police response certainly requires greater empirical scrutiny.

*Cynicism/scepticism.* During the course of fieldwork conducted for this thesis and for wider College research projects, I have seen numerous examples of officers appearing reluctant to believe victims’ accounts. Observational accounts of policework have traditionally pointed to a general reluctance on the part of officers to trust information provided by members of the public (see Waddington, 1999a).

Domestic violence – and interpersonal crime more generally – is problematic in this sense, as fear of not being believed and/or being judged is a consistent reason cited by victims for not reporting or disclosing abuse (see Hohl and Stanko, 2015). In addition, survivors’ narratives have shown that, even when a report to the police is made, victims frequently minimise or downplay the extent of the abuse (see Kelly, 1999). My research suggests officers are acutely aware of this fact, and several interviewed for Paper 4 spoke with at best frustration and at worst displeasure and resentment that victims ‘lie’ to them. This feeling perhaps fuels a negative feedback loop whereby many or most reports and accounts are treated with suspicion. Once again, domestic violence may be seen as standing slightly apart from other forms of victimisation, where there are less obvious reasons for victims minimising the nature of their experiences. The ‘process’ through which victims of coercive control make sense of, acknowledge, manage and finally (perhaps) seek help to end their abuse (see Kelly, 1999) may in addition breed cynicism in officers who lack an understanding of it. Certainly, numerous officers with whom I have spoken intimated that it was ‘easy to become cynical’ when dealing with ongoing cases in which the police are called frequently to the same addresses. Such cases often involve alcohol or other substances, used by perpetrator, victim, or both, and minimisation and/or lack of support for police action. In such cases, officers stated they feel there is little they can achieve, and that completing further risk assessments and arresting the perpetrator with the knowledge that no further action will result can become demoralising. A greater understanding of how victims experience abuse and help-seeking as a process as opposed to a series of discrete incidents would undoubtedly help. As Waddington (1999a) illustrates, police officers tend to become highly attuned to ‘abnormal’ sights and events when honing their sense of suspicion and wrongdoing. In direct contrast to this operationalisation of suspicion, long-running cases of coercive control involve the ‘normalisation’ of violence and abuse, leading officers perhaps to question the severity of the situation.

*Knowledge and understanding.* An officer’s knowledge of domestic violence, and in particular their understanding of the dynamics of coercive control, I would regard as the key normative order in relation to police response. A good understanding of coercive control might shape officers’ interpretations and applications of the other normative orders in a positive way: moral tensions will be reconciled, officers will

choose to display empathy, victims' accounts will be believed, bureaucratic controls will be used appropriately, and the criminal law invoked likewise. A poor understanding of the dynamics of coercive control and the way it impacts on victims' choices and behaviours is likely to have the opposite effect. What makes understanding the key and underpinning normative order relating to domestic violence is that the dynamics involved are not as straightforward as they are for other areas of policework. Consider, for example, a burglary, or a vehicle break-in. Though I'm sure there are exceptions, there will be generally a clear victim, who will regard it as in their own interest to report willingly the circumstances of the offence. There will be a defined offender, or offenders. There will often be tangible evidence (broken window; missing property) of the type that is clear and easily interpretable to an attending officer. Domestic violence is rarely so clear-cut. Victims may minimise their experiences, and offenders present themselves as wronged. Abuse may be highly personalised, and evidence difficult to identify. In that sense, a knowledge and appreciation of the context and history of the case is vital – yet many officers with whom I have spoken insist that they prefer to deal with what they see at the scene of the incident as there are always 'two sides to the story'.

**Figure 3: A normative framework and key questions for considering police response to domestic violence**

Law	Whether the coercive control law encourages and allows officers to take positive action more frequently
Bureaucratic control	Whether officers use discretion effectively to ensure risk models and presumptive arrest are applied in an appropriate way
Efficiency/performance	Whether responding effectively to domestic violence can be recast as crime work that is valued by the organisation
Morality	Whether officers can show greater empathy with victims and appreciate the effects ongoing abuse has on behaviour and lives
Adventure/machismo	Whether a male-dominated police culture influences how officers' interpret interpersonal conflicts and ongoing abuse
Cynicism/scepticism	Whether officers can be less sceptical of victims' accounts and less cynical when dealing with repeat callers
Knowledge and understanding	Whether greater understanding of coercive control will improve response through influencing the other normative orders

### **Future directions and further research**

This thesis has provided an analysis of the police response to domestic violence in England and Wales that foregrounds coercive control as a key concept that structures both victims' experiences and officers' interpretations and actions. It has also, in the above discussion, suggested a revised normative framework through which officers' responses might be interpreted. But what further work is required to advance theory and practice around police response to domestic violence?

#### *Science vs craft*

Some commentators have called for greater outcome-focused research, particularly randomised controlled trials, to advance 'evidence-based policing' (EBP) and thereby practice in the field (Sherman, 2015). To some extent, research on police response to domestic violence has followed the 'scientific' route. The arrest experiments in the US (see Maxwell et al., 2002) remain some of the most widely cited studies, and a literature has emerged in recent years concerning the predictive validity of structured risk assessments. What characterises both the arrest experiments and risk assessment bodies of work is 'weak positive' findings: the arrest experiments suggested reoffending was on average slightly less likely where a perpetrator was arrested, and validation studies have demonstrated at best moderate predictive accuracy in relation to risk assessments. While it is possible these findings are accurate, there is sufficient complexity and uncertainty to question their validity in both instances.

The primary weakness with experimental and quantitative outcome studies relating to domestic violence is the difficulty in defining and operationalising accurate outcome measures. Many studies have relied on police data – either reconviction or recontact with police – to indicate the success or otherwise of an intervention. The analysis undertaken for Paper 3 suggests this approach may be deeply flawed – crime and incident data is constructed to a large extent by frontline officers and may or may not reflect accurately the true nature of ongoing abuse. And of course when relying on police data only, there is no way of knowing for certain whether abuse has desisted or continued in cases that have not come back to the attention of the police (it is a huge but frequently made assumption that no further contact equals desistance of abuse). And indeed further and more regular contact

with the police following an intervention may in fact represent a positive outcome in some cases, indicating an increased willingness to engage on behalf of the victim. Even where studies have included periodic follow-up interviews with victims, they have not generally fielded sufficient questions to get a true sense of whether the abuse has desisted. Many studies have relied on self-reports of further physical assaults, yet in-depth work with survivors has shown that the cessation of physical violence is but one desired outcome for victims, and not necessarily the most salient (Westmarland et al., 2010).

Several authors have criticised the EBP movement for an overemphasis on reductive experimental and ‘big data’ approaches which can fail to take into account the ‘craft’ element of operational policing (see for example Sparrow, 2016; Willis and Mastrofski, 2016; Pease and Roach, 2017). Willis and Mastrofski (2016) argue that frontline officers, in particular, can be as or even more concerned with the ‘process’ elements of police response; where outcomes are considered, they tend not to be longer-term problem resolution or reductions in offending, but more immediate concerns such as maintaining order at the scene. Officers are concerned also with moral issues around ‘doing the right thing’, and Willis and Mastrofski (2016: 11) suggest (large scale field tests of) prescriptive responses such as presumptive arrest ‘do not sit well with most practitioners, running roughshod over nuances they believe matter a great deal.’

The data presented in this thesis supports the notion of officers wrestling constantly with moral dilemmas concerned with applying rigid ‘one-size-fits-all’ policy interventions to an extremely wide variety of circumstances that arise from the national definition of domestic violence and abuse in England and Wales. I read very recently a case that exemplifies these dilemmas:

A 20 year old woman calls the police at 18:00 to say that she has been assaulted by her mother. She said she had been punched, and hit with an object. Initially, the call had focused on retrieving property from her mother’s house. When it became clear her mother would not let her into the house, she reported the assault, which she said had occurred earlier in the day. On arrival, officers noted the woman had a scratch on her face. She said she no longer required police assistance and did not want to make a complaint. She said that with hindsight she recognised she had been as bad as her mother.

They were arguing over a handbag and had both pushed each other and grabbed each other's clothing. She admitted she had only reported an assault as she was angry that her mother would not let her in to retrieve her property.

While it is possible that the young woman may have changed her story in order to minimise ongoing intimidation and abuse, that scenario is far less likely in this case than in a case involving intimate partners. The attending officer might reasonably conclude that a full, structured risk assessment, focused on identifying coercive control, and that would require reviewing by at least a first line supervisor and, in some forces, a central team or specialist public protection officer, is disproportionate to this situation. A few well targeted questions – ‘How frightened are you?’, ‘How often does this happen?’ – should be sufficient to confirm that this was situational ‘fighting’, and that the risk of further harm is low. The officer might then also reasonably conclude that it is not in the interest of either the family concerned, or the wider public, to arrest and criminalise the mother for the extremely low-level assault on her daughter (and the daughter for an assault on her mother in the not unlikely event that there should be a counter-allegation).

Critics of the EBP movement, then, have suggested that a narrow focus on trials and large quantitative outcome studies narrows the field of possible interventions, and neglects research relating to smaller problems and decision-making (Sparrow, 2016), and that research should focus as much on correctly *diagnosing* problems as it does on applying interventions (Innes et al., 2017). The focus on arrest in cases of domestic violence provides an illustration of this point. While arrest may be necessary and appropriate (against the wishes of the victim) in cases where there is coercive control, it may not be necessary, or it may even be counterproductive, in other cases, even in some cases involving intimate partners. A victim may, for example, be in the early stages of naming her experiences as abuse, and seeking at that stage to manage that abuse within the relationship. An arrest at this stage may make her less likely to engage with the police subsequently. The police tactic of removing the perpetrator from the house for the night (which I still see applied in numerous cases) has traditionally been criticised by victim advocate services, and it would indeed be dangerous once coercive control had escalated to a sufficient degree. Yet it is consistent with what some victims have said they want

from the police in certain instances (see Hoyle and Sanders, 2000; Westmarland and Kelly, 2016); consistent with their strategies of managing the abuse and the abuser.

There have, then, been calls for a greater emphasis on the craft element of policework in framing research and evaluation to further police policy and practice. If a greater emphasis were to be placed on the craft of frontline response, it would of course have to be in a critical way. Willis and Mastrofski (2016: 4) suggest officers respond to incidents by '[applying] a suitable repertoire for action that has been acquired through experiencing similar situations over time'. If such actions are based on a lack of understanding of the context of the incident, working rules may be consistently applied, but may be only partially effective. For domestic violence, an example is: assault with injury equals arrest; non-crime incident equals no arrest. The task of integrating craft with science is then one of understanding officers' responses, and the motivations and drivers of those responses, and bringing science to bear in increasing officers' knowledge and understanding in order to help them use their discretion and professional judgement in an appropriate and effective way.

#### *The need for 'thick description' of officers' responses to domestic violence*

Despite numerous policy initiatives and interventions intended to improve police response to domestic violence, and wide literatures on both measurement and survivors' accounts, we lack still a detailed understanding of how police officers conceptualise domestic violence – the 'problem' – and how they understand it. There is some evidence relating to responses – in what circumstances officers are likely to arrest, for example – but little in-depth study to really explain officers' reactions to the problem of domestic violence. This situation presents a problem because, as Willis and Mastrofski (2016: 1-2) argue:

*'Any attempt to change police practices is only likely to succeed if grounded in empirical insights about how this occupational group constructs its cultural understanding of what 'doing a good job' is all about. As with religion, effective conversion begins with a thorough knowledge of the beliefs and values of those to be converted.'*

This thesis has provided some valuable insights into frontline police decision-making in relation to domestic violence. But, as Hoyle (1998) suggests, data collected from

police systems and even that collected via in-depth interviews is still to some degree ‘constructed’. Both sources of data are essentially post-hoc rationalisations of feelings, interpretations and actions, which officers are able to reconsider and present in a different (more socially acceptable) way if they so choose. I concur therefore with the conclusion of Willis and Mastrofski (2016: 12) who propose that ‘future research might consider field observation to learn about police culture of craft’. Only with ethnographic study will officers’ immediate thoughts, interpretations and underlying attitudes be properly revealed, and direct observation provides the best chance of recording and understanding the reasons for the actions officers take both at the scene of and following a domestic violence incident.

Observational study of policework has, though, not concerned itself specifically with officers’ responses to domestic violence. Classic (see for example Holdaway, 1983) and more recent (Loftus, 2009) studies have identified domestic violence as being low status work, but existing descriptive studies have had too wide a focus to provide a nuanced understanding of police attitudes and actions relating to this area of work specifically. I believe a large scale observational study, preferably across at least three different forces, is essential for gaining a clear understanding of officers’ responses to domestic violence, and the drivers – cultural, organisational, and otherwise – that may allow us to truly explain those responses. Only then will it be possible to design and frame wider interventions to shape officers’ discretion and professional judgement in a positive way.

During the course of the fieldwork for this thesis, and for two subsequent research projects, the author and colleagues have undertaken a number of shifts of observations accompanying frontline officers to the scene of domestic violence incidents. These observations have been targeted towards officers’ completion (or non-completion) of primary risk assessments. Despite this narrow focus, the experience of observations undertaken to date suggests much can be gained from this method of data collection. Fascinating and relevant insights can be gained not just through observing officers at the scene, but also from probing them with questions and listening to their stories (see Van Hulst, 2013) during ‘down’ time between calls and during ‘refs’ breaks. In a wider study, I would accompany officers for the duration of a shift, and not just during domestic violence incidents specifically. In that way, their wider attitudes and assumptions can be observed. I would extend this also to observing events such as training sessions relating to domestic violence.



Only with observational study, then, will we be able to get the type of rich descriptive data required to help answer key questions that remain about police response to domestic violence. To what extent, for example, is (inadequate) response prompted by misogyny, or by officers (unwittingly) privileging a male perspective? What is officers' understanding of coercive control, and how does it interact with their perceptions of incidents and the people involved? To what extent do bureaucratic controls such as presumptive arrest policies dictate as opposed to influence responses? What is the influence of other organisational factors, such as resources and the priority and perceived status afforded to domestic violence?

#### *Advancing policy and practice*

I have concluded, in line with a current trend in thinking around the type of evidence that should inform 'evidence-based policing', that greater understanding of processes and the craft aspects of frontline policing is required to inform the design and evaluation of interventions to improve the police response to domestic violence. Pooled data from the arrest experiments, to take an example of a prominent 'evidence-based' intervention in the field of domestic violence, suggested that arrest produced 'on average' better outcomes for victims. Yet this logic seems to me rather self-defeating: adopting blanket policies because they achieve better outcomes for a larger proportion of people necessarily means accepting as collateral damage null, disproportionate or even negative outcomes for others. It also diminishes the sense of agency felt by frontline practitioners, as the logic of such policies is that they allow practitioners to apply a course of action uncritically as it has been proven to 'work'. This logic is at odds with the notion of professionalising policing that is a core aim of the College of Policing. It is also, as Sparrow (2016) suggests, somewhat at odds with Goldstein's (1990) original notion of problem-oriented policing, encouraging officers to follow 'one-size-fits-all' responses as opposed to thinking through, implementing, evaluating and adapting solutions to recurring, context-specific issues.

As present, and on balance, a policy of presumptive (as opposed to mandatory) arrest and risk assessment appears sensible in the context of England and Wales. There is sufficient evidence, from this thesis and elsewhere, that, at present, many officers lack the knowledge and understanding of coercive control to make consistently good decisions relating to risk and positive action. There must, however,

be scope for the application of discretion within these policies, and for police officers as professionals to move towards greater use of professional judgement and away from prescriptive bureaucratic controls. This shift would not mean a move away from evidence-based policing; rather, it promotes a notion of evidence-based policing that embraces and makes use of insights from the craft aspects of frontline policework. In this way, officers' understanding and diagnosis of problems can be improved, and their use of discretion and working rules adapted in order that they use their professional judgement to apply the most appropriate intervention. For domestic violence, I would suggest this requires at a minimum the ability to set an 'incident' in context in order to differentiate coercive control from situational fighting and other forms of domestic violence that do not follow an ongoing pattern and likely require different interventions (Hester et al., 2017), or even no police intervention.

Training is a 'go to' intervention for improving police practice. Within the College, there is increasing recognition that police training packages are rarely designed with a clear understanding of the needs of individual learners. The one-day classroom component of the DA Matters training follows this 'sheep-dip' format, though it does make use of powerful footage of a domestic violence incident and footage from bodyworn video to enhance officers' understanding of coercive control. The DA Matters programme also has a 'coaching' element whereby officers with enhanced training help their peers to deconstruct and better understand their responses. This element of the programme has yet to be formally evaluated, but has, I feel, the potential to enable a more tailored intervention for officers that most require it (see Wire and Myhill, 2016).

A further avenue for research concerns secondary risk assessment and specialist response. Much research on policing domestic violence, including that undertaken for this thesis, focuses on frontline response. There appears to be an assumption, including in the inspection work undertaken by HMIC (2014), that staff in central units, tasked with secondary risk assessment, and specialist public protection officers, who engage largely with high risk cases, have an adequate knowledge of domestic violence and coercive control. My observations across several research projects suggest this assumption does not always hold. In particular, the DASH review work (Robinson et al., 2016) suggested police staff in central units tasked with secondary risk assessment sometimes reflected the same incident and physical violence centred understanding of domestic violence as frontline officers.

Future research could usefully explore what role the police should play both in secondary risk assessment and intervention with victims. There will be little value in improving frontline intervention and appreciation of threat and risk if subsequent actions do not ensure appropriate intervention from specialist officers and/or referral to relevant partner agencies.

Finally, much research in the field of police response to domestic violence has focused on the attitudes and behaviours of (individual) officers. It is likely that there is much to be learned from the vast literature on organisations and organisational behaviour that may help illuminate some of the enablers and disenablers to the police responding adequately to cases of domestic violence. Most specifically, is there learning relating to organisational change that may be applied to police organisations in order to make them, and their staff, better able to respond to domestic violence, both culturally and operationally? The theory of organisational justice, for example, has been applied successfully to elements of policing (Myhill and Bradford, 2013; Bradford et al., 2014) and has been linked with fostering the types of procedurally just behaviours from officers that have been shown to be associated with greater satisfaction among victims of other crime types (Wheller et al., 2013).

## Conclusion

I have argued for coercive control as the key concept through which the policing of domestic violence should be focused. The evidence presented in this thesis shows coercive control to be not only gendered, but also highly harmful to those who experience it. It is not surprising, therefore, that coercive control also appears to be the most common form of domestic violence reported to the police. Understanding the behaviours and tactics employed in coercive control is key to understanding the reactions of victims, and the key to taking appropriate actions in response.

Framing domestic violence through the concept of coercive control is essentially a means of ensuring a police response that takes account of the gendered nature of abuse. While some officers I have spoken with appreciate the gendered nature of domestic violence, others express the view that you should not make assumptions; some have even argued that to make assumptions runs contrary to notions of diversity and to human rights legislation. While well intentioned, such attitudes run contrary to what we know about the profile of domestic violence that comes to the attention of practitioners. And to appreciate that domestic violence is a gendered issue does not imply that action cannot and should not be taken proportionately and appropriately. Stark (2007) uses the analogy of a general practitioner: if a patient presented at a surgery complaining of chest pains, a doctor must rule out a heart attack before moving on to consider a less serious diagnosis. Similarly, if police officers are called to an incident of domestic violence between heterosexual intimate partners, they might consider automatically the presence of coercive control. If, upon careful investigation, it turns out there is not coercive control, or that the woman is in fact the perpetrator of some form of abuse, then appropriate action can and should be taken.

In order to appreciate the gendered nature of abuse, however, and to provide a sympathetic and helpful response, a working knowledge of coercive control is required, both in relation to the multiple tactics employed by abusers, and the complex impacts living with coercive control has on victims and their behaviours and life choices. The crux of any debate around police response to domestic violence comes down perhaps to the classic issue of 'unable' or 'unwilling'. Though in reality it is much more complex, I believe that, over the course of the last thirty or more

years, the reality has moved along any continuum away from the unwilling. Though questions around the extent to which a macho culture shapes police response to interpersonal crimes remain open, I have met few officers in the course of my fieldwork that have (openly or unconsciously) reflected attitudes that might be considered misogynistic. I have also found that most officers I have spoken with reflect a strong public service ethos: they joined the police to try to help people and make a difference. Many have emphasised that they would have no issue with going out of their way to help ‘genuine’ victims, yet remain sceptical about the accounts of many victims of abuse. If that is the case, then it follows that the key issue is the ability to interpret correctly contexts and behaviours and to recognise vulnerability. Indeed, there is increasingly a recognition, reflected in emerging national workstreams, that many officers struggle with identifying ‘vulnerability’ beyond the realm of domestic violence, be it relating to other areas public protection, such as child sexual exploitation, or issues such as mental health. Only when equipped with the knowledge and skills to identify vulnerability will officers be able to exercise discretion appropriately.

The coercive control legislation is potentially a watershed moment in that it presents an opportunity to refocus police actions and attitudes to domestic violence. While classic ethnographies of policework have emphasised above all the discretion enjoyed by frontline officers, other observational studies have suggested the role of the criminal law has been underplayed by interactionist accounts. When recording incidents of domestic violence, police forces in England and Wales distinguish between domestic ‘crimes’ and ‘non-crime incidents’. In the main, this distinction is administrative: criminal offences have to be both classified correctly and submitted to the Home Office as part of an annual data return. Yet it is clear to me through conversations with officers, and from reviewing hundreds of case-files, that, for many, this distinction represents also a judgement of relevance, as Grimshaw and Jefferson (1987) proposed. While some officers recognise the potential significance of ‘non-crime’ or ‘verbal only’ incidents, and appreciate that victims may be hiding or minimising the true extent of their abuse, for others the absence of a criminal offence provides the means of writing the incident off. The often limited response to non-crime domestics may arise from a genuine belief that incidents that do not meet a criminal threshold are inherently less harmful than those that do, or from the belief that there is little a first response officer can do to influence a situation in the absence

of powers associated with the criminal law. Either way, the absence of a criminal offence provides an officer with the means to effectively ‘square away’ an incident and move on to the next, potentially more relevant, call for service. There is, then, clearly the potential for the coercive control law to ‘codify’ cases which may previously have been afforded a lesser status, and/or dealt with as a series of discrete incidents.

The coercive control legislation should not, however, be seen as a panacea for police response to domestic violence. Walklate et al. (2017) highlight several reasons why it may be extremely difficult in practice to translate coercive control – a concept derived from the accounts of survivors – to a legal code that improves outcomes for victims. And indeed, it would appear, as Walklate et al. (2017: 4) suggest, that police engagement with the coercive control law has to date been ‘patchy’. The comparatively few prosecutions, when set against the sheer volume of domestic violence reported to the police, likely stems from inability or reluctance to identify the offence at the frontline. Ongoing College research suggests officers are not identifying, or at least not recording, coercive control as often as they might. As the NCRS is a *prima facie* system, officers should be recording an incident as coercive control if the first report is in line with the legislation – if, in other words, there is any indication of controlling behaviour that has a substantial impact on a victim’s day-to-day activities. The HO counting rules gives an example which states that if a victim reports that their partner ‘engaged in coercive behaviour ... on numerous occasions’ coercive control should be recorded. Such *prima facie* evidence is available from a relatively large proportion of incident reports, witness statements and risk identification interviews that I have reviewed, yet an extremely small proportion appear to be being recorded as coercive control. Instead, cases are being either classified as non-crime incidents, or recorded as, for example, physical assaults when coercive control should be the principal offence.

As this thesis and other research has shown, and as Walklate et al. (2017: 7) also highlight, re-orienting police response to dealing with patterns of behaviour as opposed to discrete incidents of physical violence requires a ‘paradigm shift’; one that may take considerable time to effect. The default option for attempting to effect such change in the police service is generally training. To coincide with the enactment of the new law, the College made available to forces both e-learning and a half-day classroom training product focused on coercive control (that was based on

the more comprehensive first responder training contained in the DA Matters programme). It is not clear, however, how many forces adopted, or individual officers undertook, this training. Following evaluation of the first responder training component in two forces, the DA Matters programme itself began to be taken-up more widely during the second half of 2016. Walklate et al. (2017) are right to be sceptical about the ability of training to impact significantly police response. Though evaluation has demonstrated the classroom training element of DA Matters can impact positively on officers' knowledge and attitudes (see Brennan and Myhill, 2017), it is far from clear that classroom-based training – the staple format for much police learning – has any discernible impact on behaviour and actions.

In other fields, the value of practice-based learning has been recognised, learning that is ongoing, challenging, and focused on elements of individual performance that require the most improvement (see Syed, 2011). As noted above, responding to incidents of domestic violence is the aspect of policework that the average frontline response officer does more than any other. With continual exposure, it might be hoped that officers' responses would improve over time. Yet practice only makes perfect if it is 'purposeful' (Syed, 2011: 74). If, by contrast, a task is repeated on 'autopilot' (Syed, 2011: 71), without the need for deep concentration or application, existing levels of performance, including bad habits, will be reinforced. A parallel may be drawn with some frontline officers' unquestioning reliance on working rules concerning what constitutes 'seriousness' and useful evidence in relation to domestic violence. The element of the DA Matters programme that holds perhaps the most promise, then, is one has yet to be evaluated: the 'champions' role. Champions are individuals with specialist knowledge working with individual officers to help them reflect on their responses to specific cases, in order to learn and improve. Another interesting model to emerge is where domestic violence advocates from the support sector are co-located with and/or accompany frontline officers to the scene of domestic violence incidents. Such approaches merit evaluation as part of a much wider reconsideration of the development and implementation of training for police officers.

Yet even a greatly improved understanding of coercive control will likely not be enough in isolation to bring police response to domestic violence to the required standard. Though knowledge of coercive control is lacking among some officers, others I have spoken to have appreciated the ongoing nature of abuse and reflected

an understanding of the constrained choices faced by victims. There remains a ‘perfect storm’ of factors that may impact adversely on an individual officer’s response, and indeed on the organisational response beyond the frontline. HMIC (2015) noted that while much progress had been made since their 2014 inspection in relation to domestic violence being regarded as an organisational priority, for some forces the focus remained very much on crime types prioritised under previous, centralised performance management frameworks (burglary, robbery, vehicle crime). Where forces had attempted to make domestic violence part of their performance frameworks, HMIC suggested they had chosen traditional indicators such as ‘numbers of arrests, charges or successful prosecutions’ (HMIC, 2015: 101). Such indicators grossly oversimplify what might count as a positive outcome, for a victim in particular, and may in fact discourage officers to pursue some cases. In particular, there may be a disincentive to record incidents and/or arrest a suspect where there is not strong evidence and/or where the victim is not supportive of police action.

A further organisational consideration is that of resources. Although lack of resources might be seen as a perennial and unsatisfactory explanation for poor performance, the national programme of austerity that followed the economic crisis of 2008, and the associated cuts to public services, has undoubtedly had an effect on policing. The number of police officers has fallen year-on-year since 2009. From September 2009 to September 2016, police officer numbers in England and Wales fell from 144,353 to 122,859. This fall represents a loss of 21,494 officers, or 15% (see Hargreaves et al., 2017). In research sites I have visited, smaller stations have closed, meaning frontline officers that remain have to cover wider areas. In addition, custody suites have closed, meaning many officers have to travel further when they arrest a suspect, leaving their shift (further) understrength. Specialist functions have also suffered. I have witnessed public protection units reduce the proportion of cases with which they engage (for example moving from contacting all ‘medium’ and ‘high’ risk victims, to only ‘high’ risk). Frontline officers have, in turn, indicated to me that they see little point in submitting a detailed risk assessment for cases that will simply be ‘filed’.

And of course there are issues concerning the interaction between the police and partner agencies. One such relationship that many officers have mentioned to me is that between the police and the CPS. A significant issue in the prosecution of cases of domestic violence is the victim either declining to make a statement, or retracting



their statement at some point during the prosecution (in the year ending March 2016, national statistics show that the victim did not support a prosecution in 35% of domestic violence offences, compared with 11% of non-domestic violence offences<sup>16</sup>). Nationally, CPS representatives have suggested, in meetings that I have attended, that they are very open to ‘evidence-led’ prosecutions – pursuing a prosecution without the support of a statement from the victim. Indeed, CPS guidelines for prosecutors emphasise that ‘[j]oint working by police and prosecutors is required to build a case which could be brought without the complainant's active participation’ and ‘which does not focus solely on the complainant's statement’.<sup>17</sup> Yet police officers, and police case-files, reflect fairly consistently the view that without the support of the victim there is little realistic chance of the CPS proceeding with a prosecution. I sense that a self-fulfilling ‘negative feedback loop’ exists in this respect, with the CPS suggesting that the police do not collect and present adequate evidence, and the police believing there is little point in gathering evidence if the CPS will not proceed.

Put simply, there probably remains, organisationally, greater disincentives than there are incentives to frontline police officers investing time in cases of domestic violence. Many of the above listed factors, then, could help to explain the less than satisfactory police response to domestic violence, either alone or in combination. Key research questions that remain include: how best to improve officers’ understanding of coercive control and embed a gendered approach to domestic violence, and the role of training and professional development in that process; the degree to which policies, processes and other organisational factors influence police response, and how to overcome organisational barriers to progress; the extent to which officers are making use of the coercive control law, and barriers and enablers to its implementation; and the interaction between the police and wider societal responses to violence against women, in particular the most appropriate role for the police in coordinated community responses.

I have argued for observational research as the starting point for further advancing police practice in relation to domestic violence. That is not, however, a standard and predictable call for further research. There is no need: domestic

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<sup>16</sup><https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2016#domestic-abuse-related-offences-what-are-the-outcomes>

<sup>17</sup> [http://www.cps.gov.uk/legal/d\\_to\\_g/domestic\\_abuse\\_guidelines\\_for\\_prosecutors/#a11](http://www.cps.gov.uk/legal/d_to_g/domestic_abuse_guidelines_for_prosecutors/#a11)

violence is a well-researched topic, and there is significant work both planned and ongoing both in academia and, increasingly, among police practitioners. Rather, it is a call for a reconceptualisation of this research agenda. Much research in the field of policing domestic violence has been outcome focused, concerned with developing and testing tools and strategies. Risk assessment, for example, as an area of inquiry, has witnessed significant growth. In addition, new research has sought increasingly to apply ‘big data’ approaches to the study of domestic violence. Whilst I can appreciate the potential benefits of such methods, and quantitative methods more broadly, the reduction of complex events and experiences into numbers brings with it the potential for misleading and even harmful analysis and conclusions, especially when those analyses rely on police data. Paper 3 demonstrated clearly that police records as a source of data are both incomplete and inaccurate being as they are constructed ultimately by frontline officers who may lack all or some of the understanding, time and inclination required to produce them properly. What is required before jumping into testing the impact of strategies and tools is a thorough description and understanding of how officers interpret domestic violence and their role in addressing it, and the interactions between understanding, operational culture and organisational policies and processes. This conclusion in fact reflects the ‘journey’ that has occurred during this thesis: while my initial data collection was focused on risk assessment, it rapidly became clear that much wider issues of understanding and use of discretion underlay the practical application of policies and tools.

It would be easy to end on a negative note. Domestic violence has been traditionally a problematic issue for the police, and much of the evidence suggests that remains the case. If police response is to improve, officers’ knowledge and understanding must improve, but the service must also address ‘the ongoing failure of engaging in the internal environmental and organizational changes that ensure when individual officers take [domestic] violence seriously the wider organizational context is equally committed to doing so’ (Walklate et al., 2017: 9-10). My own research has shown that, despite significant attempts to influence policy and practice, certain aspects of police response have changed little over the course of more than two decades. Yet I remain positive in my belief that police response to domestic violence can be improved. Key elements required for a step-change in practice are present. Addressing domestic violence remains, at the time of writing, a priority both

for government and the incumbent prime minister. Officers have, for the first time, a criminal offence that can structure their response to domestic violence around a course of conduct, as opposed to discrete incidents. And the ongoing nature of abuse, in the shape of the concept of coercive control, is recognised nationally as the key element of domestic violence. Coercive control is, for the first time, being positioned as the key concept to inform police training and guidance. Positive change may of course take time – attitudes and working practices that become entrenched are not easy to shift. There is reason to conclude, however, that, in relation to policy at least, we are heading in the right direction.

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## **Appendix 1: Author's publications that have informed the thesis**

Brennan I and Myhill A (2017) *Domestic Abuse Matters 2.0: Evaluation of first responder training*. Ryton-on-Dunsmore: College of Policing.

Medina J, Robinson A and Myhill A (2016) Cheaper, faster, better: Expectations and achievements in police risk assessment of domestic abuse. *Policing: A Journal of Policy and Practice*, doi:10.1093/police/paw023.

Myhill A (2016) *Risk identification in cases of domestic abuse*. Ryton-on-Dunsmore: College of Policing.

Myhill A (2017) Measuring domestic violence: Context is everything. *Journal of Gender-based Violence*, 1(1): 33-44.

Robinson A, Myhill A, Wire J, Roberts J and Tilley N (2016) *Risk-led policing of domestic abuse and the DASH risk model*. What Works Centre: Crime Reduction Research.

Robinson A, Myhill A and Wire J (2017) Practitioner (mis)understandings of coercive control in England and Wales. *Criminology and Criminal Justice*, doi: 10.1177/1748895817728381.

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Wire J and Myhill A (2016) *Domestic Abuse Matters: Evaluation of first responder training*. Ryton-on-Dunsmore: College of Policing.

## Appendix 2: Agreed framework for PhD

### Andy Myhill – Agreed PhD Framework

#### Programme of Study

1. There are no specific regulations regarding the number of publications that should be submitted. We have agreed that the published works submitted for the PhD will consist of a minimum of 4 sole-authored/ first-authored, empirically original papers published/ accepted for publication in a range of relevant high-quality, blind-refereed academic journals. A maximum of 2 papers may have been accepted for publication/published prior to registration on the programme. A maximum of 2 papers may be co-authored.
2. In cases where multi-authored works are included in the submission, written confirmation by at least one co-author per published work is required as evidence of the candidate's own original contribution to the work in respect of:
  - design of the investigation
  - conduct of the research
  - analysis of the outcome
  - preparation of the work for publicationCo-authors will have to provide written confirmation of their role in the researching and writing of each submitted paper.
3. As a guide to the quality benchmarking of the journals, each journal should be recognised as national/international standard in terms of the Research Excellence Framework (REF) rating. The published works submitted must be in the public domain. Manuscripts of works submitted for publication but not yet accepted for publication are not eligible for submission. Any work not in the public domain, such as a confidential research report, is not eligible for submission.
4. The final document will consist of the published work and linking materials of between 15,000 and 20,000 words. The linking materials will
  - provide an autobiographical context;
  - identify the key themes that can be traced across the different publications to ensure coherence;
  - account for originality and significance of each publication (this can be either in the main document or in a section preceding each paper)
  - identify contributions to the subject area or discipline and appraise the originality of the work;
  - provide coherent links between projects and published works;
  - offer reflection about any policy implications
  - provide conclusions and suggestions for future research agendas
5. The student will be awarded a PhD where the submission:
  - constitutes a coherent programme of research;
  - demonstrates the use of appropriate research methodology and methods;

- makes an original and significant contribution to the present state of knowledge in a particular field to the satisfaction of the examiners which is commensurate with that achieved by a doctorate obtained by the traditional route.
6. The upgrade document will consist of a 10,000 literature review which contextualises the research.
  7. Assessment of the final thesis will involve an oral examination. The examiners may make one of the following decisions:
    1. Pass
    2. Minor Amendments and/or further oral examination
    3. FailAny minor amendments will be to the linking materials (the published works cannot be altered). In the event of a fail there is no option to re-submit with the same set of papers.

## Appendix 3: Statements of co-authors of joint publications



**CITY UNIVERSITY  
LONDON**

### **STATEMENT OF CO-AUTHORS of JOINT PUBLICATIONS**

**TO WHOM IT MAY CONCERN**

**Title of publication: 'The "Golden Thread": Coercive Control and Risk Assessment for Domestic Violence'**

**Name of candidate: Andy Myhill**

**Title of research thesis: 'The police response to domestic violence: Risk, discretion, and the context of coercive control'**

**Name of first supervisor: Dr Katrin Hohl**

We, the undersigned, co-authors of the above publication, confirm that the above publication has not been submitted as evidence for which a degree or other qualification has already been awarded.

We, the undersigned, further indicate the candidate's contribution to the publication in our joint statement below.

Signature:



Name: Andy Myhill

Date: 20/09/17

Signature: Katrin Hohl

Name: Katrin Hohl

Date: 20/09/17

### **Statement indicating the candidate's contribution to the publication**

The candidate conceptualised the study and produced the theoretical framework. The candidate conducted the literature review, and collated and synthesised relevant literature. The candidate and colleagues collected the data. The second author (Dr Katrin Hohl of City, University of London) conducted the data analysis. The candidate drafted the majority of the paper. The second author drafted sections of the methodology. The candidate was responsible for final edits and proofreading, and submitting the paper. The candidate also drafted responses to reviewer comments.

The overall proportion of work undertaken is estimated to be:

Candidate: 90%

Second author: 10%

**STATEMENT OF CO-AUTHORS of JOINT PUBLICATIONS****TO WHOM IT MAY CONCERN****Title of publication: 'Police use of discretion in response to domestic violence'****Name of candidate: Andy Myhill****Title of research thesis: 'The police response to domestic violence: Risk, discretion, and the context of coercive control'****Name of first supervisor: Dr Katrin Hohl**

We, the undersigned, co-authors of the above publication, confirm that the above publication has not been submitted as evidence for which a degree or other qualification has already been awarded.

We, the undersigned, further indicate the candidate's contribution to the publication in our joint statement below.

Signature: 

Name: Andy Myhill

Date: 20/09/17

Signature: Kelly Johnson

Name: Kelly Johnson

Date: 20/09/17

**Statement indicating the candidate's contribution to the publication**

The candidate conceptualised the study and produced the theoretical framework. The candidate conducted the literature review, and collated and synthesised relevant literature. The second author (Kelly Johnson, Durham University) collected the majority of the data; the candidate collected a small proportion of the data. The second author led on data analysis; the candidate helped with synthesis and to refine the resulting typology. The candidate drafted the introductory sections of the paper, including the literature review, and the discussion. The second author drafted the methods and results sections. The candidate was responsible for final editing and proofreading, and for submitting the paper. The candidate also drafted responses to reviewer comments.

The overall proportion of work undertaken is estimated to be:

Candidate: 80%

Second author: 40%